

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST Lothian Council held within CONFERENCE ROOM 3, WEST Lothian Civic Centre, on 29 MAY 2015.

Present – Councillors Tony Boyle (Chair), George Paul, Dave King, Anne McMillan, John Muir

Apologies – Councillor Tom Conn, Jim Walker

Councillor King left the meeting during the deliberation of Agenda Item 6 and therefore took no further part in the meeting.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3, 12 and 14 of Schedule 7A of the Act.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LATE HOURS CATERING LICENCE – ITEM 5

The applicant was in attendance at the meeting.

The committee was invited to consider a report (copies of which had been circulated) advising that an objection to the application had been submitted by Environmental Health and a representation had been submitted by Police Scotland.

The report recommended that the committee consider the application in light of the objection and representation.

The committee heard the council's Solicitor, Environmental Health Officer and Police Scotland speak in relation to the report.

The applicant was given an opportunity to question the council's Solicitor, Environmental Health Officer and Police Scotland.

The committee had an opportunity to question the council's Solicitor, Environmental Health Officer and Police Scotland.

The committee heard the applicant speak in relation to the report.

The council's Solicitor was given an opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

Decision

To grant the application for a Late Hours Catering Licence as follows;

Monday to Thursday from 11.00pm to 11.30pm

Friday and Saturday from 11.00pm to 1.00am.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SKIN PIERCING AND TATTOOING LICENCE – ITEM 6

The applicant was in attendance at the meeting and was accompanied by his wife and his Solicitor.

The application had been considered at a previous hearing when it was agreed to adjourn to allow the council's Solicitor an opportunity to liaise with the applicant's Solicitor and an opportunity to consider all options for dealing with this application.

Following correspondence from the applicant's Solicitor a hearing date was set for 13 May 2015, which was subsequently adjourned, due to pressure of business and time constraints.

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that an objection had been submitted by Police Scotland to the application.

The report recommended that the committee determine the application in light of the objection.

The committee heard the council's Solicitor request that the case be adjourned to an evidential hearing with witnesses in attendance..

The applicant's Solicitor submitted that the committee should refuse the request made by the council's Solicitor, and instead agree in the interests of natural justice to proceed immediately to determine the case, and grant the application, based on the information now before it.

Following submissions from each side the committee asked a number of questions before it considered both requests.

Decision

To adjourn the case to an evidential hearing to a date to be arranged by the Clerk, and so far as practicable to be suitable to all parties.