

MINUTE of MEETING of the WEST Lothian Licensing Board of West Lothian Council held within Council Chambers, West Lothian Civic Centre, on 14 October 2016.

Present – Councillors George Paul (Chair), Harry Cartmill, Jim Dickson, Anne McMillan, Frank Toner, Jim Walker

Apologies – Councillors Tony Boyle, Mary Dickson, Jim Dixon, John Muir

OPENING REMARKS

In the Chair's absence the Board agreed to appoint Councillor George Paul to Chair the meeting.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Board confirmed the Minute of its meeting held on 9 September 2016 as a correct record. The Minute was thereafter signed by the Chair.

3. APPLICATION FOR PERSONAL LICENCE - LIAM BLAIKIE

The Depute Clerk referred the Board to the report on the application. The applicant Mr Liam Blaikie was present and unrepresented.

In answer to a question from the Chair, Mr Blaikie advised that he was ready to proceed without representation.

The Depute Clerk advised the Board to disregard the information contained in question 6 of the application as in terms of the 2005 Act it was not relevant information for the Board.

The Depute Clerk advised the Board that a letter had been received from Police Scotland containing a notice regarding the application within the 21 day period prescribed in section 73(2) of the 2005 Act but that the letter had been withdrawn by Police Scotland and replaced by a different letter received outwith the prescribed 21 day period. Accordingly a copy of the replacement letter had not been provided with the report on the application.

The Depute Clerk advised the Board that it had discretion to consider the late letter, subject to the requirements of section 135 of the 2005 Act.

Sergeant Latta, Police Scotland made a submission to the Board regarding the replacement letter and invited the Board to consider it.

Mr Blaikie confirmed that he had been given a copy of the replacement

letter and had no objection to it being circulated to the Board.

The Board accepted the reasons for late submission of the replacement letter and exercised its discretion to consider it.

Mr Blaikie answered a number of questions from Board members regarding his application.

Mr Blaikie summed up regarding his application.

The Chair moved to grant the application.

Decision

The Board agreed unanimously to grant the application.

4. APPLICATION FOR VARIATION OF PREMISES LICENCE – ICELAND, WHITBURN ROAD, BATHGATE

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Michael Stewart, TLT Solicitors.

Mr Stewart made submissions to the Board in support of the application.

The variation sought in the application was as follows:-

- to vary the opening of off sales hour on Sunday from half past midday to 10.00am;
- to vary the terminal off sales hour from 8.00pm to 10.00pm Monday to Sunday;
- to vary the answer to question 4 in the operating plan (seasonal variations) to state that the licence holder does not intend to operation according to seasonal demand;
- to vary the answer to question 5(f) in the operating plan (additional activities) to include that the licence holder provides a home delivery and e-commerce service to customers, in accordance with section 120 of the 2005 Act; and
- to vary the answer to question 5(f) in the operating plan to include the trading hours for the sale of items other than alcohol.

Mr Stewart advised that the applicant wished to amend their application to include the following additional wording in answer to question 4 in the operating plan:

“The store trading hours in answer to questions 5(f) in the operating plan may vary according to seasonal demand”.

Sergeant Latto confirmed that Police Scotland had no objection or representation to make regarding the application.

Decision

The Board agreed unanimously to grant the application.

5. APPLICATION FOR VARIATION OF PREMISES LICENCE - ICELAND,
37-41 ALMONDVALE SOUTH, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Michael Stewart, TLT Solicitors.

Mr Stewart made submissions to the Board in support of the application.

The variation sought in the application was as follows:-

- to delete the trading hours for the sale of items other than alcohol contained in the description of the premises;
- to vary the terminal off sales hour from 6.00pm Monday to Wednesday and Saturday, 8.00pm Thursday and Friday and 5.00pm Sunday to 10.00pm Monday to Sunday;
- to vary the answer to question 4 in the operating plan (seasonal variations) to state that the licence holder does not intend to operate according to seasonal demand;
- to vary the answer to question 5(f) in the operating plan (additional activities) to include that the licence holder provides a home delivery and e-commerce service to customers, in accordance with section 120 of the 2005 Act; and
- to vary the answer to question 5(f) to include the trading hours for the sale of items other than alcohol from the premises.

Mr Stewart advised that the applicant wished to amend their application to include the following additional wording in answer to question 4 in the operating plan:

“The store trading hours in answer to question 5(f) in the operating plan may vary according to seasonal demand”.

Sergeant Latto confirmed that Police Scotland had no objection or representation to make regarding the application.

Decision

The Board agreed unanimously to grant the application.

6. APPLICATION FOR VARIATION OF PREMISES LICENCE - ICELAND,
86/90 WEST MAIN STREET, WHITBURN

The Depute Clerk referred the Board to the report on the application. The

applicant was represented by Mr Michael Stewart, TLT Solicitors.

Mr Stewart made submissions to the Board in support of the application.

The variation sought in the application was as follows:-

- to delete the trading hours for the sale of items other than alcohol contained in the description of the premises;
- to vary the opening time for off sales on a Sunday from half past midday to 10.00am;
- to vary the terminal hour for off sales from 8.00pm to 10.00pm Monday to Sunday;
- to vary the answer to question 5(f) in the operating plan (additional activities) to include that the licence holder provides a home delivery and e-commerce service to customers, in accordance with section 120 of the 2005 Act; and
- to vary the answer to question 5(f) to include the trading hours for the sale of items other than alcohol.

Mr Stewart advised that the applicant wished to amend their application to include the following additional wording in answer to question 4 in the operating plan:

“The store trading hours in answer to question 5(f) in the operating plan may vary according to seasonal demand”.

Sergeant Latto confirmed that Police Scotland had no objection or representation to make regarding the application.

Decision

The Board agreed unanimously to grant the application.

7. APPLICATION FOR VARIATION OF PREMISES - MRH CARMONDEAN, CENTRE ROAD, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Andrew Hunter, Harper Macleod LLP Solicitors.

Mr Hunter made submissions to the Board in support of the application.

The variation sought in the application was as follows:-

- to vary the description of the premises contained in the licence by deleting the current description and replacing it with the wording contained in the paper apart that accompanied the application;
- to vary the licensed opening off sales hour on a Sunday from half

past midday to 10.00am;

- to vary the answer to table of activities and services contained in the operating plan to permit recorded music during core licensed hours;
- to vary the capacity for the premises from 7.2 to 8.6 square metres, based on the incorporation of a “subway” takeaway/sandwich area, and resulting relocation and increase in size of the alcohol display area accessible to customers (alcohol bays 1 and 2), and increase in size of the alcohol inaccessible to customers (alcohol bay 3 (spirits)), as shown on the proposed new layout plan; and
- to vary the layout plan for the premises as shown on the proposed new layout plan.

Mr Hunter advised the Board that a new layout plan would be submitted which would highlight the alcohol display areas in colour.

Sergeant Latto confirmed that Police Scotland had no objection or representation to make regarding the application.

Decision

The Board agreed unanimously to grant the application.

8. APPLICATION FOR VARIATION OF PREMISES LICENCE – MINI MARKET, 15 TAY WALK, CRAIGSHILL, LIVINGSTON

The Clerk advised the Board that the applicant had sent an email explaining that he was unable to attend the meeting and requested that the application be considered in his absence.

Motion

In the interest of fairness that the application was not considered and the applicant asked to attend a meeting of the Licensing Board.

- Moved by Councillor Frank Toner and seconded by Councillor Harry Cartmill

Amendment

To consider the application in the applicant's absence. The amendment was seconded by Councillor George Paul.

- Moved by Councillor Jim Walker and seconded by Councillor George Paul

Following a vote there was 3 votes for the motion and 3 votes for the amendment. The Chair used his casting vote and the amendment was successful by 4 votes to 3 and it was agreed accordingly.

The Depute Clerk referred the Board to the report on the application. The applicant was absent and not represented.

The variation sought in the application was as follows:-

- to vary the licensed terminal off sales hour from 7.00pm to 8.00pm Monday to Friday and from 4.00pm to 8.00pm Sunday;
- to vary the answer to question 5(f) in the operating plan (any other activities) by deleting the following wording:

“0700 to 0700 every day”

and replacing it with:

“Opening hours will be 7.00am to 8.00pm Monday to Sunday”

- to vary the capacity for the premises from 6.94 square metres to 11 square metres, based on the relocation and increase in size of the alcohol display accessible to customers shown on the proposed new layout plan; and
- to vary the layout plan for the premises as shown on the proposed new layout plan.

Sergeant Latto confirmed that Police Scotland had no objection or representation to make regarding the application.

Decision

The Board agreed unanimously to grant the application.