

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 JANUARY 2017.

Present – Councillors Tony Boyle, Harry Cartmill, Jim Dickson, Mary Dickson, Jim Dixon, Anne McMillan, John Muir, George Paul

Apologies – Councillors Frank Toner, Jim Walker

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

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

3. APPLICATION FOR PERSONAL LICENCE - ZEESHAN ASIF

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

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

Inspector Elliot confirmed that Police Scotland was not recommending that the application be refused.

Mr Asif made submissions to the Board in support of his application.

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

Mr Asif summed up regarding his application.

The Chair moved to grant the application.

Decision

The Board agreed unanimously to grant the application.

4. APPLICATION FOR TRANSFER OF PREMISES LICENCE - DOVEHILL ARMS, 18 - 20 WET MAIN STREET, UPHALL

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Stephen McGowan of TLT LLP Solicitors, accompanied by Mr Nicholas Whewell and Mr Campbell Dorward.

The Depute Clerk advised the Board that a letter had been received from

Police Scotland containing a notice regarding the application outwith the 21 day period prescribed in section 33(5) of the 2005 Act. Accordingly a copy of the letter had not been provided with the report on the application.

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

Inspector Elliot, Police Scotland made a submission to the Board regarding the letter and invited the Board to consider it.

Mr McGowan advised that his client had no objection to the letter being considered by the Board.

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

Mr McGowan made submissions to the Board in support of the application. Mr McGowan advised the Board that a conveyancing transaction was not complete and requested that if the Board was minded to grant the application that authority was delegated to the Clerk to bring the transfer into effect on completion of relevant documentation. Mr Whewell made submissions to the Board in respect of the letter submitted by Police Scotland.

Inspector Elliot confirmed that Police Scotland recommended that the application be refused in terms of section 33(7) of the Licensing (Scotland) Act 2005 for the purposes of the licensing objectives of, preventing crime and disorder, securing public safety and preventing public nuisance.

All parties answered a number of questions by the Board.

#### Decision

The Board agreed unanimously to grant the application and delegate authority to the Clerk to bring it into effect on receipt of notice from the agent for the licence holder.

#### 5. APPLICATION FOR PROVISIONAL PREMISES LICENCE - PREZZO, UNIT 32, ALMONDVALE AVENUE, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Neil McLean, Brodies Solicitors accompanied by Mr Aliu, Area Manager.

Mr McLean made submissions to the Board in support of the application. Mr McLean advised that his client accepted the Board's ten style children and young person's conditions.

Inspector Elliot confirmed that Police Scotland had no objection or representation to make regarding the application.

#### Decision

The Board agreed unanimously to grant the application subject to the following conditions:-

1. The premises licence holder and their staff (including the designated premises manager) shall ensure that children and/or young persons are supervised adequately by the adult(s) accompanying them at all times.
2. If the premises licence holder or their staff (including the designated premises manager) is not satisfied that children and/or young persons are being supervised adequately, the group of which they are part will be required to leave the premises.
3. If the premises licence holder or their staff (including the designated premises manager) is, due to the level of intoxication of the accompanying adults concerned, not satisfied that requiring a group to leave the premises due to failure to supervise children and/or young persons' adequately is sufficient to protect children and/or young persons from harm, they shall contact the police to report the matter accordingly.
4. A minimum of two registered SIA door steward to be present during all birthday parties for persons aged 18 years or under held on the premises.
5. For the duration of any function held on the premises, a staff supervisor to be appointed to act as managerial liaison for the premises with the organiser of the function, and to monitor the function to ensure that its conduct is not inconsistent with the 5 licensing objectives.
6. Heating facilities in areas of the premises to which children and/or young persons have access shall be protected adequately.
7. A children's menu shall be available at all times when children are permitted to be on the premises or alternatively the main menu shall show that children's portions are available during such times.
8. Baby food and bottle warming facilities shall be available.
9. A minimum of two baby high chairs shall be available.
10. An adequate sized lidded bin to be provided both in the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

6. APPLICATION FOR PROVISIONAL PREMISES LICENCE - LOVE TIKI,  
1 GREGORY ROAD, KIRKTON CAMPUS, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Jim Carlin on behalf of Macdonald Licensing and was accompanied by Ms Sarah Charter, Manager.

The Chair informed the Board that there had been a site visit to the premises on 10 January 2017.

Mr Carlin made submissions to the Board in support of the application. Mr Carlin confirmed that the applicant was content to amend the answer to question 5(f) in the operating plan to state that deliveries would be carried out in accordance with section 120 of the Licensing (Scotland) Act 2005.

Inspector Elliot confirmed that Police Scotland had no objection or representation to make regarding the application.

### Decision

The Board agreed unanimously to grant the application as amended.

## 7. PROPOSED NEW PUB RESTAURANT, LAND AT ALMONDVALE BUSINESS PARK, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Mr Christopher Grunert, John Gaunt & Partners Solicitors accompanied by Mr Alan, premises manager for another premises licensed to the applicant company.

The Chair informed the Board that a site visit had taken place on 10 January 2017.

Mr Grunert made submissions in support of the application. He advised that his client wished to amend the application to change the proposed name of the premises from "The Stoop & Room" to "The Chain Runner". He requested that if the Board was minded to grant the application that authority was delegated to the Clerk to bring the variation into effect upon receipt of written notice from the agent for the licence holder.

Inspector Elliot confirmed that Police Scotland had no objections or representations to make regarding the application.

The variation sought was:-

- to vary the name and address of the premises contained in the licence from

"Proposed New Pub Restaurant, Land at Almondvale Business Park, Livingston" to-

"The Chain Runner" Almondvale Business Park, Livingston, West Lothian EH48 6GA"

- to vary the description of the premises contained in the licence to include reference to an accommodation lodge which, if the application was granted, would form part of the licensed premises in addition to the existing pub restaurant and to insert the following paragraph into the description:
- “The accommodation lodge and licensed pathway coloured yellow on the location plan that forms part of the layout are included within the licensed area for the premises to enable hotel residents to take alcoholic drinks from the pub restaurant to the accommodation lodge and to consume those drinks in their rooms”;
- to vary the answer to question 5 in the operating plan to include accommodation during and outwith core licensed hours;
- to vary the further details in the operating plan regarding activities outwith core licensed hours to:
  - remove the opening sentence which states “this is a proposed new build pub restaurant”
  - insert the following wording “A lodge will be co-located on site providing accommodation, the provision of food to guests may extend beyond 10pm. The provision for consumption of alcohol outwith core hours will be permitted in accordance with s.63 of the Licensing (Scotland) Act 2005”,
  - change:
    - “restaurant facilities shall be available from 6am dependant on response to demand”
  - to:
    - restaurant facilities shall be available from 6am to accommodate breakfast service associated with on-site accommodation, the breakfast service will also be open for general access for non-residents”,
  - change:
    - “the external area as identified on the approved plan shall be subject to a curfew for the consumption of alcoholic drinks of 10pm on any evening and notices shall be placed at all exits to the external drinking area warning patrons not to move drinks therefrom”
  - to:
    - “the external drinking area tinted pink on approved plans shall be subject to a curfew for the consumption of alcoholic

drinks of 10pm on any evening and notices shall be placed at all exits to the external drinking area warning patrons not to move drinks therefrom with the exception of persons transporting drinks from the pub/external drinking area to the associated lodge via the external licence area tinted yellow on the approved plans. Consumption of alcohol shall not be permitted in the licence area tinted yellow on the approved plans”;

- to vary the answer to question 6(d) in the operating plan to include a statement that resident children and young persons will be permitted access at all times;
- to vary the answer to question 7 in the operating plan to include bedroom accommodation of 81; and
- to vary the layout plan for the premises to add
  - an additional page showing the accommodation block and identifying the licensed area and licensed activities to be permitted in the accommodation block; and
  - a location plan showing the location of the pub restaurant and accommodation block, identifying the licensed external area in pink and licensed activities to be permitted in that area, and licensed external area in yellow.

#### Decision

The Board agreed unanimously to grant the application as amended and delegate authority to the Clerk to bring it into effect on receipt of notice from the agent for the licence holder.

8. APPLICATION FOR VARIATION OF PREMISES LICENCE - IAN MACLEOD DISTILLERS, RUSSELL HOUSE, DUNNET WAY, BROXBURN

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Ms Audrey Junner, Hill Brown Solicitors accompanied by Mr Mike Younger, the premises manager for the premises..

Ms Junner made submissions to the Board in support of the application.

Inspector Elliot confirmed that Police Scotland had no objections or representations to make regarding the application.

The variation sought in the application was as follows:

- to vary the licensed terminal hour for sale of alcohol to customers for consumption off the premises from 6pm to 10pm Monday to Friday;

- to add licensed opening and terminal hours for sale of alcohol to customers for consumption off the premises of 10am to 10pm Saturday and Sunday;
- to vary the answer to question 5(f) in the operating plan to include the words:

“Matters relating to remote sales will take place on these premises including, but not limited to, processing and dispatching alcohol. All such activities shall take place in accordance with section 120 of the Licensing (Scotland) Act 2005”;

- to delete the current wording in answer to question 7 in the operating plan and replace it with 2.52 square metres;
- to vary the description of the premises by deleting the current description and replacing it with:

“The premises consists of an office building of a company whose main activity there is whisky distillers together with a detached building used for storing and packing stock for despatch by courier. The premises are on East Mains industrial Estate and not configured to attract passing trade”; and

- to vary the layout plan for the premises in accordance with the proposed new layout plan.

### Decision

The Board agreed unanimously to grant the application.