

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 10 FEBRUARY 2017.

Present – Councillors Tony Boyle (Chair), Harry Cartmill, Jim Dickson, Mary Dickson, Jim Dixon

Apologies – Councillors Anne McMillan, John Muir, George Paul, Frank Toner, Jim Walker

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair changed the order of business to consider Agenda Item 5 at the end and to consider Agenda Item 11 after Agenda Item 8.

3. MINUTE

The Board confirmed the Minute of its meeting held on 13 January 2017 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION FOR PREMISES LICENCE - HOPEFIELD NEWS, & HOPEFIELD DRIVE, BLACKBURN

The Depute Clerk referred the Board to the report on the application. The applicant Shabana Tahir was present and unrepresented. The applicant advised that she was content to proceed without representation. The objectors Lorraine Gardener and Alison Kerr (on behalf of Blackburn Community Council) were in attendance.

The Chair explained the procedures that would be followed.

The Chair informed the Board there had been a site visit to the premises.

The Board heard submissions from the objectors Ms Gardener and Ms Kerr, the Jane Catleugh, Licensing Standards Officer and Inspector Toombs, Police Scotland.

Inspector Toombs confirmed that Police Scotland had no objections or representations regarding the application.

Ms Tahir made submissions to the Board in support of the application. She advised that she would amend the operating plan Question 3 to change the terminal hour for the sale of alcohol from 9pm to 8pm.

The Board asked all parties a number of questions.

All parties then left the room to allow the Board to deliberate in private.

Following the private session all parties returned and the Board then made its decision.

Decision

The Board agreed unanimously to grant the premises licence application subject to amendment of the operating plan to change the terminal hour for the sale of alcohol from 9pm to 8pm.

5. APPLICATION FOR PROVISIONAL PREMISES LICENCE -
INGLEWOOD COTTAGE, 4 GARDNERS LANE, BATHGATE

The Depute Clerk referred the Board to the report on the application. The applicant Ms Vicky Black was present and represented by Ms Zoe Calderwood, Hill Brown Solicitors. Two objectors to the application Mr James Dalziel and Mr Thomas Reid were in attendance.

The Chair informed the Board there had been a site visit to the premises.

The Depute Clerk advised the Board that Mr Dalziel and Mr Reid had submitted their objections to the application outwith the period allowed for the submission of objections. The Clerk also advised that she had provided copies of the objections to the applicant's representative, Ms Calderwood.

The Depute Clerk advised that a further objection had been received but the objector was not in attendance.

Mr Dalziel and Mr Reid were given an opportunity to explain why their objections were submitted outwith the time allowed.

Ms Calderwood advised that she had no objections to the late objections being circulated.

The Board accepted the explanations provided by Mr Dalziel and Mr Reid and agreed to allow their objections to be circulated.

The Board heard submissions from Mr Dalziel, Mr Reid, in relation to their objections.

The Board heard submissions from Inspector Toombs, Police Scotland and Jane Catleugh, Licensing Standards Officer.

Inspector Toombs confirmed that Police Scotland had no objections to the application but did make a representation in relation to the operating plan.

The Depute Clerk provided advice to the Board in relation to the objections and Police Scotland representation.

All parties were given an opportunity to comment on the Clerk's advice.

Ms Calderwood then made submissions to the Board in support of the application. Ms Calderwood confirmed her client accepted the ten style Children and Young Person's conditions.

The Board then put a number of questions to all parties.

Decision

The Board agreed unanimously to grant the application subject to the name of the premises i.e. Midnight Breakfast Club being inserted into the operating plan, the description of the premises being amended to "Semi-detached" and 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 - MURCO, NEWTON SERVICE STATION, 3 MAIN STREET, NEWTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Ms Zoe Calderwood, Hill Brown Solicitors and accompanied by Mr Danny Wright, Premises Manager.

Ms Calderwood made submissions in support of the application.

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

Decision

The Board agreed that the locality was within 5 miles of the premises, that the premises were not excluded premises and unanimously agreed to grant the application.

7. APPLICATION FOR REVIEW OF PREMISES LICENCE – ELIBURN MINI MARKET, 6 JACKSON PLACE, ELIBURN, LIVINGSTON

The Clerk referred the Board to the report on the application. The applicant was represented by Ms Zoe Calderwood, Hill Brown Solicitors.

Ms Calderwood advised that there had been a change in circumstances and requested that the Board continue the hearing to allow her firm an opportunity to conduct investigations into the grounds of the review.

Inspector Toombs, Police Scotland advised that he had no objection to the request for an adjournment. Jane Catleugh, Licensing Standards Officer referred the Board to her report on the review application.

Ms Kaur the former DPM had been cited to attend the meeting but was not present.

Decision

The Board agreed unanimously to continue the case to 10 March 2017 to allow the applicant an opportunity to conduct investigations.

8. APPLICATION FOR VARIATION OF PREMISES LICENCE - DELHI'S WINTER, UNIT 3, REGENT CENTRE, LINLITHGOW

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

applicant was represented by Mr Andrew Williams, Solicitor.

The Chair informed the Board that there had been a site visit to the premises.

- to vary the licensed terminal hour for the sale of alcohol to customers for consumption on the premises from midnight to 2am Friday and Saturday; and
- to vary the layout plan for the premises to outline the licensed area in red, to remove the reference to a “communal area” and to amend the reference to an occupancy capacity of 75 persons to 60 persons in accordance with the operating plan.

Mr Williams made submissions to the Board in support of the application. He advised that his client wished to amend the answer to Question 4(b) to change the terminal hour for On Premises Consumption from 2am to 1am Fridays and Saturdays, however was looking for the terminal hour for deliveries to be 2am.

The Depute Clerk advised that the applicant would be required to apply for a Late Hours Catering Licence for deliveries up to 2am.

Mr Williams gave an undertaking on behalf of his client that he would not undertake deliveries after 1am without a Late Hours Catering Licence.

Inspector Toombs advised that Police Scotland had no objections to the amended application.

Mr Williams confirmed that his client accepted the ten style Children and Young Person’s conditions.

Mr Williams then answered a number of questions from the Board.

Decision

The Board agreed unanimously to grant the application subject to the amendment of the terminal hour for On Premises Consumption from 2am to 1am and 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.

9. APPLICATION FOR VARIATION OF PREMISES LICENCE - CHIQUITO, UNIT 304, ALMONDVALE AVENUE, LIVINGSTON

The Depute Clerk referred the Board to the report on the application. The applicant was represented by Brian Grierson, Solicitor and was accompanied by Martin Slesinski, Premises Manager.

The variation sought was

- to vary the licensed opening hour for sale of alcohol to customers for consumption on the premises from half past midday to 11am on a Sunday;
- to add licensed hours for sale of alcohol to customers from consumption off the premises from 10am to 10pm Monday to Sunday;
- to vary the further details provided in the operating plan regarding activities provided outwith core licensed hours to add the words

“and club meetings”,

- to vary the answer to question 5(f) in the operating plan to add the word “Takeaway”;
- to vary the answer to question 6(b) in the operating plan to replace “Challenge 21” with “Challenge 25”;
- to vary the answer to question 7 in the operating plan to include off sales capacity of zero square metres; and
- to vary the layout plan in order to comply with the requirements of the Premises Licence (Scotland) Regulations 2007.

Mr Grierson made submissions to the Board in support of the application. Mr Grierson confirmed that his client accepted the Children and Young Person’s Conditions with the exception of condition 4 as it was not relevant to the premises and therefore requested that it be disappplied.

Inspector Toombs confirmed that Police Scotland had no objection or representation to make regarding this application. Inspector Toombs also confirmed that Police Scotland had no objection to the removal of condition 4 of the Children and Young Persons’ conditions.

Decision

To grant the application to vary the licence as detailed and subject to the following Children and Young Person’s 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. 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.
5. Heating facilities in areas of the premises to which children and/or

young persons have access shall be protected adequately.

6. 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.
7. Baby food and bottle warming facilities shall be available.
8. A minimum of two baby high chairs shall be available.
9. 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.

10. APPLICATION FOR PERSONAL LICENCE - ZOHAIB ALI

The Depute Clerk advised the Board that the applicant was not in attendance.

Decision

The Board agreed unanimously to continue the case until 10 March 2017 to allow the applicant an opportunity to be in attendance.