

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 DECEMBER 2019.

Present – Councillors Dom McGuire (Convener), Alison Adamson, David Dodds, Peter Heggie, Bruce Fairbairn, Dave King and George Paul

Apologies – Councillor Damian Timson

In Attendance –

Sergeant Keith Jack, Police Scotland
Douglas Frood, Licensing Standards Officer, West Lothian Council
Gary McMullan, Depute Clerk, West Lothian Licensing Board
Fiona Stewart, Trainee Solicitor, West Lothian Council

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

Agenda Item 5 – Iceland, t/a Food Warehouse, Livingston – The application had been withdrawn by the applicant therefore the report would not require to be considered by the Board.

Agenda Item 6 – The Twig, Bathgate – The legal agent for the applicant had requested an adjournment of his client's application to a later date. The Board would be invited to consider the request at a later point in the meeting.

Agenda Item 8 – Best One, Blackburn – The Licensing Standards Officer had withdrawn his application for review following payment of the annual fee by the licence holder.

3. MINUTE

The Board confirmed the Minute of its Meeting held on 8th November 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION FOR PROVISIONAL PREMISES LICENCE - ICELAND, T/A FOOD WAREHOUSE, UNIT 5 ALMONDVALE RETAIL PARK, LIVINGSTON

The Depute Clerk confirmed that the application for a Provisional Premises Licensing for Iceland, t/a Food Warehouse, Livingston, had been withdrawn by the applicant and would not require to be considered.

Decision

To note that the Provisional Premises Licence application for Iceland, t/a Food Warehouse, had been withdrawn.

5. APPLICATION FOR VARIATION OF A PREMISES LICENCE - TWIG DISCO, 41 LIVERY STREET, BATHGATE

The Depute Clerk advised the Board that the agent for the applicant had emailed the Licensing Team seeking an adjournment of consideration of the application. Reasons for the requested adjournment as provided in the agent's email were given verbally to the Board by the Depute Clerk.

Decision

To continue the application to the February 14 2020 meeting of the Board to allow the agent and the applicant further time to consider the matters raised at the last meeting of the Board.

6. REVIEW OF PREMISES LICENCE, 7A THE MALL, THE MALL, LIVINGSTON

The Depute Clerk referred the Board to the report advising that the licence holder had failed to pay the annual fee which was a mandatory condition of the licence.

The Board noted that the licence holder was not present or represented at the meeting. Having been satisfied that the licence holder had been properly cited to attend, the Board agreed to proceed to consider the report in the licence holder's absence.

The Board heard Douglas Frood, Licensing Standards Officer, speak in relation to the request for a review of the licence and the grounds applicable to review a licence.

The Board heard that information had been received from the legal agent on the licence holder's behalf in September advising that the premises had been closed as a result of a fire at the Craigshill Shopping Mall and it was likely that they would be closed for a significant period of time. He had indicated at that time that he would take instructions from his client on whether the annual fee would be paid or the licence surrendered. No further update had been received from the licence holder or his agent.

The Board had the opportunity to question the Licensing Standards Officer.

Decision

To adjourn a decision on the premises review to the meeting of the Board in February 2020 to allow the Depute Clerk the opportunity to make further attempts to contact the licence holder and his legal agent.

7. REVIEW OF PREMISES LICENCE, 7A THE MALL, THE MALL, LIVINGSTON

The Depute Clerk confirmed that the Licensing Standards Officer had withdrawn his application for review following payment of the annual fee by the licence holder.

Decision

To note that the review of the premises licence report had been withdrawn.

8. REVIEW OF PREMISES LICENCE, BISTRO 52, 50-52 WEST MAIN STREET, UPHALL

The Depute Clerk referred the Board to the report advising that the licence holder had failed to pay the annual fee which was a mandatory condition of the licence.

The Board noted that the licence holder was not present or represented at the meeting. Having been satisfied that the licence holder had been properly cited to attend, the Board agreed to proceed to consider the report in the licence holder's absence.

The Board heard Douglas Froom, Licensing Standards Officer, speak in relation to the request for a review of the licence.

The Board had the opportunity to question the Licensing Standards Officer.

Decision

The Board found that the grounds to review the licence had been established and agreed to revoke the premises licence of Bistro 52, Uphall.

9. REVIEW OF PREMISES LICENCE, M&M CONVENIENCE STORE, 3 MEADHOWHEAD TERRACE, ADDIEWELL

The Depute Clerk referred the Board to the report advising that the licence holder had failed to pay the annual fee which was a mandatory condition of the licence.

The Board noted that the licence holder was not present or represented at the meeting. Having been satisfied that the licence holder had been properly cited to attend, the Board agreed to proceed to consider the report in the licence holder's absence.

The Board heard Douglas Froom, Licensing Standards Officer, speak in relation to the request for a review of the licence.

The Board had the opportunity to question the Licensing Standards Officer.

Decision

The Board found that the grounds to review the licence had been established and agreed to revoke the premises licence of M&M Convenience Store, Addiewell.

