



West Lothian Licensing Board

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

5 November 2020

A meeting of West Lothian Licensing Board will be held within the **Webex Virtual Meeting Room** on **Friday 13 November 2020** at **10:00am**.

Clerk to the Licensing Board

BUSINESS

Public Session

1. Apologies for Absence.
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business.
4. Confirm Draft Minutes of Meeting of West Lothian Licensing Board held on 29 October 2020 (herewith).

Private Items for Decision

5. Application for Variation of a Premises Licence - The Railway Tavern, 28-30 King Street, Bathgate, EH48 1AX - report by Clerk to the Licensing Board
6. Applications for Occasional Licence - Festive Forest, Beecraigs Country Park, Linlithgow EH49 7PL - report by Clerk to the Licensing Board

NOTE -----
For further information please contact the Licensing Team on 01506 281632 or email licensingboard@westlothian.gov.uk

MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within WEBEX VIRTUAL MEETING ROOM, on 29 OCTOBER 2020.

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

Apologies – Councillors Dave King and Damian Timson

In Attendance –

Chief Inspector Alun Williams, Police Scotland
PC Tom White, Local Licensing Officer, Police Scotland
Douglas Frood, Licensing Standards Officer, West Lothian Council
Audrey Watson, Depute Clerk, West Lothian Licensing Board
Gary McMullan, Depute Clerk, West Lothian Licensing Board

Application for Variation of Premises Licence, The Railway Tavern, 28-30 King Street, Bathgate -

- Mr Jordan Valentine, Agent

Review of Premises Licence - Badgers Brook, 18-22 East Main Street, Broxburn –

- Mr Jordan Valentine, Agent

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Board confirmed the draft Minute of its Meeting held on 28th August 2020 as a correct record. The Minute was thereafter signed by the Chair.

3. APPLICATION FOR VARIATION OF PREMISES LICENCE, THE RAILWAY TAVERN, 28-30 KING STREET, BATHGATE

The Board considered a report by the Clerk of the Licensing Board (which had been circulated) outlining an application for a variation of premises licence at the Railway Tavern, Bathgate. The application had attracted a late objection from Police Scotland.

Having heard the reasons for the late submission from Police Scotland and after seeking the views of the applicant's agent, the Board agreed that the late representation be admitted.

The report recalled that the application had called before the Board on 24th July and had been adjourned to a later date to allow the application to be amended and resubmitted to address members concerns about the use of the pend area for vertical drinking and the omission of a gate to the

pend area on the layout plan.

The Board noted that an amended application and layout plan had subsequently been received and notified. The full list of variations sought were summarised in the report and members noted the amended layout plan, photos and videos, submitted in support of the application.

The applicant's agent spoke in support of his client's application. The agent answered a number of questions from the Board, Police Scotland and the Licensing Standards Officer.

The report recommended that the Board consider the application in light of the contents of the report and appendices to it, submissions made by or on behalf of the licence holder and on behalf of Police Scotland. The Board must consider whether any of the grounds for refusal applied and if not, it must grant the application.

A short adjournment was allowed to permit the agent time to consult with his client on access to the hotel rooms associated with the bar should the pend area be licensed for the consumption of alcohol. Upon resumption of the hearing, the agent advised that his client wished to withdraw the pend area from the layout plan.

Following a lengthy discussion during which time other anomalies came to light, the Board agreed to adjourn the application to its meeting on 13th November 2020 to allow the agent further time to liaise with his client and submit a fresh layout plan that would (a) remove vertical drinking from the pend area, (b) address the issue of taking alcohol across an unlicensed area between the bar and rear beer garden and (c) address variations noted between the existing and proposed layout plan.

Decision

To adjourn the application to the Board meeting on 13th November to allow the agent and his client time to submit a fresh layout plan to address the above matters.

4. REVIEW OF PREMISES LICENCE - THE BADGERS BROOK, 18-22 EAST MAIN STREET, BROXBURN

The Board considered a report by the Clerk of the Licensing Board (which had been circulated) seeking a review of the premises licence for the Badgers Brook, Broxburn.

The report advised that in August 2020 the Board had been made aware of the death of Mr George McColl in November 2019. The named licence holder at the premises from 1st September 2009 was The Partnership of George and Maureen McColl. As a result of the death of Mr McColl, the partnership had been dissolved and the Board was invited to review the premises licence.

The licence holder was represented at the meeting by her agent, Mr Valentine. Mr Valentine confirmed that his client understood the need to

review the licence. He intimated that it was the family's intention that Mr Grant McColl, the existing premises manager, would be submitting a premises licence application to the Board in due course.

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

Decision

The Board found that the grounds to review the licence had been established and agreed to revoke the premises licence of the Badgers Brook, Broxburn.