



## ***West Lothian Licensing Board***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

4 February 2021

A meeting of West Lothian Licensing Board will be held within the **MS Teams Virtual Meeting Room** on **Friday 12 February 2021** 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 Minute of Meeting of the Board held on 8 January 2021 (herewith).
5. Application for Variation of Provisional Premises Licence - Proposed Lidl Store, Site adjacent to Thistle Industrial Estate, East Main Street, Broxburn, EH52 5AS - report by Clerk to the Licensing Board.

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NOTE      **For further information please contact the Licensing Team on 01506 281632 or email [licensingboard@westlothian.gov.uk](mailto:licensingboard@westlothian.gov.uk)**



MINUTE of MEETING of the WEST LOTHIAN LICENSING BOARD held within WEBEX VIRTUAL MEETING ROOM, on 8 JANUARY 2021.

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

Apologies – Councillor Dave King

In Attendance –

Inspector Brendan McMahon, Police Scotland  
Douglas Frod, Licensing Standards Officer, West Lothian Council  
Audrey Watson, Depute Clerk, West Lothian Licensing Board  
Gary McMullan, Depute Clerk, West Lothian Licensing Board

Variation of Premises Licence, Day Today, Blackburn –

- Mr Brian McMahon, Agent

Transfer of Premises Licences at The Strathbrock Bar, Broxburn and The Buchan Arms Hotel, Broxburn –

- Mr Alistair McDonald, Agent
- Mr Alan Turner, Applicant

1. DECLARATIONS OF INTEREST

Councillor Fairbairn declared an interest in agenda items 5 & 8 as the premises were both within his ward. He would take part in the discussion.

Councillor Paul declared an interest in agenda item 5 as he'd been involved in historic conversations about the premises. He did not consider that these discussions would prevent him dealing with the application fairly and would take part in the discussion.

2. ORDER OF BUSINESS

The Chair ruled that agenda items 6 and 7 would be taken together

3. MINUTE

The Board confirmed the draft Minute of its Meeting held on 11 December 2020 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION FOR VARIATION OF A PREMISES LICENCE - DAY TODAY, 48A ROWAN STREET, BLACKBURN

The Board considered a report by the Clerk of the Licensing Board (copies of which had been circulated) regarding an application for a

variation of the premises licence for Day Today, 48A Rowan Street, Blackburn. The application had attracted two objections which were attached to the report. The Clerk informed the Board that the two objectors had been invited to attend the Hearing but had intimated that they would not be attending.

The licenceholder's agent spoke in support of his client's application. Inspector McMahon on behalf of Police Scotland stated that they had no representations or adverse comments regarding the application and the Licensing Standards Officer had no comment to make except to state that he had never been approached in any way about the complaints raised in the objections and in any event they appeared to be matters that should be directed to Police Scotland.

The licence holder's agent had no questions for anyone and the Board directed questions to the licence holder's agent and Inspector McMahon.

Legal advice was provided to the Board by the Clerk and the Board entered deliberations to consider the application.

The Chair moved a motion to grant the application for variation of the premises licence which was seconded by Councillor Dodds.

Councillor Fairbairn moved an amendment that the application for variation of the premises licence be refused on the grounds of preventing crime and disorder and preventing public nuisance which was seconded by Councillor Paul.

#### Decision

On a vote being taken, the motion was successful by 4 votes to 3 and accordingly the application was granted.

#### 5. APPLICATION FOR TRANSFER OF A PREMISES LICENCE - THE STRATHBROCK BAR, 56-58 EAST MAIN STREET, BROXBURN

The Board considered a report by the Clerk of the Licensing Board (copies of which had been circulated) regarding an application for the transfer of the premises licence for The Strathbrock Bar, 56-58 Main Street, Broxburn.

The report noted that the application had been continued from the December meeting of the Board to allow further information to be provided by Police Scotland in relation to their notice dated 17<sup>th</sup> November 2020. A subsequent letter submitted by Police Scotland had been received outwith the 21-day period prescribed in section 33(5) of the 2005 Act. The Board heard submissions from Inspector McMahon on behalf of Police Scotland and Mr Alistair MacDonald on behalf of the applicant regarding whether the subsequent letters should be admitted.

The Chair moved a motion that the subsequent letter from Police Scotland be admitted for the Board's consideration which was seconded by Councillor Timson. Councillor Fairbairn, having moved an alternative

position which had not received a seconder, had his dissent to the decision noted. The subsequent letter was thereafter circulated to Board members.

The applicant and his agent spoke in support of the application and Inspector McMahon presented the information in Police Scotland's notice and subsequent letter. The applicant and his agent answered questions from the Board, Police Scotland, and the Licensing Standards Officer. Police Scotland answered questions from the Board and Mr MacDonald.

Inspector McMahon and Mr Macdonald summed up and the Depute Clerk provided legal advice to the Board prior to the Board entering deliberations to consider the applications.

### Decision

The Board agreed to grant the application for transfer of the premises licence for the Strathbrock Bar, Broxburn

## 6. APPLICATION FOR TRANSFER OF A PREMISES LICENCE -THE BUCHAN ARMS HOTEL, 2 WEST MAIN STREET, BROXBURN

The Board considered a report by the Clerk of the Licensing Board (copies of which had been circulated) regarding an application for the transfer of the premises licence for The Buchan Arms Hotel, 2 West Main Street, Broxburn.

The report noted that the application had been continued from the December meeting of the Board to allow further information to be provided by Police Scotland in relation to their notice dated 17<sup>th</sup> November 2020. A subsequent letter submitted by Police Scotland had been received outwith the 21-day period prescribed in section 33(5) of the 2005 Act. The Board heard submissions from Inspector McMahon on behalf of Police Scotland and Mr Alistair MacDonald on behalf of the applicant regarding whether the subsequent letters should be admitted.

The Chair moved a motion that the subsequent letter from Police Scotland be admitted for the Board's consideration which was seconded by Councillor Timson. Councillor Fairbairn, having moved an alternative position which had not received a seconder, had his dissent to the decision noted. The subsequent letter was thereafter circulated to Board members.

The applicant and his agent spoke in support of the application and Inspector McMahon presented the information in Police Scotland's notice and subsequent letter. The applicant and his agent answered questions from the Board, Police Scotland, and the Licensing Standards Officer. Police Scotland answered questions from the Board and Mr MacDonald

Inspector McMahon and Mr Macdonald summed up and the Depute Clerk provided legal advice to the Board prior to the Board entering deliberations to consider the applications.

Decision

The Board agreed to grant the application for transfer of the premises licence for the Buchan Arms Hotel, Broxburn.

7. REVIEW OF PREMISES LICENCE - THE THE CLACHAN BAR, 68 WEST MAIN STREET, WHITBURN, EH47 0QU

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 Clachan Bar, Whitburn.

The report advised that following a check on the Companies House website on 28 October 2020 it was discovered by the Licensing Team that the named licence holder for the Clachan Bar had been dissolved on 20 October 2020. Notice of the dissolution had not been intimated to the Board.

The Depute Clerk advised that the licence holder had been contacted and provided with a copy of the report. The licence holder had confirmed he would not be attending the Board meeting and that the licence was no longer required.

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 Clachan Bar, Whitburn.