

MINUTE of Meeting of the SCOTTISH  
BORDERS - LICENSING BOARD held in  
COMMITTEE ROOM 2/3, COUNCIL  
HEADQUARTERS, NEWTOWN ST  
BOSWELLS on Friday, 17 November 2017 at  
10.00 am

Present:- Councillors J. Greenwell (Convener), D. Paterson, N. Richards, S.  
Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull.  
Apologies:- Councillors J. Brown, T. Weatherston.  
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Team  
Leader, Licensing Standards and Enforcement Officer (Mr I.  
Tunnah) Democratic Services Officer (F. Henderson), Inspector  
Hodges, PC C. Lackenby, Police Scotland.

1.0 **MINUTE**

1.1 The Minute of Meeting of 20 October 2017 had been circulated.

**DECISION  
APPROVED.**

2.0 **LICENCES DEALT WITH UNDER DELEGATED POWERS**

2.1 For Members' information there had been circulated copies of a list of licences  
dealt with under delegated powers for the period 12 October - 8 November 2017.

**DECISION  
NOTED.**

3.0 **LICENSING (SCOTLAND) ACT 2005:**

3.1 **Section 29: Application for Variation of Premises Licence.** The Board  
considered the following applications for Variation of Premises Licence:-

(i) Simon Rutherford	Rutherfords Micropub 38 The Square Kelso
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Amendments to Operating Plan -  
Changes to existing on sale core hours  
Current On Sale  
Sun to Sat 11.00am to 10.00pm  
midnight

Proposed On Sale  
Sun to Sat 11.00am to

Representations received:

Police Scotland - none  
Licensing Standards Officer - none  
Health - none  
Other - none

There had been circulated copies of the Application, current operating plan and  
proposed operating plan. The Licensing Standards and Enforcement Officer  
advised that the application was for an extension to operating hours to offer  
flexibility, although the owner did not intend to operate these hours seven days per  
week.

Mr Rutherford was present at the meeting and explained that the micropub operated until 10 p.m. seven days a week, however he wanted the flexibility to be open later in the summer months and when events were held in the town. He reiterated that it was not his intention to open until midnight seven days per week.

**DECISION  
GRANTED.**

- 3.2 (ii) Partnership of  
Cameron Crombie and Anne Mark  
Tavern Bar  
High Street  
Eyemouth

Amendments to Operating Plan and Layout Plan -

Changes to existing core hours

Current Sunday On Sale

12.30pm to 11.30pm

Current Off Sale (Monday to Sunday)

12.30pm to 10.00pm

Proposed Sunday On Sale

11.00am to midnight

Proposed Off Sale (Monday to Sunday)

11.00am to 10.00pm

Change seasonal demand explanation as per Licensing Board policy

Addition of activities outwith core hours: restaurant, bar meals, receptions, club or group meetings, recorded music, indoor/outdoor sports and televised sports

Include outdoor drinking facilities within and outwith core hours

Change explanation in respect of outwith core hours entries

Change terms of children and young persons access to all public areas

Change layout plan to include defined outdoor drinking area

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other - none

There had been circulated copies of the Application, current Operating Plan, proposed Operating Plan and proposed layout plan. The Licensing Standards and Enforcement Officer advised that the business had recently been taken over by new management and the Operating plan required to be updated. The proposed amendments were within Board Policy and raised no concerns.

The Clerk to the Board advised that the applicants were unable to attend the meeting and had asked that the application be considered in their absence.

**DECISION  
GRANTED.**

4.0 **SECTION 37: REVIEW OF PREMISES LICENCES**

- 4.1 There had been circulated copies of a list of unpaid annual premises fees in 2017/18. The Board were advised that a reminder letter had been sent to all licensed premises required to pay their annual premises fees advising that the fee was due and the methods of payment available. A further letter was sent to those who failed to pay by the due date advising them that the fee remained unpaid and that the matter would be brought to the Licensing Board, resulting in a number of fees being paid and an updated list was circulated at the meeting. The Board were of the opinion that a firm stance required to be taken as premises required to pay this on an annual basis as a condition of Premises Licence and many of the premises listed were well established and continued to trade. Following considerable discussion, it was agreed that there had been ample opportunity to pay the fees outstanding and the Board requested that under Section 37, should

the fees remain unpaid, those premises licences would be reviewed at the next meeting.

**DECISION**

**AGREED** that under Section 37 of the Licensing (Scotland) Act 2005 should annual fees remain unpaid for any Premises Licence, a review hearing would take place in respect of those premises at the Licensing Board on the 15 December 2017.

5.0 **URGENT BUSINESS**

5.1 Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

6.0 **ANNUAL JOINT BOARD/LOCAL LICENSING FORUM**

6.1 The Board were reminded that the Annual Joint Board and Local Licensing Forum meeting was scheduled to be held on Wednesday, 6 December 2017 and encouraged to attend.

**DECISION  
NOTED.**

7.0 **VALEDICTORY**

7.1 The Chairman thanked PC Lackenby for all his work with the Licensing Board and wished him luck as he took up his new post with Police Scotland.

**PRIVATE BUSINESS**

8.0 **DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

9.0 **Minute**

The Private Minute of the Meeting held on 20 October 2017 was approved.

*The meeting concluded at 10.15 a.m.*