

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3, Council
Headquarters, Newtown St Boswells on Friday 23 March 2018
at 10.00 a.m.

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

1.0 **MINUTE**

1.1 The Minute of Meeting of 19 January 2018 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 8 February 2018 – 13 March 2018.

**DECISION
NOTED.**

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

3.1 **Section 20: Application for Premises Licence.** The Board considered the following application for the Grant of a Provisional Premises Licence:-

T J Morris Limited

Home Bargains
Stirling Street
Galashiels

Licensed hours applied for:

On Sale

None

Off Sale

Monday to Sunday

10 a.m. – 10 p.m.

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other - none

There had been circulated copies of the Application and proposed operating plan. There were no objections and the Licensing Standards and Enforcement Officer advised that the premises had held a licence throughout its history.

Mr David Crank, DWF, Solicitors and Melissa MacLeod, the applicant's Area Manager were present. Mr Crank advised that Home Bargains currently had 80 stores throughout Scotland and operated as a general grocer supplying a wide range of products including bakery, clothes, garden supplies and some alcohol. He advised that his clients current licensed premises were situated in Channel Street, Galashiels and they planned to move

into the new, larger premises in Stirling Street, Galashiels where parking provision would be provided for its customers and 15 new members of staff would be employed. With regard to the alcohol, which was limited to beer, lager, wine and Christmas gift packs, there were measures in place to control its sale, such as age restriction prompt at the till, staff being trained initially and then continually re-trained. There was always a Manager on duty and a check-out manned continually. It was anticipated that construction work on the new premises would be completed by the end of April and following the shop fitting would be fully operational in summer 2018.

**DECISION
GRANTED.**

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

Aldi Stores Limited

Aldi Stores
King Street
Galashiels

Amendments to Operating Plan and Layout Plan, to include an increase in capacity from 24.75 square metres to 29.0067 square metres and removal of seasonal variation.

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 as a result of re-fitting the shop, the area of alcohol had increased slightly and the variation for the Festive Period was to be removed.

Mr Niall Hazzard, TLT Solicitors accompanied by the applicant's Area Manager were present. Mr Hazzard explained that Aldi Stores Limited had undertaken a nationwide refurbishment of its stores and the new shelving configuration had resulted in an increase in alcohol capacity.

**DECISION
GRANTED.**

- 4.2 **Stobo Castle Health Spa Ltd**

Stobo Castle Health Spa
Stobo
Galashiels

Amendments to Operating Plan to amend core hours.

There had been circulated copies of the Application, current operating plan and proposed operating plan. The Licensing Standards and Enforcement Officer advised that the operating plan had not been updated for some considerable time and the amendments were all within the Board's Policy.

Mr Elliot Winyard, the Designated Premises Manager was present and explained that the business had evolved over the last few years and the changes to the existing Operating

Plan would allow scope for more flexible operation.

**DECISION
GRANTED.**

4.3 **Lidl UK GmbH**

Lidl UK GmbH
31-33 Shedden Park Road
Kelso

Amendments to Operating Plan and Layout Plan to include seasonal variation to allow for an increased capacity of alcohol display for the period 1 December each year until 2 January of the following year; increase capacity of alcohol display area from 41.80m² to 45.28m² (non-seasonal), with the seasonal variation to increase this area to 54.82m² between 1 December each year and 2 January the following year.

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 a small increase, which was within policy.

Ms Tracey Broomfield, the applicant's local representative and Mr Andrew Hunter, Solicitor were present. Mr Hunter explained that the increase was in relation to how the alcohol would be displayed all year round and the inclusion of the seasonal variation to increase the alcohol between 1 December each year and 2 January the following year. He stated that the increase would equate to only 4.2% of the overall floor space in comparison to the current 3.9% currently and there were 5 personal licence holders employed on the premises with the result that there had been no concerns regarding alcohol sales on the premises.

**DECISION
GRANTED.**

5.3 **Section 56: Application for Occasional Licence.**

Malcolm Cooper

WG Sports Complex
(Former Auld Baths)
Bath Street
Hawick

The Board were advised that the application for an Occasional Licence on Saturday, 14 April 2018 between the hours of 11.00am and 9.00pm for an Orange March had been withdrawn

**DECISION
NOTED.**

PRIVATE BUSINESS

6.0 **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

7.0 MINUTE

The Board approved the Private Section of Minute of Meeting of 19 January 2018.

The meeting concluded at 10.25 a.m.