

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3, Council
Headquarters, Newtown St Boswells on Friday 20 April 2018 at
10.00 a.m.

Present:- Councillors J. Greenwell (Convener), J. Brown, S. Scott, D. Paterson, R. Tatler, E. Thornton-Nicol, G. Turnbull, Weatherston.
Apologies:- Councillors N. Richards.
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 23 March 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 14 March 2018 – 11 April 2018.

**DECISION
NOTED.**

3.0 **STATEMENT OF LICENSING POLICY**

3.1 There had been circulated copies of a report by the Clerk to the Licensing Board which sought approval of the draft statement of Licensing Policy for the period November 2018 to November 2023 and that the statutory consultation on the statement be undertaken to allow consideration of a final statement thereafter. The report explained that in terms of the Licensing (Scotland) Act 2005 as amended ("the Act"), the Scottish Borders Licensing Board ("the Board") must publish a Statement of their Policy ("the Statement") with respect to the exercise of their functions under the Act. The current Statement was originally for the period November 2013 to November 2016 but its effect was extended by Section 42 of the Air Weapons and Licensing (Scotland) Act 2015 up to the date falling eighteen months after the local government election. The period of the new statement would be from November 2018 to November 2023. The Board must ensure that their Statement seeks to promote the five licensing objectives, must carry out consultation on it prior to publication and have regard to it when exercising their functions once the statement has been finalised and published following the consultation process. The Statement must also set out the extent to which the Board considered there to be overprovision of licensed premises or those of a particular description in any locality within the Board's area. Mr Kirk noted some minor amendments required to the list of consultees.

DECISION

(a) **APPROVED the draft Statement of Licensing Policy for the period November 2018 to November 2023.**

(b) **AGREED**

(i) **to carry out the statutory consultation on the draft Statement of Policy for the period November 2018 to November 2023; and**

- (ii) **to instruct the clerk to bring forward a report to the Board on the outcome of the consultation following the expiry of the consultation period.**

4.0 LICENSING (SCOTLAND) ACT 2005:

- 4.1 **Section 36: Application for review of Premises Licence.** There had been circulated copies of a report by the Licensing Standards and Enforcement Officer which requested a review of a Premises Licence in terms of Section 36 of the Licensing (Scotland) Act 2005 in respect of the premises known as The George and Abbotsford Hotel, High Street, Melrose – SB/PREM/315. The basis of the request was that mandatory condition 10 of Schedule 3 of the act had been breached by a failure to pay the annual fee as required under Section 136 of the act. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the outstanding fee had now been paid in full.

**DECISION
NOTED.**

- 4.2 **Section 72: Application for Grant of Premises Licence.** The Board considered an application for the grant of a Personal Licence from Roland Mark Swatton. There had been circulated copies of the application and letter from Police Scotland dated 26 March 2018. The Police letter, for information only, advised that Mr Swatton had been convicted of a breach of the Peace on 13 June 2014 and fined £200.

On being invited to address the Board, Mr Swatton advised that the breach of the peace had been as a result of an argument with his ex-wife with whom he subsequently reconciled, and for which he was remorseful. The Board accepted that this had been a one off incident and that Mr Swatton had shown regret.

**DECISION
GRANTED.**

URGENT BUSINESS

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 make an early decision.

ALCOHOL LICENSING IN SCOTLAND

- 5.0 There were circulated at the Meeting copies of a letter from the Local Government and Communities Committee dated 6 April 2018. The letter explained that at its meeting on 28 March 2018, the Committee had agreed to hold a one-off roundtable evidence session on Alcohol Licensing in Scotland on Wednesday, 23 May 2018. The session would focus on the ability of communities to engage with and influence alcohol licensing decisions in their areas. The Committee had invited a range of stakeholders to participate, including representatives from two licensing boards and local licensing forums from different parts of Scotland. The Board considered whether they wished to make representation and following discussion, they agreed that a letter be drafted by Mr Kirk and circulated for Members comments.

**DECISION
AGREED that a letter be drafted and circulated to Members for comments as soon as possible.**

The meeting concluded at 10.30 a.m.