

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3, Council
Headquarters, Newtown St Boswells on Friday 25 May 2018 at
10.00 a.m.

Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, E. Thornton-Nicol, G. Turnbull, T. Weatherston
Apologies:- Councillor R Tatler.
In Attendance:- Managing Solicitor (Property and Licensing), 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 20 April 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 12 April 2018 – 16 May 2018.

**DECISION
NOTED.**

3.0 **ORDER OF BUSINESS**

3.1 The Chairman confirmed that the order of business would be as per the agenda but he would be declaring an interest in Item 4.2. In anticipation of that he sought nominations to take over as chair for that item and Councillor Weatherston was duly nominated and appointed unopposed.

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

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

4.1	Laura Bryce	Contented Sole 3/4 Old Quay Eyemouth
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Amendments to Operating Plan:

- a change to Core Hours (On Sale)
- 11.00am - 12.00midnight Sunday (currently 12.30pm - 12.00midnight); and
- 11.00am - 1.00pm Thursday (currently 11.00am - 12.00midnight)
- a change to the seasonal variation explanation in line with Licensing Board Policy;
- addition to the permitted activities referred to in question 5 (a-e) (column 4 – outwith core hours), to include: Restaurant Facilities; Bar Meals; Receptions (including weddings, funerals, birthdays, retirements etc); Club or Group Meetings; Recorded Music; Indoor/outdoor Sports; and Televised Sports
- a change to the explanation in question 5 (a-e) - as to 'Yes' in column 4;
- a change to the terms and conditions of access for Children and Young Persons.

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 to update the operating plan and that he had no concerns.

The Applicant was not present and the Board agreed to consider the application in her absence.

DECISION GRANTED.

DECLARATION OF INTEREST

Councillor Greenwell declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. In the absence of Councillor Greenwell, Councillor Weatherston chaired the meeting for the following application

4.2 Royal British Legion

Royal British Legion Scotland
Drill Hall
Coldstream

Amendments to Operating Plan:
a change to the core On Sale Hours –

Current On Sale Hours

11.00am – 11.45pm Sat to Thurs

11.00am – 1.00am Fri

Proposed On Sale Hours

11.00am – 12 midnight Sun to Wed

11.00am – 1.00am Thurs, Fri & Sat

Off Sale:

11.00am – 10.00pm Sunday (currently 12.30pm – 10.00pm)

- a change to the seasonal variation explanation as per Licensing Board Policy;
- addition to the permitted activities referred to in question 5 (a-e) (columns 2 – 4 within and outwith core hours): Conference Facilities; Bar Meals and Films;
- addition to the permitted activities referred to in question 5 (a-e) (column 4 – outwith core hours) to include Receptions (including weddings, funerals, birthdays, retirements etc.); Club or other group meetings etc.; Recorded Music; Live Performances; Dance Facilities; Theatre; Indoor/Outdoor Sports and Televised Sport;
- a change to the explanation in question 5 (a-e) - as to 'Yes' in column 4;
- a change to the explanation at question 5 (f) – any other activities; and
- a change to the terms and conditions of access for Children and Young Persons

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 current operating plan had been agreed in 2008/09 and the application was to bring the operating plan up to date, there were no concerns or objections to the proposed plan. Sonia Martin

and Russell Kirk were present as representatives of the Royal British Legion and had no further comment to make.

**DECISION
GRANTED.**

4.3 **Linda Wharton**

Ayton Mini Market
High Street
Ayton

Amendments to Operating Plan and Layout Plan to increase the alcohol display capacity from 11m² to 14.8m²

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 applicant was on holiday and was happy for the Board to consider the application in her absence. The shop had been refitted and there had been a small increase in alcohol sales and therefore an application was required to be made. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns.

**DECISION
GRANTED.**

4.4 **Neil W Gillies**

Brew 13
13 Teviot Crescent
Hawick
TD9 9RE

Amendments to licence and operating plan, which include the following:-
a change to the core On Sale Hours –

Current On Sale Hours

11.00am – 11.00pm Sun to Thurs

11.00am – 12 midnight Fri & Sat

Proposed On Sale Hours

11.00am – 12 midnight Sun to
Wed

11.00am – 1.00am Thurs, Fri &
Sat

- addition to the permitted activities referred to in question 5 (a-e) (column 4 – outwith core hours) of the Operating Plan, to include Conference Facilities; Restaurant Facilities; Bar Meals; Receptions (including weddings, funerals, birthdays, retirements etc.); Club or other group meetings etc.; Recorded Music; Live Performances; Dance Facilities; Indoor/Outdoor Sports and Televised Sport, without the sale of alcohol;
- a change to the explanation in question 5 (a-e) - as to 'Yes' in column 4;
- a change to the explanation at question 5 (f) – any other activities – the premises will operate as a café/bistro/wine bar type premises with food ranging from cakes, snacks etc., to full meals; and
- a change to the terms and conditions of access for Children and Young Persons.

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 there were new tenants and the business had changed to a café, bistro type of establishment the operating plan required to be updated. There were no objections received from Police Scotland.

Mr Anderson, Tenant was present.

DECISION GRANTED.

- 5.0 **Section 56: Application for Occasional Licence.** The Board considered the following application for an Occasional Licence:-

Alan Walker

Shop,
48 Market Place
Selkirk

13, 14 and 15 June 2018
(12 noon to 11.00pm – On Sale)
(12 noon to 10.00pm – Off Sale)

Representations received:

Police Scotland - none.

Licensing Standards Officer - attached.

Health - none.

Other - none.

- 5.1 The Licensing Standards and Enforcement Officer advised that the Applicant had applied to operate a Pop up Pub in an empty shop premises at 48 Market Place, Selkirk during the Selkirk Common Riding celebrations. The letter of objection explained that the Wednesday and Thursday evenings and all day on the Friday at the common riding were particularly busy within the town centre area with various celebrations centred within that area, which was already well served by licensed premises for both on and off sales of alcohol. It was unlikely that the proposed Pop Up Pub would come up to the standard required to be on sale licensed premises, by the Planning authority, Building Standards or Environmental Health, without substantial refurbishment and alteration, the most obvious example to support this assumption being the provision of one single toilet facility. Police Scotland shared the concerns of the Licensing Officer in terms of the toilet provision.
- 5.2 Mr Walker was present and explained that he would be prepared to revert to a ticketed event with no more than 30 customers as the event was primarily to publicise and promote the Brand Selkirk Distillery and not about running a pub. Mr Walker indicated that he had previously had a licence for a similar event although at different premises, which were not available for this event and would comply with any conditions required. In addition, Mr Walker indicated that he would be content that any licence granted for the Thursday and the Friday be for off sales only.
- 5.3 Mr Kirk asked Mr Walker if he was seeking to amend his application and Mr Walker confirmed that he was on the basis that his amended application was for a ticketed Event between 5p.m. and 11 p.m. on the Wednesday with Off Sales on Thursday and Friday from 12 Noon until 10 p.m.

VOTE

Councillor Turnbull, seconded by Councillor Richards moved that the amended application as detailed above be approved.

Councillor Weatherston, seconded by Councillor Brown moved as an amendment that the application as amended above be refused.

On a show of hands Members voted as follows:

Motion - 5 votes

Amendment - 3 votes

The application was accordingly approved.

DECISION

GRANTED the application submitted by Mr Walker for an Occasional Licence, as amended.

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 Alcohol Profile in the Scottish Borders

Susan Elliot, ADP Coordinator/Local Licensing Forum Members gave a presentation on the Alcohol profiles in the Scottish Borders 2016/2017 and the Board agreed the recommendations.

The meeting concluded at 10.50 a.m.