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LOCAL LICENSING FORUM TUESDAY, 4 OCTOBER, 2016

A MEETING of the LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on TUESDAY, 4 OCTOBER, 2016 at
4.00 PM

J. J. WILKINSON,
Clerk to the Council,

27 September 2016

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Minute (Pages 1 - 6) Minute of meeting of the Local Licensing Forum of 22 March 2016 to be approved (copy attached).	2 mins
5.	Matters arising	5 mins
6.	Feedback from working group on Licensing Board Policy Statement (Pages 7 - 14) (Copy of paper attached).	10 mins
7.	Police report	15 mins
8.	Alcohol Consumption and Sales 2015 (Pages 15 - 18)	10 mins
9.	Action Plan update (Pages 19 - 22) (Copy attached).	15 mins
10.	Scottish Borders Licensing Board Minutes (Pages 23 - 62) (Copies of Minutes of 18 March 2016, 5 April 2016, 22 April 2016, 20 May 2016, 13 June 2016, 22 July 2016 and 19 August 2016 attached.)	15 mins

11.	Annual report for joint Licensing Board/Local Licensing Forum meeting (Pages 63 - 86) Copy of 2014 - 2015 report attached for discussion.	10 mins
12.	Inn-Keeper - Alcohol Licensing Data (Pages 87 - 88) (Copy attached).	10 mins
13.	Any Other Items Previously Circulated.	
14.	Any Other Items which the Convener Decides are Urgent.	

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- I. Tunnah (Chairman), S. Bell, N.W. Gillies, M.W. Hay, Inspector A. Hodges, R. Mackay, A. Maybury, Dr T. Patterson, C. Penny, J. Taylor, G. Todd, S. Walker.

Please direct any enquiries to Fiona Walling, Telephone 01835 826504
Email: fwalling@scotborders.gov.uk

Public Document Pack Agenda Item 4

SCOTTISH BORDERS COUNCIL LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL
LICENSING FORUM held in the Council
Chamber, Council Headquarters. on
Tuesday, 22 March, 2016 at 4.00 pm

Present:- I. Tunnah (Convener), N.W. Gillies, M. W. Hay (para 3), R. Mackay, A.
Maybury, J. Taylor, G. Todd, S. Walker
Apologies:- S. Bell, Police Scotland.

In Attendance:- F. Walling (Democratic Services Officer).

1. **ORDER OF BUSINESS.**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **PUB IS THE HUB.**

With reference to paragraph 7 of the Minute of 26 January 2016, Mr Hugh Williams, Principal Officer (Rural Development), was in attendance to give an overview of the 'Pub is the Hub' PiTH initiative. Mr Williams handed out PiTH Newsletters to accompany his update. He explained that the organisation had worked with over 500 pubs since 2001 with a strong presence in England and Wales, particularly in rural areas such as Norfolk and Cornwall. The organisation, which was run through voluntary advisers with sectoral knowledge and experience stated 'We encourage good licensees, communities, pub owners, breweries, local authorities and the private sector to work together to match community needs with additional services which can be provided by the local pub and a good licensee'. Mr Williams explained that the Scottish Borders was the pilot scheme for PiTH in Scotland, the scheme having been launched at Carfraemill in January. The Scottish Government Rural Communities Team had agreed £30k investment in the pilot, to spend on projects in the Scottish Borders through the Community Services Fund. The PiTH adviser in Scotland was currently working with a number of licensees on an individual basis as a follow-up to interest generated at the launch. Mr Williams had passed on the offer of the Licensing Standards Officer to work with project licensees at an early stage. He gave examples of projects currently the focus of discussions with PiTH. He stressed that the aim of the funding was to develop business opportunities with the involvement of the local community, not to prop up failing businesses, nor to duplicate or compete with existing services. There was a link to LEADER funding with a sub-set of the LEADER Local Action Group advising on PiTH applications. Members of the Forum asked questions about the range of activities eligible for consideration under the scheme and the identification and measurement of outcomes. Mr Williams explained that there was an expectation that the scheme would support employment and that any increased turnover would be measured. Hopefully, subsequent to the pilot, the scheme would be rolled out across Scotland. In further discussion the Convener stressed that, in the expectation that PiTH projects would require a change in operating plan at the licensed premises, licensees should seek advice and apply for the necessary change at an early stage. It was agreed that the Forum should request regular updates on progress of the PiTH pilot scheme in the Scottish Borders. The Convener thanked Mr Williams for his attendance.

- (a) **NOTED the update.**
- (b) **AGREED to receive future updates on progress of the Pub is the Hub initiative in the Scottish Borders.**

3. **MINUTE.**

There had been circulated copies of the Minute of the meeting held on 26 January 2016.

DECISION

APPROVED the Minute for signature by the Convener.

3.1 **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 3.3 (b) of the Minute, Ms Walker had ascertained that, due to changes resulting from the Air Weapons Act, Licensing Board Policy Statements would be reviewed every 5 years and that the next Licensing Board Policy Statement would be due in November 2018 rather than November 2017 as had been expected. However an interim policy statement could be produced if the Licensing Board so wished. Members of the Forum noted that there were changes in the Alcohol Profile which could be reflected in a Supplementary Policy Statement if this was considered the best way forward. It was agreed that the Licensing Board be asked to consider whether it wished to review the whole Policy prior to the election in May 2017 or whether a Supplementary Statement should be produced. In the meantime it was agreed that the Forum's short-life working group set up to review the Policy Statement, of N. Gillies, M. Hay, I. Tunnah, S. Walker, M. Wynne should meet to identify the areas of change evidenced by the Alcohol Profile so that the Board could be alerted to these. It was agreed that the first meeting would be held on Monday 25 April 2016 at 1.30pm at the Queen's Head, Kelso.

DECISION

AGREED that:-

- (a) **the Convener would ask the Scottish Borders Licensing Board to consider whether it wished to review the Policy prior to May 2017 or whether it wished to produce a Supplementary Policy Statement in the meantime to reflect the changes in the Alcohol Profile; and**
- (b) **the short-life working group meet to identify the areas of change evidenced by the Alcohol Profile in order to bring these to the attention of the Licensing Board and to bring back a paper to the Forum.**

- 3.2 With reference to paragraph 3.6 of the Minute there was a discussion about the need to raise public awareness of what the 'Best Bar None' plaque stood for. Some Members of the Forum also felt that the Licensing Board did not give this Trade Award sufficient recognition when considering license applications. It was agreed that the Convener should speak to PC Nick Walker with a view to taking a presentation to the Licensing Board in order to update the Board on the Best Bar None launch.

DECISION

AGREED that the Convener would liaise with PC Nick Walker with a view to updating the Licensing Board on the launch of Best Bar None.

- 3.3 With reference to paragraph 4 of the Minute, Ms Walker advised that she would follow up with PC Robertson the request for circulation of the Chief Constable's Annual Report.

DECISION

NOTED

- 3.4 With regard to paragraph 5 of the Minute, the Democratic Services Officer advised that, as confirmed with the Convener, a presentation on licensing issues would be added to the agenda for all the Area Forum meetings during the August/September cycle of meetings. It was agreed that the dates of the meetings at which the presentation would be given would be circulated to Community Councils.

DECISION

AGREED that the Democratic Services team circulate to Community Councils the dates of the Area Fora meetings at which the presentation on Licensing issues would be given.

- 3.5 With reference to paragraph 12 of the Minute regarding Bar Code training the Convener read out an email received from Stephanie Bell, in her absence. Ms Bell had ascertained that the National Licensed Trade Association was in the process of looking at offering a training provision in Scotland that was similar to the training offered in England and Wales and which would comply with Scottish legislation. Currently the organisation was working with programme designers and had not been able to give a definite timescale. Ms Bell had asked to be kept informed of developments and would update the Forum when information had been received.

**DECISION
NOTED**

4. **ALCOHOL FOCUS SCOTLAND COMMUNITY TOOLKIT.**
There had been circulated copies of the Alcohol Focus Scotland Toolkit Resource 'Alcohol licensing in your community – how you can get involved'. Members agreed that this was a useful resource. It was suggested that this be circulated to Community Councils and be the focus of the presentations to the Area Fora. The aim was to increase community awareness of Licensing Board policy and how appropriate representations on applications could be submitted.

DECISION

- (a) **NOTED the availability of the Alcohol Focus Scotland toolkit as a community resource.**
- (b) **AGREED to circulate copies of the toolkit to Community Councils.**

5. **ACTION PLAN.**
With reference to the updated Local Licensing Forum action plan, which had been circulated with the Minute of the last meeting, each of the outstanding items were addressed and advice given as to the current position. With regard to the objective to gain a better understanding of decisions made by the Licensing Board, Ms Walker explained that she and the Convener had met with PC Lackenby and discussed the development by Police Scotland of a database which would be able to give information on outcomes of Licensing Board decisions where police objections had been raised. PC Lackenby had advised that the database, known as Innkeeper, would record all license applications, whether or not there had been an objection raised and the outcome of the consideration. All licensed premises would be included. The process of pulling off data could be tested and brought to the next meeting of the Forum. With reference to paragraph 10 of the Minute of 6 October 2015 PC Lackenby was asked to look at the recording process around occurrences of 'Incident on Licensed Premises' (ILP) in respect of the negative perception of this which could arise in respect of the licensed premises involved. PC Lackenby was asked to look into whether information on ILPs could be extracted so that the issue could be discussed at a future meeting. It was confirmed that a report from Police Licensing should be a standing item on the Local Licensing Forum agenda.

**DECISION
NOTED**

- (a) the updates to the action plan; and
- (b) that a report from Police Licensing be a standing item on the Local Licensing Forum agenda.

6. **EVALUATION OF LICENSING SCOTLAND ACT MARCH 2016 (MESAS).**

There had been circulated copies of a paper which summarised the report originally published as part of the 'Monitoring and Evaluating Scotland's Alcohol Strategy programme: Fifth Annual Report, March 2016'. Under key findings 'Impact of the Act on licensing practice' the original evaluation identified positive developments such as the positive role of Licensing Standards Officers. Also identified were areas of the Act that continued to be less well implemented, including Public Health provisions; transparency and accountability; public access; and the effectiveness of Local Licensing Forums. The paper contained a link to the full report. Ms Walker summarised the current position in the Scottish Borders in relation to the key findings. She also updated members of the Forum on the current position in relation to the Minimum Unit Pricing (MUP) court process and advised that the update, reflected in a flowchart, would be circulated with the Minute for information.

DECISION

- (a) **NOTED the updates.**
 - (b) **AGREED that the MUP process update be circulated with the Minute of the meeting.**
7. **SCOTTISH BORDERS LICENSING BOARD MINUTE.**
There had been circulated, for information, copies of the Scottish Borders Licensing Board Minute of 19 February 2016.

**DECISION
NOTED the Minute.**

8. **LICENSING BOARD LATE NIGHT PREMISES VISITS.**

The Convener passed on an invitation to join Members of the Licensing Board on night economy visits, accompanied by Police officers, which would take place on 2 April 2016. The aim was to give Members an oversight of what was happening in these areas. Mr Gillies and Mr Taylor indicated their wish to take part in the visit.

**DECISION
NOTED.**

The meeting concluded at 5.50 pm

Outline of MUP court process, as of March 2016

The Alcohol (Minimum) Pricing (Scotland) Act was passed by the Scottish Parliament in May 2012. The Scotch Whisky Association and several other European spirits and wine organisations have made a legal challenge to the Act, claiming that it is unlawful.

Outer House, Court of Session

Jan 2013: Hearing of SWA application for judicial review of Alcohol (Minimum Pricing) (Scotland) Act 2012.

May 2013: Judgement delivered. MUP found lawful.
Court rules there is objective justification supporting the proportionality of the Act and the proposed minimum price.

Inner House, Court of Session

Feb 2014: Hearing of SWA appeal against outer house ruling. Challenge that MUP breaches EU treaty rules.

April 2014: Inner House makes reference to ECJ for guidance on interpretation of EU law.

Jan 2016: Date set for final hearing. Judges order that any new material, not previously heard, can be submitted by either party prior to the final hearing.

June 2016: 6/7 June set for final hearing in case.

European Court of Justice, Luxembourg

May 2015: Hearing in ECJ.

Sept 2015: Advocate General delivers opinion.

AG states that MUP can be lawful under EU law, but only if proportionality is demonstrated and less-trade restrictive measure (such as tax) cannot achieve the same objective. It is up to the national court to determine whether MUP satisfies proportionality test based on the evidence.

Dec 2015: ECJ confirms AG opinion.

? UK Supreme Court

? Appeal to SC. This is not automatic. It depends on there being grounds for appeal and whether either party seeks to appeal.

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Suggestions for Supplementary Document

The following table outlines suggested amendments for a Supplementary Policy within Scottish Borders Statement of Licensing Policy.

Section Ref	Current	Proposed
1.6	<p>The Board recognises and supports the contribution of licensed premises in the local economy of the area for employment, tourism, social inclusion and the strong local identity of the area. It recognises and supports the significant impact of sporting and local traditional festivals whilst acknowledging the impact these have on local residents. The area is promoted as Scotland's leading short break destination. The Board also recognises the potential impact of alcohol related harm and associated costs within the Scottish Borders as evidenced in the Scottish Borders Alcohol Profile more fully referred to in 1.11 below. The Board will be mindful of all these factors when determining applications for licensed premises.</p>	<p>Remove – not sure of relevance. May cause confusion. Not role of Licensing Board to consider economic benefits.</p>
1.7	<p>Although various licensed premises have ceased trading since the introduction of the Act there would appear to be no specific pattern, with a variety of different types of business ceasing to trade. Various new licences have been granted during the same period and the number of licensed premises as at September 2013 was 468. As at the date of review of this Policy, the breakdown of licensed premises within Scottish Borders is as follows:</p> <p>Members Clubs - 19%</p> <p>Off Sale - large supermarkets - 9%</p> <p>Other Off Sale - 13%</p> <p>Other - 59%</p> <p>The Board is conscious that included in that total there are several premises currently not trading which still effectively have a live</p>	<p>Overall the number of licensed premises in Scottish Borders has remained stable over previous two years. As at May 2015 there were 466 licensed premises. A breakdown of premises is as follows:</p> <p>Hotels: 91 (19.5%)</p> <p>Members Clubs: 91 (19.5%)</p> <p>Restaurant: 70 (15%)</p> <p>Off Licence (Small): 68 (15%)</p> <p>Pub with food: 59 (13%)</p> <p>Pub: 42 (9%)</p> <p>Off Licence (Medium): 17 (4%)</p> <p>Off Licence (Large): 6 (1%)</p> <p>Nightclub: 4 (1%)</p>

	<p>Premises Licence. This situation can have an effect on statistics when premises numbers are considered in relation to overprovision. In light of this, the Board may take the view that if premises are not trading and annual fees remain unpaid for a period in excess of twelve months a premises review application will require to be considered.</p>	<p>Other: 18 (4%)</p> <p>The Board is conscious that included in that total there are several premises currently not trading which still effectively have a live Premises Licence. This situation can have an effect on statistics when premises numbers are considered in relation to overprovision. In light of this, the Board may take the view that if premises are not trading and annual fees remain unpaid for a period in excess of twelve months a premises review application will require to be considered.</p>
1.11	<p>The Board has worked with the Scottish Borders Local Licensing Forum (“the Forum”) during the making of this Policy and will have regard to any advice or recommendation the Forum may make to it. The Board further acknowledges the work carried out by the Forum along with others in capturing data which helps to highlight the impact alcohol consumption has on the Scottish Borders. The work has been finalised in the report Scottish Borders Alcohol Profile - an evidence base which has been beneficial in the formation of this Policy Statement. The summaries as they relate to the Scottish Borders for each of the objectives are detailed in the table below.</p> <p>Preventing Crime and Disorder/ Preventing Public Nuisance Alcohol plays a significant part in all Police related business. Although alcohol incidents are occurring on a daily basis, 72% of all alcohol related incidents occur at the weekend with over a third between midnight and 6am. The night time economy benefits a few small businesses, but has a significant financial impact on public services in particular where late opening hours occurs. This has an impact on the limited Police resources that are available over a rural area, resulting in</p>	<p>Evidence of alcohol related harm is provided to the Licensing Board through the Alcohol Profile (Profile) (<i>include in Supplementary Police as appendix</i>). The most recent Profile demonstrates:</p> <p>Preventing Crime and Disorder/ Preventing Public Nuisance</p> <p>Alcohol continues to play a significant part in Police related business with 18% of antisocial behaviour incidents involving alcohol however there has been a reduction in the average number of alcohol related incidents per month.</p> <p>The Profile outlines areas which continue to have the largest number of alcohol related incidents.</p> <p>Although alcohol related type incidents are occurring on a daily basis, 72% of all alcohol related incidents occur at the weekend with the largest number of incidents occurring between midnight and 3am.</p> <p>Securing Public Safety Although numbers are low, alcohol is a contributor to fires with potentially serious consequences through both fire deaths and injuries.</p>

<p>officers being deployed within town centres. Police report that many of those who do attend pubs and late night establishments will have 'preloaded' on alcohol purchased cheaply at off-sales.</p> <p><i>Further information on the impact of night time economy on Police and Emergency Departments can be found in Appendix 6 of the full report.</i></p> <p>.</p> <p>Police have also reported that they are seeing a change in the location of incidents, moving from public space into private space. This is evidenced in the three murders that occurred within the Scottish Borders in 2011 where the perpetrator was under the influence of alcohol. All of the murders occurred within private dwellings. In a separate piece of analysis carried out between April to November 2012, almost half of all recorded violence (excluding sexual crimes) is recorded with alcohol as an aggravator.</p> <p>Securing Public Safety</p> <p>Although numbers are low, alcohol is a contributor to fires with potentially serious consequences through both fire deaths and injuries.</p> <p>Protecting and Improving Public Health</p> <p>With over 1 in 4 males and 1 in 5 females drinking to hazardous or harmful levels and nearly half the Borders population drinking outwith the government's guidelines, it is safe to say that many individuals are drinking too much, too often. This clearly evidences the accepted alcohol culture that exists within the Scottish Borders however; this report also highlights the impact of alcohol related harm on front line services. Alcohol impacts on the Emergency Department at times where</p>	<p>Protecting and Improving Public Health</p> <p>Scottish Borders has downward trends in relation to alcohol related hospital stays and emergency attendances where alcohol was a contributing factor. However, there are areas in Scottish Borders with more alcohol related hospital stays compared to Scotland. These areas are highlighted within the Profile and will be referred to when considering any applications. Recent data also shows increasing trend in alcohol related deaths.</p> <p>Protecting Children & Young Persons from Harm</p> <p>It is positive to note the reduction in the number of children and young people drinking regularly and low numbers attending the Emergency Department, BGH where alcohol is contributing factor. However Occasional Licences continue to have a large percentage allowing children and young people access. This will continue to be monitored closely by the Licensing Board.</p>
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	<p>there is reduced cover and similar to Police, peak during the early hours of Sunday morning between 3am and 4am. Nearly 40% of these patients are serious enough to require admission to the hospital. Similarly, alcohol related incidents impacts on the service that can be delivered by Scottish Ambulance Service during the early hours of a weekend to people in the Scottish Borders who require an emergency response to life threatening conditions. <i>A full breakdown and further details of the data captured can be found in Appendix 5 of the full report.</i></p> <p>Protecting Children from Harm</p> <p>Although the proportion of 15 year olds who have ever had an alcoholic drink is higher in the Scottish Borders than the Scottish average, there are fewer 15 year olds drinking on a regular basis. There has also been a decrease in the percentage of 15 year olds purchasing alcohol from a shop. However, of the individuals who had ever had an alcoholic drink, a quarter of 13 year olds and over half of 15 year olds reported binge drinking in the previous 30 days.</p>	
4.4	<p>The Board is conscious of the fact that in a predominantly rural area such as the Scottish Borders, alcohol consumption and associated harm may not occur in the same area as it was purchased. The Board is aware of the changing pattern of alcohol sale and consumption and that evidence provided in the Alcohol Profile suggests that about 70% of alcohol consumed is now purchased as an off sale. As such when considering overprovision in the specific locality, it will also take into account the overall supply in the Borders as a whole.</p>	<p>The Board is aware that almost three-quarters of alcohol is sold in supermarkets and off-licenses (72%). When considering overprovision in a specific locality, the Licensing Board will also take into account the overall supply in the Borders.</p> <p>The Alcohol Profile demonstrates areas with higher rates of off-sales per head of population and therefore the Licensing Board will closely scrutinise any applications for this area.</p>
4.5	<p>The Board's previous policy indicated a view that night club type</p>	<p>The current level of late night entertainment premises within</p>

	premises (2 in Hawick and 2 in Galashiels) were probably at an appropriate level in specific areas. They acknowledge that this situation has changed with numbers for this type of operation having reduced during the life of the previous Policy. The Board is still of the opinion that any increase beyond the previous numbers of this type of operation in the specific areas could still constitute overprovision.	Scottish Borders is currently four. The Board is of a view that any increase beyond could be overprovision.
4.7	The proliferation of larger type supermarkets outwith town centres has continued, the Board recognises that this type of operation serves a larger area than the immediate area in which they are situated. It also acknowledges that small convenience type shops offering a full range of goods are a vital part of the many small rural communities in the area and that it is essential for the viability of such businesses that they are able to provide a full range of goods and services.	Remove – this is a statement only.
4.8	Where any application for an off sales Premises Licence, with no on sales provision, does not fall into the categories referred to at 4.7 or it replicates a similar off sales business in a particular area then the Board is likely to take the view that this would be overprovision, and applicants will be asked to clearly show how their individual proposal differs from what already exists and how it is likely to benefit the area as a whole.	The Board will closely scrutinise any application for an Off sales Premises License in areas where potential overprovision has been identified.
7.8	Late Hours. Applicants should be aware of the additional mandatory conditions as attached at Appendix 4, applied to late opening premises and the Licensing Board reserves the right to consider further reasonable conditions to promote the licensing objectives. The Board will grant any applications for times after 2.00am only in exceptional circumstances. The Board will expect licensees operating in the late hours category to dispense drinks in plastic or toughened vessels during the late hours. They may also consider applying such a condition to other premises where they see fit. The Board is aware of the variety of events, functions and festivals which occur in Scottish Borders and the importance of	Late Hours. Applicants should be aware of the additional mandatory conditions as attached at Appendix 4, applied to late opening premises (Premises operating after 1 a.m.), the Licensing Board reserves the right to consider further reasonable conditions to promote the licensing objectives. The Board will only consider applications for Core Hour times after 1.00am from specific late night venues, where substantial live entertainment is being provided and the alcohol sold is intended as being ancillary to that entertainment.

	<p>these to the area. With this in mind the Board will consider applications for occasional licences and extensions outwith normal hours and in exceptional circumstances will grant such applications. The Board does not consider that all events connected with historic common ridings and summer festivals should automatically be seen as justification to extend licensed hours thereby subsequently increasing the consumption of alcohol. Applicants will be required to have regard to the Board's position that it will not normally grant applications for more than 14 hours in any 24 hour period as specified in 7.3 above. Applicants will require to specify the reason for any extended hours and the connection to the local common riding or festival. The Board will consider the attaching of any of the late hours conditions along with any other appropriate condition which would assist any such licence granted meeting the five licensing objectives.</p>	<p>The Board is however aware of the variety of events, functions and festivals which occur in Scottish Borders and the importance of these to the area. With this in mind they will consider applications for occasional licences and extensions outwith normal hours and will in appropriate circumstances grant such applications.</p> <p>The Board does not consider that all events connected with historic common ridings and summer festivals should automatically be seen as justification to extend licensed hours and increase the consumption of alcohol.</p> <p>If granting an Occasional Licence or Extended hours application with hours in the late hours period, the Board will consider attaching some or all of the late hours conditions (Appendix4) along with any other appropriate condition.</p> <p>Any licensees operating in the late hours period will be expected to dispense drinks in plastic or toughened vessels.</p>
8.1	<p>Home deliveries</p> <p>The Board expects that premises which intend to provide home deliveries of alcohol must specify this activity in their Operating Plan and provide details of how this will operate with particular regard to the licensing objectives. These details should include the hours of delivery, the steps taken to identify the age of the person ordering, payment arrangements, and arrangements to protect the safety of those delivering alcohol.</p>	<p>Keep this statement but add in 'steps taken to identify the age of the person ordering and receiving alcohol,</p>

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Alcohol consumption and price in Scotland, 2015



Excessive alcohol consumption causes harm to:



Communities



Families



Public services



The economy



Individual health

It is therefore crucial that trends in consumption are monitored.

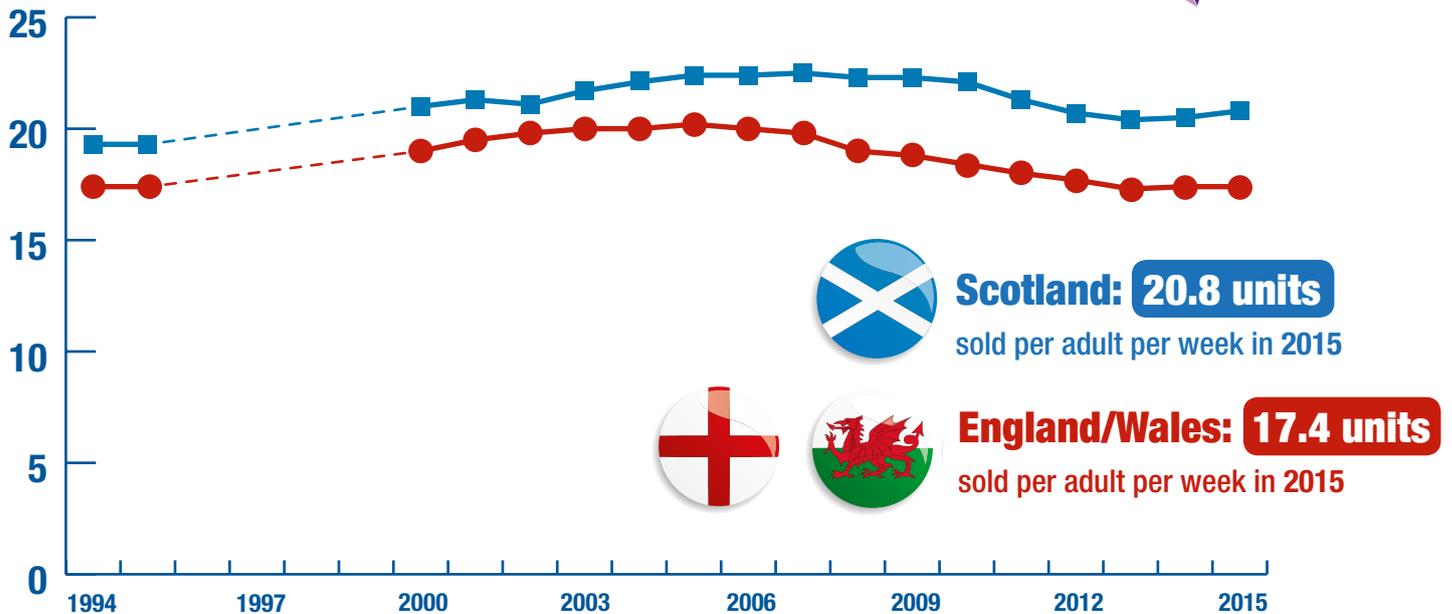
How are consumption levels estimated?

Consumption levels are best estimated using alcohol sales data.

What do sales data show?

The latest data show that after a fall between 2009 and 2013, alcohol sales in Scotland have increased in the past two years.

Units of alcohol sold per adult per week, Scotland and England/Wales, 1994-2015



20%

more alcohol sold per adult in Scotland than England/Wales in 2015. . . and almost all of this (97%) was because of higher sales in supermarkets and off-licences

Why are sales increasing in Scotland again?

The increase in alcohol sales in Scotland is due to more alcohol being sold in supermarkets and other off-licences, which increased by 5% between 2013 and 2015 to reach its highest ever level.

Units of alcohol sold per adult per week, Scotland, 2000-2015



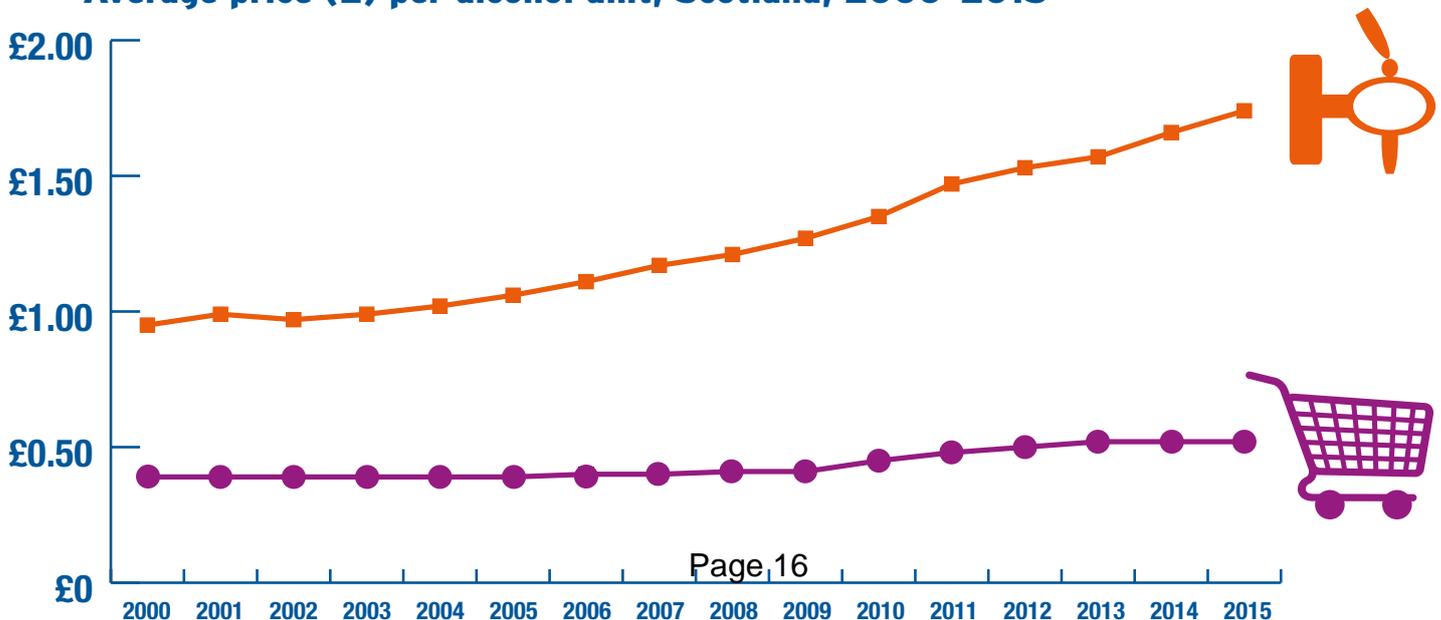
In 2015, almost three-quarters of alcohol sold in Scotland was sold in supermarkets and off-licences



What about the price of alcohol in Scotland - has that changed?

Sales data can also be used to look at alcohol prices. The average price of a unit of alcohol sold in supermarkets and off-licences has stayed the same since 2013, while the price in pubs and clubs continues to increase.

Average price (£) per alcohol unit, Scotland, 2000-2015



Average price per unit in Scotland, 2015...



pubs, clubs and restaurants

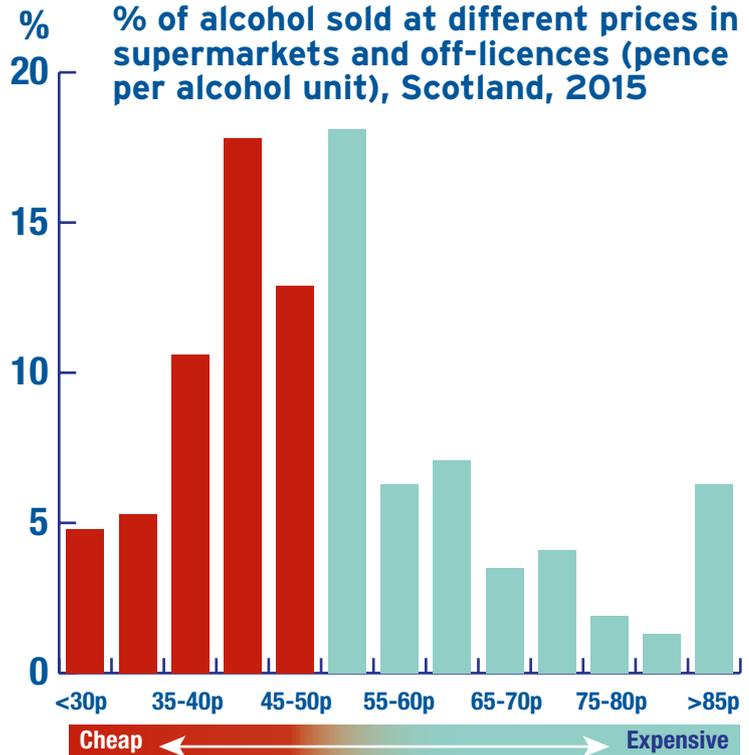


supermarkets and off-licences

How much of the alcohol sold in supermarkets and off-licences was sold at low prices?

More than half (51%) of alcohol sold in supermarkets and off-licences was sold at less than 50p per unit... which is similar to the past two years

% of alcohol sold at different prices in supermarkets and off-licences (pence per alcohol unit), Scotland, 2015

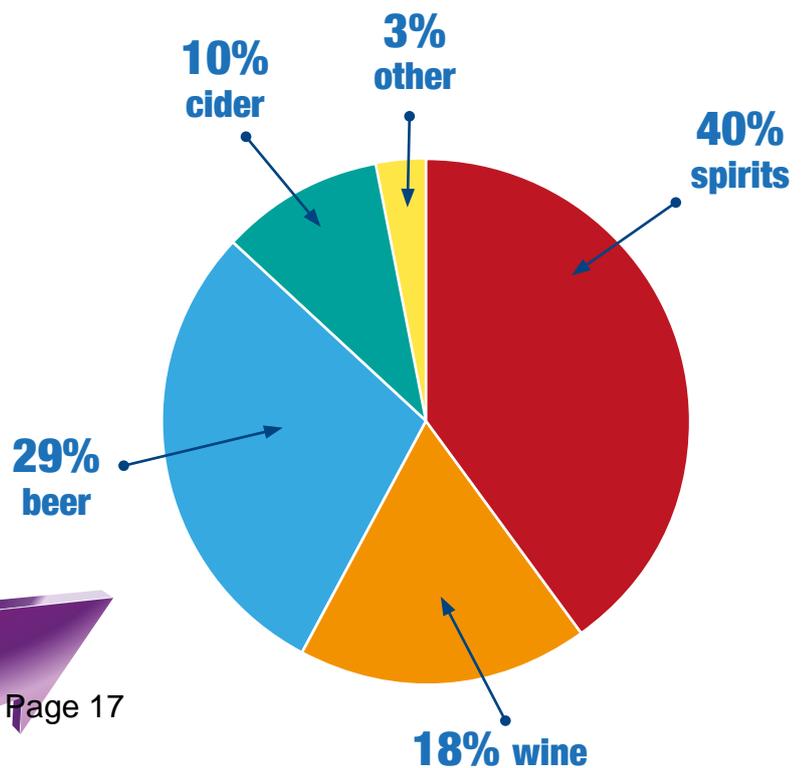


What drink types are sold at lower prices?

Alcohol sold at less than



in Scotland, 2015



Other key statistics on alcohol sales in Scotland

1994 **Beer sales**

in Scotland have stabilised since 2013

2013 - 2015

after declining each year since 1994.



Spirits

sales in Scotland increased in 2015 for the first time in six years.



Wine sales in Scotland

in 2015 reached their highest level for over 20 years.

Take home message

The downward trend in alcohol sales in Scotland has reversed. . .



due to higher sales through supermarkets and off-licences. . .



which coincides with a flattening of the price of alcohol sold by these retailers.



Scottish Borders Local Licensing Forum Action Plan: October 2015 – October 2016

What we need to do	Action	Lead	Timescales	Outcome	Status
Gain a better understanding of decisions made by Licensing Board (LB).	Develop and maintain database with outcomes of decisions made in LB where objections have been supplies.	Clayton Lackenby	March 16	LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders.	Ongoing
Ensure Communities are better able to respond to applications and views will be considered by Licensing Board	Review AFS Community Toolkit and plan visits to 5 Area Forums to increase community's awareness of Licensing Board Policy and how they can submit appropriate representations on applications and variations.	Ian Tunnah, Mark Hay, Susan Walker, Other rep from Legal Team	End December 2016	Improved community engagement and appropriate responses made.	Ongoing
Improve engagement with Licensing Board	Liaise with Clerk to Board about joint CPD sessions (suggest first one on Air Weapons and Licensing (Scotland) Bill	Ian Tunnah	March 2016	Improved knowledge and awareness of Licensing legislation	Ongoing
Improve membership to capture Education/Social Work/Young People representation	Discuss with Community Learning & Development/Borders College/University	Susan Walker	Summer 2016	Improve representation on LLF.	Ongoing

Scottish Borders Local Licensing Forum Action Plan: October 2015 – October 2016

Review Licensing Board Statement of Policy 2013 – 2016	Short life working group identified. To meet after Summer 2016	Ian Tunnah, Susan Walker, Mark Hay, Neil Gillies	Summer 2017	Increased understanding of Board Policy	Ongoing
COMPLETED ACTIONS					
Develop 3 rd Edition of Alcohol Profile	Data being collated, analysed and report drafted.	Susan Walker/Erin Murray/Ian Tunnah	First draft to joint meeting 02.12.15	Evidence to support Board Policy Statement and decision making is available for Board members	Complete
	Carry out survey of Licensing Board to find out how helpful the Alcohol Profile is and any further requirements.	Susan Walker	15.10.15		Complete
Improve communication with LLF	<ul style="list-style-type: none"> • If any large documents are required in hard copy, LLF members to request from Committee Officers • Ensure distribution list kept up to date • Have 'email receipt' as routine • Ensure webpage kept up to date with access to minutes/agendas 	LLF Members Chair to liaise with Committee Officers	End October 2015	Improved communication with all LLF members.	Complete

Scottish Borders Local Licensing Forum Action Plan: October 2015 – October 2016

Gain a better understanding of decisions made by Licensing Board (LB).	Have LB minutes as standing item on LLF agenda for review and discussion.	Committee Officers	First meeting 2016	LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders.	Complete
Gain a better understanding of decisions made by Licensing Board (LB).	Request annual report for joint meeting in December 2015 to be circulated prior to the event.	Chair	ASAP		Complete
Send out LB minutes of meetings held between LLF meetings.	Committee Officers	ASAP		LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders.	Complete
Ensure communities are better able to respond to applications and views will be considered by Licensing Board.	Find out how to access Area Forums	Fiona Walling	End October	Improved community engagement and appropriate responses made.	Complete
Reflect On-trade views more effectively in 'Alcohol Profile	Gather snap shot of views from customers on consumption patterns prior to attending their venue.	Neil Gillies/Mark Hay	16.11.15	Licensing Board better informed about consumption patterns	

Scottish Borders Local Licensing Forum Action Plan: October 2015 – October 2016

Inform Licensing Board of work undertaken in Forum over past year	Draft LLF Annual Report in partnership with all LLF members.	Ian Tunnah/Susan Walker	4 th November 2015	Increase LB understanding of LLF	Completed
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Agenda Item 10

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2/3, Council Headquarters, Newtown St Boswells on Friday, 18 March 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, B. Herd, G. Logan, D. Paterson, J. Torrance, T. Weatherston, B. White.
Apology:- Councillor R. Stewart.
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 (K. Mason), P.C. P. Robertson, Inspector M. Bennett - Police Scotland.

1. **MINUTE**

The Minute of Meeting of 19 February 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 11 February to 9 March 2016.

DECISION

NOTED.

3. **LICENSING (SCOTLAND) ACT 2005:**

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

- (i) Nigel Hobbs
- Tushielaw Inn
Ettrick Valley
Selkirk
TD7 5HT
Provisional Grant

Operating Plan includes provision of on and off sale facility.

No representations had been received.

Mr Hobbs was present. He advised that he planned to open up the premises as a country inn around Easter and that members of the community were pleased that the premises was re-opening.

DECISION

GRANTED.

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

- (i) Lees Property Management Ltd
- Cross Keys Inn
Ettrickbridge
Selkirk
TD7 5JN

Amendments to operating plan:

- Change to existing core on sale hours

Current On Sale Hours

11.00am - 12midnight Fri & Sat

12.00noon - 12.00midnight Sun

Proposed On Sale Hours

11.00am - 1.00am Fri & Sat

11.00am - 10.00pm Sun

- Change to existing off sale hours on Sunday

Current Off Sale Hours

12.00noon - 10.00pm

Proposed Off Sale Hours

11.00am - 10.00pm Sun

- Change terms of the seasonal variation to cover Christmas Eve, Christmas Day, Boxing Day and New Year's Day until 1.00am
- Amend the listed activities to include indoor/outdoor sports to be provided both during and outwith core licensed hours
- Extend existing listed activities namely, club or other group meetings and outdoor drinking facilities to be provided outwith core licensed hours
- Amend the explanation of activities to be provided outwith core licensed hours
- Amend the supporting statement in relation to additional activities
- Amend the terms, times and parts of the premises permitted within the existing children and young persons statement

No representations had been received.

Mr Lees was present. He advised that the additional hours were requested to be in line with his other businesses. His premises manager had requested later hours because the general public and locals were looking for additional hours similar to what was enjoyed by other premises in the area.

**DECISION
GRANTED.**

(ii) Scottish Borders Brewery Limited

Born in the Borders

Lanton Mill, Lanton

Jedburgh

TD8 6ST

Amendments to Operating Plan and Layout Plan:

- To incorporate a change to the current licensed general retail unit to accommodate the introduction of specific Brewery Shop and Sample/Tasting Room - capacity 52m²

No representations had been received.

Mr Henderson was present. He advised of the growing interest in craft alcohol and explained the premises would be a dedicated retail unit for the sale of craft beer.

**DECISION
GRANTED.**

(iii) Hawick Golf Club

Hawick Golf Club

Vertish Hill

Hawick

TD9 0NY

Amendments to Licence and Operating plan:

- Change to core on sale hours:

Current On Sale Hours
 11.00am - 11.00pm (Sun to Thurs)
 11.00am - 1.00am (Fri & Sat)

Proposed On Sale Hours
 11.00am - 12.00midnight (Sun to Wed)
 11.00am - 1.00am (Thurs, Fri & Sat)

- Addition to permitted activities referred to in question 5 (column 4 – outwith core hours) of the operating plan, to include receptions including weddings, funerals, birthdays, retirements etc; Club or other group meetings etc; recorded music; dance facilities; indoor/outdoor sports; televised sport and outdoor drinking facilities;
- Addition of films to the permitted activities referred to in question 5 (columns 2, 3 and 4);
- Change to explanation as to ‘Yes’ in column 4;
- Change to explanation at question 5 (f) – any other activities and the removal of the full explanation relating to the Members Club;
- Removal of reference to Members Club in question 6 of the Operating Plan relating to the Children and Young Persons access and change to the terms of their access; and
- Removal of the Members Club status afforded under the terms of the Licensing (Scotland) Act 2005.

No representations had been received.

Mr Monaghan was present. He advised that the Club wished to provide food for members of the Club and wanted members of the public to be allowed access to improve the business. Members recognised that Golf Clubs were struggling and were supportive of the application.

**DECISION
 GRANTED.**

(iv) Daniel Norris

Cross Inn
 Paxton
 TD15 1TE

Amendments to operating plan:

- Change to existing core on sale hours

Current On Sale Hours
 12.00noon - 11.00 (Sun)
 11.00am - 11.00pm (Mon to Thurs)
 12.00noon - 12.30am (Fri & Sat)

Proposed On Sale Hours
 11.00am - 12.00midnight (Sun)
 11.00am - 12.00midnight (Mon to Thurs)
 11.00am - 1.00am (Fri & Sat)

- Change to existing off sale hours on Sunday

Current Off Sale Hours
 12.00noon - 10.00pm

Proposed Off Sale Hours
 11.00am - 10.00pm Sun

- Addition of activities within core hours:
 conference facilities, live performances, gaming, indoor/outdoor sports, televised sports, outdoor drinking and adult entertainment
- Addition of activities outwith core hours:
 restaurant facilities, bar meals, club or other group meetings, televised sport and outdoor drinking facilities
- Update explanation of additional and other activities
- Change terms and conditions regarding children and young persons access
- Increase capacity from 120 to 160

No representations had been received.

Mr Norris was present. He advised that the premises had been closed for one and a half years. The premises was being refurbished and brought up to date. Councillor Campbell advised that prior to the previous business closing the premises had another function where milk, bread etc. were sold and she asked Mr Norris if he intended to carry on with this. Mr Norris advised this suggestion was being discussed with a Community Councillor.

**DECISION
GRANTED.**

(c) **Section 33: Application for Transfer and Variation of Premises Licence.** The Board considered the following application for Transfer and Variation of Premises Licence

- | | |
|--|---|
| (i) Transfer - Meiklejohn Hospitality Ltd to
Rossmuir Ltd | The Cobbles Inn
7 Bowmont Street
KELSO
TD5 7JH |
| (ii) Variation - Rossmuir Ltd | The Cobbles Inn
7 Bowmont Street
KELSO
TD5 7JH |

Amendments to Licence and Operating plan:

- Change to core on sale hours:

Current On Sale Hours

11.00am - 11.00pm (Mon to Thurs)
11.00am - 1.00am (Fri & Sat)
12.30pm - 11.00pm (Sun)

Proposed On Sale Hours

11.00am - 12.00midnight (Sun to Wed)
11.00am - 1.00am (Thurs, Fri & Sat)

- Change to core off sale hours:

Current Off Sale Hours

11.00am - 10.00pm (Mon to Sat)
12.30pm - 10.00pm (Sun)

Proposed Off Sale Hours

11.00am - 10.00pm (Sun to Sat)

- Addition to permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include restaurant facilities; bar meals; receptions including weddings, funerals, birthdays, retirements etc; recorded music; live performances; dance facilities and televised sport;
- Addition of indoor/outdoor sports to the permitted activities referred to in question 5 (columns 2, 3 and 4);
- Change explanation to 'Yes' in column 4.

No representations had been received.

Mr Becattelli was present. He advised that he had taken over the business and wished to bring the operating plan more in line with his business plan. The intention was to open the business earlier for the provision of teas and coffees.

**DECISION
GRANTED.**

4. **DATE OF NEXT MEETING**

The next meeting would be held on 22 April 2016.

**DECISION
NOTED.**

PRIVATE BUSINESS

5. **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

LICENSING (SCOTLAND) ACT 2005

6. **Section 84A (amended to 83(7)):** The Board continued the hearing in relation to Mr Alan Turnbull's Personal Licence.

The meeting concluded at 10.35 a.m.

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LICENSING BOARD held in Committee Rooms 2/3,
Council Headquarters, Newtown St Boswells on
Tuesday, 5 April 2016 at 10.40 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, B. White.
Apologies:- Councillors D. Paterson, R. Stewart, J. Torrance, T, Weatherston.
Absent:- Councillor B. Herd.
In Attendance:- Mr R. Kirk (Managing Solicitor – Property and Licensing), Mr A. Niven (Licensing Officer), Mr I. Tunnah, Licensing Standards and Enforcement Officer, Mr M. Wynne, Licensing Standards and Enforcement Officer, K. Mason, Democratic Services Officer.

LICENSING (SCOTLAND) ACT 2005

1. Section 68: The Board considered the following application for Extended Hours:-

Zing Enterprises Ltd, Base Nightclub, 8 – 10 Baker Street, Hawick
16/17 April 2016 – 2.00am – 3.00am – Hawick Rugby 7s

There had been circulated copies of a letter dated 14 March 2016 from Mr Ian Tunnah, Licensing Standards and Enforcement Officer advising that the reason for the application would appear to be to fulfil customer demand, due to the annual Hawick Rugby Club Seven a side tournament. The hours applied for were outwith the Board's Policy which clearly stated that hours beyond 2.00 am would only be granted in exceptional circumstances. The majority of Licensed Premises within the town centre area along with the licensed venues at Hawick Rugby Club had hours terminating at 1.00 am on the night in question.

The applicant Mr Gillies was present. He explained that Hawick 7s was an exceptional day in the town. According to Wikipedia, Hawick Rugby Club Sevens was an important event in the annual calendar of the well-known 7s circuit in the borders. Hawick would see the influx of several thousand visitors to the town and at this time he wanted to be part of that celebration and be able to provide services and facilities to both locals and visitors. Studies and reports recently carried out by tourism and leisure together with government studies indicated there was a lack of quality venues and businesses within this sector. He felt it was important at such times to show that his premises, as a modern facility, was open for business. Mr Gillies advised he had received letters of support from three local Councillors. He further advised he had received information from Police Licensing advising that there had been no incidents within the past six months which related to Base Nightclub apart from one incident which had occurred outwith the premises. He explained that Mr Tunnah had reiterated there had been no complaints of anti-social behaviour in the last six months.

Detailed discussions took place in relation to the application and Mr Gillies clarified he was not competing against the local pubs and explained his bona fide entertainment business only became busy after 1.00 am.

VOTE

Councillor Logan, seconded by Councillor White, moved that the application be refused because it was outwith the Board's Policy in that exceptional circumstances had not been met.

Councillor Greenwell, seconded by Councillor Campbell, moved as an amendment that the application be granted.

On a show of hands Members voted as follows:-

Motion - 2 Votes

Amendment - 3 Votes

Accordingly, the application was granted.

DECISION

AGREED that the application for 16/17 April 2016 - 2.00 am - 3.00 am be granted.

2. LICENSING BOARD POLICY STATEMENT

The Managing Solicitor clarified the options available to the Board in regard to the review of the Policy Statement. In response to a suggestion made by Councillor Logan about reviewing the Licensing Board's Policy Statement at the next meeting of the Licensing Board, Mr Tunnah advised that a sub-committee of the Local Licensing Forum had been established to look at the Policy Statement and discuss whether a supplementary Policy should be considered by the Licensing Board because there had been many changes to the alcohol profile. Members agreed to defer discussions on reviewing the Licensing Board's Policy Statement until they had received a steer from the Local Licensing Forum.

DECISION

AGREED to defer discussions on reviewing the Licensing Board's Policy Statement until a steer had been received from the Local Licensing Forum.

The meeting concluded at 11.10 a.m.

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2/3, Council Headquarters, Newtown St Boswells on Friday, 22 April 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, D. Paterson, R. Stewart, T. Weatherston, B. White.
Apology:- Councillors B. Herd, J. Torrance.
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 (K. Mason), P.C. P. Robertson, Inspector J. Scott - Police Scotland.

1. **MINUTE**

The Minutes of Meetings of 18 March and 5 April 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 10 March to 13 April 2016.

DECISION

NOTED.

3. **BEST BAR NONE**

PC Nick Walker, Safer Communities was in attendance to give a presentation on Best Bar None. PC Walker advised that Best Bar None was administered by Scottish Business Resilience Centre and partners and local coordinators contributed to the ambition of the scheme. The aims of Best Bar None were to (a) promote a safer community; (b) to promote social responsibility; (c) to raise standards in licensed on trade venues; and (d) to reward well managed venues. In 2015 five licensed premises in the Borders were gold award winners and eight licensed premises in the Borders were silver award winners. Funding of the scheme amounted to £150 approximately per premises with £100 being funded from Scottish Business Resilience Centre. The national aims for 2016/17 were explained. PC Walker answered Members' questions relating to how the scheme was promoted and financial benefits available.

DECISION

NOTED and thanked PC Walker for his informative presentation.

4. **Licensing (Scotland) Act 2005:**

(a) **Section 20: Application for Premises Licence.** The Board considered the following applications for Grant of Premises Licence

- | | |
|---|--|
| (i) Partnership of Will Haegeland and Trond Dalby | Grapevine - Now You're Talking
2 Douglas Bridge
Galashiels |
|---|--|

There had been circulated copies of

(a) a letter dated 6 April 2016 from I Tunnah, Licensing Standards and Enforcement Officer advising that as described in the application form the premises were to evolve from a café/restaurant to a Prosecco and Gin Bar in the evenings and it might be appropriate to consider restricting Children and Young persons access to have a terminal hour of 10 p.m.

(b) a letter dated 4 April 2016 from Dr Tim Patterson, Acting Joint Director of Public Health, Scottish Borders Council/NHS Borders advising that the application was proposing to allow access to all public areas for children (accompanied by an adult) and young people (unattended) for the duration of the purpose of dining or to attend a pre-arranged function. There were unlimited timescales for this and children and young people could stay on the premises potentially until 1.00 am Thursday, Friday and Saturday. The application stated that it would have a full-service restaurant as well as a Prosecco and Gin Bar in the evening. Dr Paterson's observations were based on the view that allowing access for children and young people without a time curfew was inconsistent with the Licensing Objective of Protecting Children from Harm and Scottish Borders Licensing Board's Statement of Licensing Policy 2013 – 2016. This was also the case for allowing access to the Prosecco and Gin Bar which did not offer full dining. Adult drinking behaviour could influence children's behaviours and as consumption of alcohol by young people (13 year olds and 15 year olds) continued to decrease both nationally and locally it was important that where children were exposed to alcohol this was time limited and for the purpose of a meal. Dr Paterson recommended that amendments be made to the application within section 6b to ensure clarity of terms of access to restaurant area only and, unless attending a pre-arranged function, children and young persons should have left the premises by 10 pm. Dr Paterson referred to the Alcohol Profile 2014/15 which highlighted Galashiels West as one of the Intermediate Geographies within the Scottish Borders with the highest rates of alcohol related problems, namely – alcohol related emergency attendances; alcohol related hospital stays; deaths from alcohol conditions; and alcohol related antisocial behavior. As this premise was located within Galashiels West, he asked the Licensing Board to consider this further evidence.

Mr Haegeland was present and gave an overview of his plans for the premises. He agreed to amend the times stated in his operating plan for children and young persons access to 10.00pm.

**DECISION
GRANTED as amended.**

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.

Coldstream Football Club
(Members Club)

Jim Patterson Pavilion
Home Park
Coldstream

Operating Plan includes provision of on and off sale facility.

No representations had been received.

Mr David Lauder, Chairman, Coldstream Football Club was present. He explained that the club had been operating by applying for occasional licences over the last two years. There were sometimes difficulties when fixtures were changed at the last minute meaning that there was no occasional licence in place, hence the reason for applying for a Premises Licence.

**DECISION
GRANTED.**

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

(i) Punch Partnership Limited

Clovenfords Hotel
1 Vine Street
Clovenfords
Nr Galashiels

Amendments to operating plan and layout plan:-

- Change to existing on and off sale core hours on Sunday

Current

On Sale 12noon - 12midnight
Off Sale 12noon - 10.00pm

Proposed

On Sale 11.00am - 12midnight
Off Sale 11.00am - 10.00pm

- Addition of seasonal variation for Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day until 1.00am or any other agreed Board policy
- Addition to listed activities - theatre and films both during and outwith core licensed hours
- Extend existing listed activities namely, bar meals, receptions, recorded music, live performance, dance facilities, indoor/outdoor sport and televised sport to be provided outwith core licensed hours
- Amend the explanation of activities to be provided outwith core licensed hours
- Amend the terms of access and times permitted within the existing children and young persons statement
- Amendment to layout plan to include external area to the front of premises within the licensed footprint

There had been circulated copies of

(a) a letter dated 2 April 2016 from Police Scotland. Inspector Scott advised that if granted, the current application would permit the outside area to be used during core hours, which would allow patrons to drink alcohol outside the premises until 1.00 am on Friday and Saturday and midnight on other days. This might lead to excessive noise and disturb neighbours, contrary to the Preventing Public Nuisance licensing objective. In terms of Section 22(a)9(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable was of the opinion that the variation in its current form should be modified so that the outside area was subject to a condition that it could not be used after 10.00 pm each day and that the concerns raised in this letter were addressed.

(b) a letter dated 6 April 2016 from Mr I Tunnah, Licensing Standards and Enforcement Officer advising if the outside area to the front of the Hotel was to be included in the licensed footprint it might be appropriate to consider restricting its use, for the sale or consumption of alcohol to have a terminal hour of 10.00 pm. The Hotel was surrounded by residential properties and use of the area throughout core hours could lead to noise nuisance and disturbance at these neighbouring properties. The Licensing Standards Officer suggested alternative wording at Questions 5, 6, 6(b), 6(c), 6(d), and 6(e) – explanation of activities to be provided outwith core hours and the children and young persons statement.

Mr Niall Hassard, Solicitor was present accompanied by Mr Roy MacIntosh, Designated Premises Manager. Mr Hassard confirmed that there would be no alcohol consumed outside the premises after 10.00 pm. He advised his client was happy to amend the application to reflect the comments of Police Scotland and the Licensing Standards and Enforcement Officer as detailed above. Mr Hassard further explained that his client wished to establish the premises as a community hub and the variation tidied up some anomalies in the existing operating plan.

DECISION

GRANTED as amended.

- (ii) The Co-operative Group Food Limited The Co-operative Food
Station Yard
Newtown St Boswells

Amendments to Operating Plan at Question 5(f) any other activities to change normal shop opening times Monday to Sunday to 6.00am to 10.00pm subject to customer demand (currently 7.00am to 10.00pm).

No representations had been received

Mr Niall Hassard, Solicitor was present accompanied by Ms Michelle McEwan, Store Manager. Mr Hassard confirmed that the application was for the premises to open at 6.00am to satisfy customer demand.

**DECISION
GRANTED.**

(c) Section 67: Queen's 90th Birthday Celebrations – 10 and 11 June 2016

The Managing Solicitor advised that correspondence had been received from Belhaven Pubs asking if the Scottish Borders Licensing Board had any plans to make a determination for licensed premises to be granted extended hours on the occasion of The Queen's Official birthday on 11 June without having to formally make an application to the Licensing Board. Members considered that the majority of licensed premises in the Scottish Borders already had core hours until 1.00am on a Friday and Saturday and were of the opinion that if any establishment wished to apply for extended hours for 10 and 11 June 2016 that the usual application should be submitted.

**DECISION
AGREED not to grant a Section 67 general extension for 10 and 11 June 2016.**

4. DATE OF NEXT MEETING

The next meeting would be held on 20 May 2016. The Managing Solicitor advised that because of the European Referendum, Council had agreed that the following meeting scheduled to be held on 17 June would now be held on 10 June 2016. Some Members advised that they would be unable to attend the Licensing Board on 10 June 2016.

**DECISION
NOTED.**

PRIVATE BUSINESS

5. 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

LICENSING (SCOTLAND) ACT 2005

- 6. Section 83:** The Board considered a notification of relevant offence in respect of Mr Alan Turnbull's Personal Licence and agreed that his Personal Licence be revoked.

The meeting concluded at 10.55 a.m.

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MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2/3, Council Headquarters, Newtown St Boswells on Friday, 20 May 2016 at 10.15 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, D. Paterson, T. Weatherston.
Apologies:- Councillors B. Herd, J. Torrance, B. White.
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 (K. Mason), P.C. C. Lackenby, P.C. P. Robertson, Inspector M. Bennett - Police Scotland.

1. **MINUTE**

The Minute of Meeting of 22 April 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 14 April to 11 May 2016.

DECISION

NOTED.

3. **LICENSING (SCOTLAND) ACT 2005:**

(a) **Section 45(7):** The Board considered the following application to Extend Period of Provisional Premises Licence.

(i) Martin McColl Ltd

27 The Square

Kelso

Provisional granted 22 June 2012

Mr David Crank, Solicitor was present accompanied by Mr William Morrison, Area Manager, Martin McColl Ltd. In giving background information in relation to the application to Extend the period of the Provisional Premises Licence Mr Crank advised that a number of schemes had been put together, and mid to end of last year a further scheme had been devised taking into account the stairs within the premises. He advised that the Company was committed to making an investment to improve the premises which would result in great benefit to the store. It was noted that as a result of the configuration the alcohol sales area would be reduced and a minor variation would be applied for. The plans would need to be approved by Planning and Building Standards and an application would have to be lodged to obtain listed building consent. The relative Section 50 certificates would also need to be applied for and issued. It was anticipated that the renovations would take 6 – 8 months but this was outwith the control of Martin McColl Ltd. In the circumstances, Mr Crank asked that the Board extend the period of the Provisional Premises Licence in respect of 27 The Square, Kelso for a period of 12 months to allow sufficient time to complete the works and have the licence confirmed.

DECISION

AGREED to extend the period of the Provisional Premises Licence in respect of 27 The Square, Kelso for a period of 12 months.

- (b) **Section 68:** The Board considered the following applications for Extended Hours:-

DECLARATION OF INTEREST

Councillor Paterson 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.

(i) Zing Enterprises Ltd	4 June 2016	10 June 2016	11 June 2016
Base Nightclub	2.00am - 3.00am	2.00am - 3.00am	2.00am - 3.00am
8 - 10 Baker Street	Denholm Ride-out	Common Riding	Common Riding
Hawick		Friday	Saturday

There had been circulated copies of

(a) a letter dated 4 May 2016 from Mr I Tunnah, Licensing Standards and Enforcement Officer. Mr Tunnah advised that the hours applied for were outwith the Board's current Policy which clearly stated that hours beyond 2.00am would only be granted in exceptional circumstances. He submitted that the Board took the decision to grant similar applications by the applicant for the Common Riding Celebrations in 2015. If the Board were minded to accept the reasons given for the applications were indeed exceptional circumstances, then the Licensing Standards Officer would seek guidance as to the requirement of bringing future similar applications for the specific events requested to the Board's attention as opposed to them being granted under delegated powers. He highlighted that the majority of the licensed premises within Hawick town centre area had hours terminating at 1.00 am on the nights in question. The annual common riding ball held in Hawick Town Hall on Friday 10 June was licensed by way of an occasional licence granted under delegated powers as an annual event with hours allowing the sale of alcohol between 6.30 pm and 3.00 am. and this was in line with the Board's Policy requiring a specific connection of the occasional licence to the local common riding or festival.

(b) an email dated 11 May 2016 from Mr Neil Gillies apologising for being unable to attend today's meeting. Mr Gillies' e-mail advised he had always felt it important to convey to the Board personally that all applications he put before the Board were each given careful consideration on their own merits and was never a frivolous act. Mr Gillies explained that in May 2015 BASE made 3 applications covering important dates within the Hawick Common Riding annual celebrations. The Board saw fit to grant these applications agreeing they did indeed meet with their interpretation of exceptional circumstances. The applications made today were for identical dates and nature. Mr Gillies felt given those events passed without a single incident and without a single complaint that it was not unreasonable to ask that similar events be held again this year. The applications in 2015 attracted opposition from Police Scotland who assumed additional hours meant additional problems however as was argued, Hawick Common Riding was for the whole community, including hundreds of Teries who returned from across the globe each year and hundreds more who visited the town to join the celebrations. Mr Gillies believed that staff at BASE had for years proved themselves capable and trustworthy and could point to an exemplary record within the trade. Should the Board see fit to again grant these annual applications Mr Gillies gave assurance that those standards would as always be maintained. Mr Gillies stated that Inspector Wood from Police Scotland commented within the local press on the lack of arrests last year and praised the whole town for good behaviour.

There followed debate in relation to the applications and Members noted that no representations had been received from Police Scotland. Councillor Weatherston, seconded by Councillor Campbell moved that the applications be approved. As an amendment Councillor Logan moved that the applications be not approved because he considered the extensions applied for were outwith the Board's Policy. Councillor Logan's amendment received no seconder and accordingly, the applications were granted. Councillor Logan asked that this dissent be recorded in the minute.

VOTE

Councillor Weatherston, seconded by Councillor Campbell, moved that similar applications for the same events in future years should be dealt with under delegated powers.

Councillor Archibald, seconded by Councillor Logan moved as an amendment that similar applications for the same events in future years should continue to be determined by the Licensing Board.

On a show of hands members voted as follows:-

Motion - 3 votes

Amendment - 2 votes

Accordingly it was agreed that similar applications for the same events in future years should be dealt with under delegated power where no representations or objections were received.

DECISION

AGREED that

- (a) the applications for 4 June, 10 June and 11 June from 2.00 am – 3.00 am be granted; and**
- (b) where no representations or objections were received, similar applications for the same events in future years were to be dealt with under delegated powers.**

(ii) The County Hotel
35 High Street
Peebles

22 May 2016
12.00midnight - 1.00am
Tweedlove Event

There had been circulated copies of a letter dated 4 May 2016 from Mr M Wynne, Licensing Standards and Enforcement Officer. Mr Wynne advised he was aware that the Board took the decision to grant a similar application by the applicant, celebrating the end of the Tweedlove Festival in 2015. If the Board was minded to accept the reasons given for the application, Mr Wynne sought guidance as to the requirement of bringing future similar applications to the Board's attention as opposed to them being granted under delegated powers. In addition, if the Board were minded to grant the extra hour applied for he suggested the following may be appropriate conditions to consider applying to the licence and were attached to the previously granted application in 2015 – (a) a Personal Licence Holder should be present throughout the event. (b) S.I.A. qualified door stewards should be employed at the entrances to the premises throughout the event and they should be particularly briefed to keep dispersal noise to a minimum at the conclusion of the event.

Mr Peter Orr, Designated Premises Manager was present and confirmed that he was willing to accept the additional conditions proposed and already had matters in hand to address these. Members were minded to approve the application.

VOTE

Councillor Logan, seconded by Councillor Paterson moved that a similar application for the same event in future years should continue to be determined by the Licensing Board.

Councillor Weatherston, seconded by Councillor Campbell, moved as an amendment that similar applications for the same events in future years should be

dealt with under delegated powers where no representations or objections were received

On a show of hands members voted as follows:-

Motion - 3 votes

Amendment – 3 votes

The Chairman exercised his casting vote in favour of the amendment and accordingly it was agreed that where no representations or objections were received, similar applications for the same event in future years should be dealt with under delegated powers.

DECISION

AGREED that

- (a) **the application for 22 May 2016 from 12 midnight to 1.00am be granted; and**
 - (b) **where no representations or objections were received, similar applications for the same event in future years were to be dealt with under delegated powers.**
- (c) **Section 36:** The Board considered the following application for Review of Premises Licence.

- (i) Virtual Golf Centre Ltd
Virtual Golf Centre
Channel Street
Galashiels

There had been circulated copies of a report by the Licensing Standards and Enforcement Officer requesting a review of the premises known as Virtual Golf Centre, Channel Street, Galashiels. The report detailed that the annual licensing fee for the premises, £280 fell due on 1 October 2015. A reminder letter was issued to the licence holder, Virtual Golf Centre in September 2015. Arrangements were made to pay the fee by quarterly instalments with the first instalment being paid around the due date. The second instalment was also paid around the due date, however the third which had been due on 1 April 2016 had not been paid. As a result, a Compliance Notice under terms of Section 14 of the Act was issued to the licensee by the Licensing Standards and Enforcement Officer on 28 April. The licensee had not acknowledged receipt of the Compliance Notice and the fee remained unpaid. Members were advised that the premises was no longer trading.

DECISION

AGREED to revoke the Premises Licence with immediate effect.

- (ii) Bistro Eleven Ltd
Bistro Eleven
(formerly Borders Food Hall)
Market Street
Galashiels

There had been circulated copies of a report by the Licensing Standards and Enforcement Officer requesting a Review of a Premises Licence in respect of the premises known as Bistro Eleven, Market Street, Galashiels. The report detailed that the annual licensing fee for the premises, £280 fell due on 1 October 2015. A reminder letter was issued to the licence holder, Bistro Eleven Ltd (otherwise known as Borders Food Hall) in September 2015. Arrangements were made to pay the fee by quarterly instalments with the first instalment being paid around

the due date. The second instalment was also paid around the due date, however the third which had been due on 1 April 2016 had not been paid. As a result a Compliance Notice under terms of Section 14 of the Act was issued to the licensee by the Licensing Standards and Enforcement Officer on 28 April. The licensee had not acknowledged receipt of the Compliance Notice and the fee remained unpaid. Members were advised that the premises was no longer trading.

DECISION

AGREED to revoke the Premises Licence with immediate effect.

4. DATE OF NEXT MEETING

The Managing Solicitor advised that the next meeting of the Licensing Board would be held at 10.00 am on Monday 13 June 2016. Owing to meeting rooms at Headquarters being used for the forthcoming European Referendum, the meeting would be held in the Council Chamber, Galashiels.

**DECISION
NOTED.**

PRIVATE BUSINESS

5. 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

MINUTE

6. The private section of the Minute of 22 April 2016 was approved.

The meeting concluded at 10.50 am.

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MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in the Council Chamber,
Council Offices, Paton Street, Galashiels on Monday,
13 June 2016 at 10.10 a.m.

Present:- Councillors W. Archibald (Convener), J. Greenwell, B. Herd, G. Logan,
J. Torrance, T. Weatherston, B. White.
Apologies:- Councillors J. Campbell, D. Paterson, R. Stewart.
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 (K. Mason), P.C. C.
Lackenby, Inspector M. Bennett - Police Scotland.

1. **ORDER OF BUSINESS**

The Convener varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **MINUTE**

The Minute of Meeting of 20 May 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

3. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 12 May to 2 June 2016.

**DECISION
NOTED.**

4. **LICENSING (SCOTLAND) ACT 2005:**

(a) **Section 56: Application for Occasional Licence.** The Board considered the following applications for Occasional Licence:-

Selkirk Bowling Club

Selkirk Bowling Club
Scott's Place
Selkirk
15 June - 6.30pm - 1.00am
Common Riding Ladies Night
16 June - 6.30pm - 1.00am
Common Riding Singsong and
Disco
17 June – 11.00am – 1.00am
Common Riding Day and Disco

There had been circulated copies of an anonymous letter dated 30 May 2016 raising an objection to the occasional licences applications. The letter advised that it stated quite clearly on the Scottish Borders Licensing Board's web-site that applications should be applied for at least 6 weeks before the date of the event in which the licences were applied for. The applicant was giving barely 2.5 – 3 weeks' notice before his applications were listed which did not give the public sufficient time to respond to his request. The objector found it hard to find justification to have such late licences for all 3 nights in the Common Riding Week, there was no consideration or respite for those who had to work the

following days. It was alleged that the Bowling Club was notorious for its very loud music on social nights and was well known locally to still be open and serving alcohol after the licensing hours had ended. The objector had seen and heard the Bowling Club open until 2.00 a.m. sometimes after 3.00 a.m. and was fed up of the disturbance. The Licensing Board did not seem to be checking up on this particular Bowling Club. The objector was bewildered that considering how many Social Functions (attended by a large number of people who were not members i.e. Selkirk Sessions Weekend, School Reunions, and lately a Disco on Declaration Night) were held in the Club and yet there were applied for by them. The letter raised questions. Was Selkirk Bowling Club above the licensing laws of other establishments? Did the Board not keep a check from time to time to ensure that all Clubs were being operated within the Licensing Laws?

In response to Members' concerns relating to whether or not it was appropriate to consider an anonymous objection, the Managing Solicitor explained the legislative requirement for the Board to consider any representation or objection received.

Mr MacLeod, Selkirk Bowling Club was present. He confirmed he had received a copy of the anonymous letter dated 30 May 2016 and he refuted all the allegations contained in the letter. He submitted that the letter might be from someone with a personal grievance or from the owner/manager of another premises. Some of the Club's windows faced onto the pavement and he was sure Police Officers would have noticed if the premises were open after licensing hours had terminated. Mr Ian Tunnah, Licensing Standards and Enforcement Officer advised his opinion that the Club was well ran and similar applications had been granted in the past.

**DECISION
GRANTED.**

- (b) **Section 20: Application for Premises Licence.** The Board considered the following application for Grant/Provisional Grant of Premises Licence:-

Lidl UK Gmbh

Proposed Lidl Store
Wilton Path
HAWICK
TD9 7DS
Provisional Grant

Operating Plan includes provision of off sale facility.

No representations had been received.

Mr Jordan, Property Team, Lidl UK Gmbh was present accompanied by Mr Hunter, Harper MacLeod. Mr Hunter explained that the premises replaced the previous store and was located in much the same location. The previous store had been demolished and the new store would open in January 2017 and would be of benefit to the local community with substantial investment and the creation of new jobs. The alcohol display area was marginally larger than that of the previous store when the overall capacity was 4% but this would now be 3%.

**DECISION
GRANTED.**

- (c) **Section 72: Application for Grant of Personal Licence – William McMath.**
There had been circulated copies of a letter dated 30 May 2016 from Police Scotland advising that the applicant had been convicted of the following relevant offence, which he did not declare:- 5 January 2016 – Edinburgh Sheriff Court – Criminal Justice & Licensing Act 2010, Section 39(1) Domestic Aggravator), the sentence had been deferred to 28 June 2016. The Managing Solicitor advised that Mr McMath had been unable to attend owing to difficulties getting time of work. He advised it would be appropriate to continue consideration to the next meeting in July 2016. It was noted that the outcome of the deferred sentence would be known at that time.

DECISION

AGREED to defer consideration of the matter to the next meeting of the Board.

The meeting concluded at 10.20 a.m.

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MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
22 July 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, B. Herd, D. Paterson, R. Stewart, B. White.
Apologies:- Councillors G. Logan, J. Torrance, T. Weatherston.
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Officer (A. Niven), Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M. Wynne), Democratic Services Officer (K. Mason), P.C. C. Lackenby, P.C. Robertson, Inspector M. Bennett - Police Scotland. Environmental Health Officer (F. Shepherd), Borders Alcohol and Drug Partnership (S. Walker).

1. **MINUTE**

The Minute of Meeting of 13 June 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 3 June to 12 July 2016.

DECISION

NOTED.

3. **LICENSING (SCOTLAND) ACT 2005:**

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

(i) Peebles Hydro Ltd	Peel Cafe Glentress Peebles Provisional Grant
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Operating Plan includes provision of on and off sale facility.

No representations had been received.

Mr Williams Solicitor was present, accompanied by Mrs Caroline Raeburn, Designated Premises Manager, Peebles Hydro Limited. Mr Williams explained that Peebles Hydro Limited had been awarded the management contract for the Peel Café earlier in the year. They took over on 3 June and their aim was to improve the facilities in line with the master plan for Glentress.

DECISION

GRANTED.

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

(i) H I Investments

Gordon Arms Hotel
Dolphinton Road
West Linton

Amendments to Operating plan and layout plan:-

- Change core hours (on and off sales) to commence at 11.00am on Sunday (currently 12.00noon)
- Addition of conference facilities; recorded music; live performances; dance facilities; films and indoor/outdoor sports during core hours and include explanation
- Conference facilities, bar meals, receptions, club or other group meetings, Recorded music, live performances, indoor/outdoor sports, televised sports and outdoor facilities to be provided outwith core licensed hours and include appropriate explanation
- Change terms of access for Children and Young Persons
- Include rear decked outside area within licensed footprint.

There had been circulated copies of

(a) a letter dated 9 June 2016 from Police Scotland. Inspector Bennett advised that if granted the current application would permit the outside area to be used during core hours, which would allow patrons to drink alcohol outside the premises until 1.00 am on Friday and Saturday and midnight on other days. This might lead to excessive noise and disturb neighbours, contrary to the Preventing Public nuisance licensing objective. The Chief Constable was of the opinion that the variation in its current form should be modified so that the outside area was subject to a condition that it could not be used after 10.00 pm each day.

(b) a notice of objection/representation from Mr and Mrs Peaston who stated that although they had no objections to the variation applied for in principle, they did have noise concerns for residents if the outside rear decked area was included within the licensed footprint. They understood a 10.00 pm curfew was currently in place and requested that was still applied. The area was in close proximity to a number of residential homes, in particular theirs whose bedrooms were at the same height as the outdoor area which gave them concerns over noise should the curfew be extended.

Mr James Mann, Designated Premises Licence Manager, Gordon Arms Hotel was present. He advised that in accordance with Group Policy there would be no drinking in the outside area after 10.00 p.m. Mr Tunnah advised on conditions which would be put in place regarding amplified music and to restrict drinking in the outside area after 10.00 pm.

DECISION

GRANTED on condition that no music is played in the outside area after 10.00pm.

(ii) Portzim Limited

The Lilliards Tavern
Lilliardsedge Holiday Park &
Golf Course
Jedburgh

Amendments to licence, operating plan and layout plan, which includes the following:-

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
11.00am – 12 midnight Mon to Thurs	11.00am – 12 midnight Sun to Thurs
11.00am – 1.00am Fri & Sat	11.00am – 1.00am Fri & Sat
12.30pm – 12 midnight Sunday	
- a change to the core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
11.00am – 10.00pm Mon to Sat	10.00am – 10.00pm Sun to Sat
12.30pm - 10.00pm Sun	
- amend the seasonal variation to read ‘Christmas Eve, Christmas Day, Boxing Day, New Year’s Eve and New Year’s Day open until 1.00am or within any other Licensing Board Policy’;
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include all activities except Theatre and Gaming;
- addition to the permitted activities referred to in question 5 (columns 2, 3 and 4) of the Operating Plan, to include conference facilities, films and outdoor drinking facilities;
- a change to the explanation as to ‘Yes’ in column 4;
- a change to the explanation at question 5 (f) – any other activities;
- a change to the capacity at question 7 – to incorporate Off-Sale display capacity in the shop;
- a change to the layout plan to incorporate the extension to and the new layout of the existing building and the addition of the new Shop/Off Sale area; and
- a change of premises name to ‘The Lilliards Tavern & Shop’.

No representations had been received.

Mr Brian Weatherley was present. He explained Portzim Limited continued to invest in the business to serve the tourist industry.

**DECISION
GRANTED.**

- (c) **Section 56: Application for Occasional Licence.** The Board considered the following applications for Occasional Licence:-

- (i) Karrie McDonald
Field at Harehead Roadend
Cranshaws
Near Duns

There had been circulated copies of:-

- (a) a letter dated 23 June 2016 from Police Scotland. Inspector Bennett made the following representation in relation to the application, and recommended that the application be granted subject to the following conditions (a) a person trained to the satisfaction of the Licensing Board in administering first aid must be present at the licensed area from 1.00 am until the terminal hour; (b) the

applicant, who was a personal licence holder, must be present at the licensed area from 1.00 a.m. until the terminal hour; (c) there must be written policies in place regarding compliance with the licensing objectives; (d) there must be a written policy detailing the prevention of the misuse of controlled drugs and psychoactive substances in the licensed area; (e) there must a CCTV system in the licensed area to the satisfaction of the Chief Constable, which must be kept in good working order; (f) there must be persons responsible for checking the safety and wellbeing of persons using any toilet facility in the licensed area; (g) a person who held a licence granted under Section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the licensed area from 1.00 am until 30 minutes after the terminal hour; and (h) all drinks must be served in plastic containers throughout the licensed period.

(b) a letter dated 28 June 2016 from Mr I. Tunnah, Licensing Standards and Enforcement Officer. Mr Tunnah advised that the applicant stated Children and Young persons were not to be present, this referred to the bar area only and the reality was that they would be present throughout the event and the licensed area incorporated the entire event arena, it was also worth noting that although the applicant stated around 500 persons would attend, the application for the Public Entertainment Licence stated around 2,000 were being catered for. The event was held last year, although the Occasional Licence at that time was applied for and granted to a different licence holder, with licensed hours terminating at 2.00 am on the Friday and Saturday the Board saw fit to attach the late hours conditions to that licence, the conditions were adhered to and appropriate written policies were in place. Last year's event appeared well organised and appropriately managed. Mr Tunnah advised that to try to ensure another well organised and managed event, it would still be appropriate for the same conditions to be applied to the Occasional Licence for this year's events. The conditions also to be applied were of a similar nature to those in the letter from Police Scotland as detailed above.

Mr Kirk, the Managing Solicitor confirmed that a similar licence has been granted last year to a difference applicant, the licence carried various conditions and the event went well. Mr Tunnah advised that he had visited the event during late hours last year and noted that it was well run with all conditions in place.

Ms McDonald was present. She advised that she was on site last year as Bar Manager. She confirmed all conditions requested by Police Scotland and the Licensing Standards and Enforcement Officer were in place and she was happy for Officers to visit during the event.

DECISION

- (a) **GRANTED subject to the conditions as detailed in the letter from Police Scotland.**
- (b) **AGREED where no representations or objections were received, similar applications for the same event in future years were to be dealt with under delegated powers provided no issues or problems are reported.**

The following application was withdrawn.

(ii) Hawick Conservative Club

Courtyard to Rear of
Hawick Conservative Club
2 Croft Road
Hawick

13 August - 3.00pm - 9.00pm
Music Event

(iii) William Hamilton

Marquee in Grounds
Buccleuch Arms
St Boswells
2 September - 2.00pm - 12.30am
Wedding with Disco
10 September - 6.00pm –
12.30am
Northern Area Point to Point
Dinner with Disco

There had been circulated copies of

(a) a letter dated 28 June 2016 from Mr M. Wynne, Licensing Standards and Enforcement Officer advising that the applicant had similar applications granted under delegated powers in the past including last year and which resulted in a resident of a neighbouring property complaining of noise disturbance caused by the amplified music played within the marquee. If the Board saw fit to grant the licence it should be conditioned to ensure the applicant had robust policies in place regarding monitoring noise levels with a view to reducing the likelihood of noise nuisance to neighbouring properties. In addition, the amplified music should have a reasonable terminal hour. There were several residential properties in the vicinity of the premises and the Licensing Standards Officer was aware of the applicant's efforts in the past to assure all his neighbours that it was not part of his business plan to have regular events catered for by means of a marquee which would only be used on a very occasional basis. It would appear on this understanding that there had been a general acceptance by neighbours with the one exception.

(b) a letter dated 15 July 2016 from Mr F. Shepherd, Environmental Health Officer. Mr Shepherd advised that owing to the close proximity of residential housing to the proposed event Environmental Health would ask that if the event was granted a licence that the applicant submit a noise management plan identifying potential noise issues at the nearest noise sensitive properties and what mitigation measures were to be put in place to manage them. Residents should also be informed before the events with the details of who to contact if there was a noise issue during the event.

(c) copies of a letter dated 21 July 2016 from Mr Hamilton were tabled at the meeting. A diagram showed the disco projected volume away from the properties towards the hotel ensuring the minimum of disturbance was achieved. This had been actioned in 2015 following a complaint on 12 September that year. There was another event on 19 September where changes were made and their neighbour had no cause for complaint. Mr Hamilton explained that amplified music noise in relating to the events on 2 and 10 September 2016 would be set at a reasonable level whilst taking into account the considerations of their neighbours in surrounding residential properties. With regard to the legislation customers would not be permitted to drink outdoors from 10.00 pm, customers would need to leave the marquee for toilet use and smoking only. Local residents would be informed by way of an explanatory letter two weeks prior to the functions with details of the event or sooner if wished. Mr Hamilton together

with 2 other duty managers would be attending and monitoring both events and would ensure the noise levels were managed to the best of their abilities and within the required regulations.

Mr Hamilton was present. He confirmed a noise management plan would be put in place and that neighbours would be issued with a written notice detailing the events.

DECISION

GRANTED subject to continued liaison with the Licensing Standards Officer and Environmental Health Officers

(iv) Laurence Reid

Macarts
Bridge Street, Galashiels
24 July - 1.00pm - 6.00pm
BigFish Little Fish
Family Disco/Fun Afternoon

There had been circulated copies of

(a) a letter dated 15 July 2016 from Police Scotland. Inspector Bennett advised that the application referred to a “Big Fish, Little Fish” event and having carried out background research the following information was relevant for consideration. The Big Fish Little Fish (BFLF) website stated they were an “independent, grassroots music and events crew which put on family raves with all the freedom and excitement of a mini-festival right in the heart of cities and towns. In addition the following information was taken from the websites frequently asked questions: BFLS was designed to appeal to both adults and children it was specifically for anyone with young children aged 8 and under. Older siblings/children were very welcome – but please remember that parents remain responsible for their children at all times (children must not roam about themselves) and that some of the areas are more suitable for younger children i.e. the baby chill out areas and the tents. If you had a 9 / 10 / 11 older year old who loved dancing bring ‘em along. They would also be able to make very good crafts from the materials available! Admittance with children only and maximum of 3 children per adults. Maximum of 4 adults per child, all tickets must be bought together and all party to arrive at the same time. Any group where the adults outnumber the children must be pre-approved by BFLF management. Inspector Bennett submitted that the above text highlighted that the event was for children and that adults would only be admitted if they brought children with them... Having consideration for the Scottish Borders Licensing Board Statement of Licensing Policy November 2013 – November 2016, paragraph 12.1, this event was considered to be a child centered event. For these reasons, and in terms of Section 58(1)(a) of the Licensing (Scotland) Act 2005, the Chief Constable objected to the application specifically in relation to the grounds for refusal at Section 59(6)(c) of the same Act in respect of the Protecting Children from Harm licensing objective.

(b) a letter dated 15 July 2016 from Mr M Wynne, Licensing Standards and Enforcement Officer. Mr Wynne advised that the event was being run by a company called “Big Fish, Little Fish” who hosted parties aimed at children aged 0 – 8 years along with accompanying adults. The event would include amplified music for a family disco and would be staffed and stewarded by BFLF staff. Approximately 80 young children and accompanying adults were expected. Scottish Borders Licensing Board statement of policy stated under the “protecting

children from harm” objective: - “the Board accepts many fund raising and community events benefit from granting of an occasional licence but would expect any organisation considering applying, to take into account whether or not it was appropriate to have the sale of alcohol forming a normal part of the event with particular regard to the protecting children from harm objective. This should be particularly considered for child centered events related to school, youth or sporting organisations.” Mr Wynne submitted that in his opinion a child centered event and was in fact aimed at children under the age of 8 years and to grant a licence for this event would be contrary to the Licensing Board’s policy statement and the licensing objective “protecting children from harm”.

(c) a letter dated 18 July 2016 from Dr Tim Paterson, Acting Joint Director of Public Health/Scottish Borders Council/NHS Borders. Ms Susan Walker was in attendance to represent Dr Paterson, she advised that in accordance with the Scottish Borders Licensing Board Statement of Licensing Policy 2013 2016, the Licensing Board would expect an organisation considering applying, to take into account whether or not it was appropriate to have the sale of alcohol forming part of an event, particularly child centered events. Observations were that this event was a child centered event and therefore did not require to sell alcohol. Exposure to alcohol and witnessing adult drinking could influence our children’s future drinking habits. Our children and young people had the right to grow up in an environment where communities were safe, thriving and were able to grow up safe from alcohol-related harm. Communities should be created where alcohol was not required as part of a family fund event. It was hoped that the Board would use its powers to improve our community’s relationship with alcohol and implement its Licensing Policy in this regard. Dr Paterson’s letter drew the Board’s attention to the Alcohol Profile 2014/15 which highlighted Galashiels West as one of the Intermediate Geographies within the Scottish Borders with the highest rates of alcohol related problems, namely (a) alcohol related emergency attendances; (b) alcohol related hospital stays; (c) deaths from alcohol conditions; and (d) alcohol relative anti-social behavior. The Board was asked to consider this evidence prior to any decision being made.

Mr Laurence Reid, Personal Licence Holder, Macarts and a representative from Big Fish Little Fish were present. The representative from Big Fish, Little Fish confirmed the function was aimed at families who had children aged 0 – 8 years old. She submitted that other family events in the Borders were granted similar licences. Adults on their own were not allowed admittance to the event. Mr Laurence Reid advised that only 20% of events within Macarts required a licence. Although he understood the Licensing Board’s policy he advised that the event organisers had visited the premises on two occasions and they had appropriate policies in place. The event itself would only last 2.5 hours and in that time period bar sales would be fairly low and he submitted there would be less alcohol consumed at the event compared to events such as common ridings or weddings.

Mr Wynne advised he had discussed the application with a representative of Big Fish Little Fish who had indicated if the licence was not granted that the event would be cancelled. He considered that the event would be a success without alcohol being served and there would be no risk of exposure to children.

Councillor White expressed concern in relation to wording in the Alcohol Profile 2014/15 which highlighted that Galashiels West was one of the intermediate geographies within the Scottish Borders with the highest rates of alcohol related problems and asked that these remarks be withdrawn. In response Ms Walker

advised this information was based on data received and would remain in place.

Councillor White in speaking about creating a café culture similar to that in Europe moved that the application be granted but this received no seconder. All other Members were of the opinion that granting the licence would be contrary to the Licensing Board's policy statement and the licensing objective "protecting children from harm".

**DECISION
REFUSED.**

- (d) **Section 68: Application for Extended Hours.** The Board considered the following application for Extended Hours:-

Daniel McKay

Lauderdale Hotel
1 Edinburgh Road
Lauder
6 August - 8.00am - 11.00am
and 1.00am - 2.00am
Common Riding
Breakfast/Evening
Late Bar

There had been circulated copies of
(a) a letter dated 8 June 2016 from Police Scotland. Inspector Bennett advised that the applicant currently held a premises licence allowing the sale of alcohol between 11.00 am to 11.00 pm Mondays to Wednesdays, 11.00 am to 12 Midnight, Thursdays, 11.00 am to 1.00 am Fridays and Saturdays and 12 midday to 11.00 pm on Sundays. The applicant had applied for two distinct extensions to licensed hours. The first was a three-hour extension; from 8.00 am to 11.00 am hours on Saturday 6 August the second was a one-hour extension the same trading day, from 1.00 am to 2.00 am Sunday 7 August. Section 68(1)(b) of the Licensing (Scotland) Act 2005 allowed applications for extended hours to be granted if the Licensing Board considered it appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance. The applicant had indicated that the extended hours requested on the morning of 6 August 2016 were required to facilitate the Ex Cornets Breakfast for Lauder Common Riding. This was accepted as being associated with Lauder Common Riding, which was a special event of local significance. The applicant had indicated that the extended hours requested on the evening of 6 August 2016 were required to facilitate Lauder Common Riding Late Bar. While the Lauder Common Riding Celebrations continued throughout the day with specific events taking place at various locations within the town this application appeared to be purely to facilitate late drinking on the premises. If granted, the terminal hour for the premises would be out with the guidelines contained within the Licensing Board's Statement of Licensing Policy 2013 – 2016 which stated "7.3 – as far as on sale hours were concerned, the Board would not normally grant applications for more than 14 hours in any 24 hour period. Where there was no significant entertainment and alcohol consumption was the principal activity, hours should not extend beyond 12 midnight Sunday to Wednesday and 1.00 am Thursday to Saturday, with a commencement time of 11.00 am seven days a week. In previous years, incidents related to the excessive consumption of alcohol at licensed premises associated with Lauder Common Riding had been reported. This had been particularly apparent during the late evening and necessitated a police presence

into the early hours of the morning. If the extended hours applied for were granted, the Chief Constable was of the opinion that this might encourage other applicants to seek an increase in the terminal hour to 2.00 am. This was likely to exacerbate the risks around excessive alcohol consumption which the Licensing Board's Statement of Licensing Policy was designed to mitigate. For these reasons, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, the Chief Constable objected to the application for extension of hours between 1.00 am to 2.00 am for the purposes of the preventing public nuisance and protecting and improving public health licensing objectives.

(b) a letter dated 6 June from Mr M. Wynne, Licensing Standards and Enforcement Officer. Mr Wynne in referring to the extension applied for from 8.00 am to 11.00 am on 6 August stated that while the early start was common to most Licensing Premises in Lauder, to enable them to provide breakfast refreshments to those participating in or supporting the mounted processions, the late hours from 1.00 am to 2.00 am would be unique to these licensed premises with the other premises in the town terminating their core hours at the normal 1.00 am. The only other licensed event within Lauder on this date was the Annual Common Riding Ball which was to be held in a Marquee in the Public Park, this would operate under terms of an Occasional Licence with core hours extending until 2.00 am. Like most other annual Festival/Common Riding balls this was a pre-sold ticketed and professionally stewarded event. While the early hours applied for were linked to Breakfast provision, the late hours until 2.00 am were not linked to any official event within the Common Riding Programme, being held at the applicant's premises. There was no doubt that having one of the licensed premises, open an hour later than the others, within this small town on a busy day like Common Riding Saturday could prove problematic with crowds moving from other premises to try and gain access to the later opening premises between 1.00 am and 2.00 am. It would also create a trading period of eighteen hours which was outwith the Board's preferred policy of premises operating for a maximum of 14 hours at any one period. Mr Wynne referred to Section 7(8) of the Policy which stated "The Board did not consider that all events connected with historic common ridings and summer breaks festivals should automatically be seen as justification to extend licensed hours thereby subsequently increasing the consumption of alcohol. Mr Wynne advised that in his opinion granting the late hours applied for would be likely to cause Public Nuisance and would also be outwith the terms of the Licensing Board's current policy statement.

(c) a letter dated 10 July 2016 from Mr Wilson McKay. Mr McKay was present and advised that historically, when he requested advice from the Licensing Department regarding a one hour extension to facilitate the Lauder Common Riding Ball in the grounds of the Lauderdale Hotel four years ago, he was informed that no event would be granted this type of extension. He accepted this explanation but found out the following year that he had lost this business and the ball was moving to Lauder Public Park with a licence to 2 am. Both last year and two years ago he applied for the same extension to allow the Lauderdale Hotel to offer a service to members of the public, both local and visitors choosing to celebrate the Common Riding but not attending the formal ball. The Lauderdale Hotel provided a full hotel service during the Common Riding day and in the evening. Music, both live traditional and contemporary disco, were featured. Food and accommodation were also part of the service. The current application was again submitted in the full understanding of the regulations as they stood and Mr McKay accepted them. He was applying for the same conditions and privileges given to other businesses; this to him was a

matter of equal opportunity, taking into account that The Lauderdale was one of the largest rate payers and employers in Lauder this was a fair and reasonable request. To use the reference that they were not part of the Common Riding Civic Week Celebrations was less than sincere. The Common Riding Week Civic Week received a public grant, and as a local business Mr McKay felt he should have the right to conduct his business with the same privilege as others, and also as a business rate payer and contributor he felt he had the right to apply on behalf of his business for this privilege. Taking into account the economic trading conditions it was important that as a business all opportunities were traded on. He explained he only served breakfast on Common Riding morning, there was no alcohol sold at the breakfast. In regard to the letter from the Chief Constable Mr McKay agreed that the Common Riding Civic Week was a special event of local significant, however there were locals and visitors alike attending the celebrations who did not want to attend the ball or who could not afford to. This did not mean their celebrations should be cut short. Mr McKay disagreed with the assumption on behalf of the Police that his application was purely to sell alcohol. The mention of incidents in previous years which appeared to be used to influence the outcome of his application did not stand up on fact. Police Scotland under Freedom of Information had advised that five incidents were recorded over several years, none serious. Mr McKay considered this indicated that the general public attending Lauder on these occasions were well behaved. However this did not take away from the important role the Police played in ensuring these events go off as planned and the public had a safe and enjoyable time. Over a fifteen year period Mr McKay had never had the need to employ stewards; there were no admission charges to the celebrations held inside the Lauderdale Hotel during Common Riding Civic Week.

During the discussions which took place Mr Bennett advised that the Freedom of Information response referred to the number of arrests which had taken place. This did not take into account any incidents which had occurred. Councillor Stewart was minded to grant the licence as this would enable feedback from Police Scotland to ascertain how granting such a licence affected Lauder.

VOTE

Councillor Stewart, seconded by Councillor White moved that the application be granted.

Councillor Paterson, seconded by Councillor Archibald, moved as an amendment that the application be refused.

On a show of hands Members voted as follows

<i>Motion</i>	-	4
<i>Amendment</i>	-	3

Accordingly the application was granted.

**DECISION
GRANTED.**

PRIVATE BUSINESS

- 4. 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

5. Licensing (Scotland) Act 2005 - Section 72: Application for Grant of Personal Licence.

Members granted the application for Grant of Personal Licence to Mr Billy McMath.

The meeting concluded at 11.15 a.m.

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MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
19 August 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, B. Herd, G. Logan, D. Paterson, T. Weatherston, B. White.
Apologies:- Councillors R. Stewart, J. Torrance,
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 (K. Mason), P.C. C. Lackenby, Inspector M. Bennett - Police Scotland.

INSPECTOR M. BENNETT

1. The Convener advised that owing to a restructure within Police Scotland this would be the last meeting of the Licensing Board at which Inspector Bennett would be in attendance. He thanked the Inspector for all his hard work with the Licensing Board.

LAUDERDALE HOTEL – APPLICATION FOR EXTENDED HOURS – 6 AUGUST 2016

2. In response to a question raised in relation to the application for extended hours for the Lauderdale Hotel on 6 August 2016 which had been granted by the Licensing Board at the last meeting, Inspector Bennett advised that whilst there was a degree of inebriation surrounding the Lauder Common Riding on 6 August 2016 there had been no issues of concern for Police Officers on duty at the event.

MINUTE

3. The Minute of Meeting of 22 July 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

LICENCES DEALT WITH UNDER DELEGATED POWERS

4. For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 13 July to 10 August 2016. In response to a question raised relating to a number of occasional licences for shooting parties and Lylestane Farm House, Lauder, it was explained that alcohol was included in the package for guests.

**DECISION
NOTED.**

5. **LICENSING (SCOTLAND) ACT 2005:**

(a) **Section 20: Application for Premises Licence.** The Board considered the following applications for Grant/Provisional Grant of Premises Licence:-

(i) Andrew Aird

Hillside Filling Station
Hillside Terrace
Selkirk
Provisional

Operating Plan includes provision of off sale facility.

There had been circulated copies of a letter dated 5 August 2016 from Police Scotland. Inspector Bennett advised that neither the applicant nor any connected person had been convicted of any relevant offence. He was unable to confirm the existence of any foreign offences in respect of the applicant or any connected person. The premises currently operated as a garage with the primary function being the retailing of petrol and diesel, with an ancillary provision of groceries. It might be pertinent to make specific reference both to Section 123 of the Licensing (Scotland) Act 2005 and Section 8 of the associated Guidance for Licensing Boards and Local Authorities in consideration of this application, under the criteria of "Excluded Premises".

Mr A. Aird was present accompanied by Mr Angus Towers, General Manager Adam Purves and Richard Garrie, Forecourt Manager, Adam Purves. Mr Aird explained that Adam Purves operated Hillside Filling Station on his behalf. The premises were in the process of a major upgrade and the sale of alcohol would be a small component of the products available. Members were provided with an explanation of the legislation relating to "Excluded Premises".

**DECISION
GRANTED.**

(ii) Adams Kitchen (Partnership of A. Niemczewski & K. M. Raczynska)	Adams Kitchen 16 High Street Hawick Provisional
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Operating Plan includes provision of an on sale facility.

No representations had been received.

Ms Raczynska was present. She advised that she had taken over the premises and wished to provide alcohol to accompany meals.

**DECISION
GRANTED.**

URGENT BUSINESS

6. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener 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.

ALCOHOL FOCUS SCOTLAND - TRAINING EVENTS

7. The Managing Solicitor advised he had received notification of a training event to be held at various locations throughout September from Alcohol Focus and he would forward details to the Convener for consideration.

**DECISION
NOTED.**

PRIVATE BUSINESS

8. 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

Minute

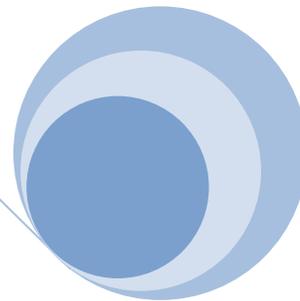
9. The private section of the Minute of Meeting of 22 July 2016 was approved.

The meeting concluded at 10.15 a.m.

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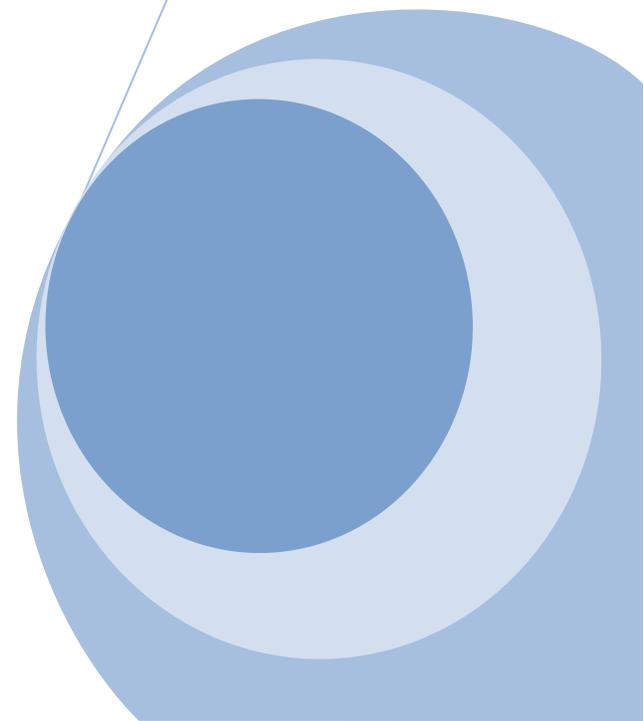
Scottish Borders Licensing Forum



Annual Report 2014-15

Ian Tunnah (Convener)

22.10.15



Membership/Acknowledgements

Over the previous year, the Forum has continued to be active in the Scottish Borders and has met four times. The Licensing Forum (Forum) has seen changes within the membership including new members from Police Scotland, Community Councils and Trade as well as the role of the Convener.

The forum would like to formally thank Cllr Ballantyne (Ex – Convener), Chief Insp Paula Clark, Sandy Craig and Elaine Whitehead for their support and contribution in taking the Forum forward over the previous years.

The forum would also like to thank Anne Isles for her advice and support on legal matters since the Forums' inception.

Ongoing support has also been provided by Alcohol Focus Scotland throughout 2015 which the Forum would like to acknowledge.

Overview of activity

Survey

In the Spring the Forum agreed to carry out a self assessment questionnaire to help identify any developmental needs. Each member of the Forum was asked to complete the survey online to help identify how they feel the Forum is currently performing and where individual members feel more information and support would enable the Forum to function better. This identified a number of areas for improvement and action. These included:

- Communication with forum members, members of the community and Licensing Board.
- Specific training on impact of Licensing Act, Policy Statement and how licensing decisions are made.

A formal presentation was made to the Forum members regarding the outcomes of the survey and Alcohol Focus Scotland were invited to attend to support discussion around further training needs. Please see [Appendix 1](#) for the Survey Report.

Licensing Board Attendance

Forum members have continued to attend Licensing Board monthly meetings when able, it is, unfortunate however that more of the members are not able to attend due to work or other commitments. It is intended that this issue is partially addressed in the future by Forum members giving more attention to the Licensing Board Minutes, with those who do attend explaining the reasoning etc. used by the Board to determine applications, i.e. Licensing Objectives, Policy, Alcohol Profile etc.

The confusion around Boards policy was noted on several occasions, a worthwhile suggestion may be for regular awareness/training sessions particularly when applications highlighted as being out with policy are listed on the Boards Agenda, and perhaps greater clarity with reference to the Policy once any such applications are determined. The Forum members do appreciate that every application is determined on its own merits and that the Boards Policy does allow a fair degree of flexibility.

Training

Development Day

A development day was designed based on the identified need from the Forum Survey by Alcohol Focus Scotland, Licensing Standards Officer & ADP Development Officer. This was piloted in September 2015 with the view that this could rolled out to other Forums in Scotland. See Appendix 2 for a copy of the training booklet.

This training brought together members of the Legal and Licensing Team and Forum members for a day to increase awareness of the role of both the Licensing Forum and Board. This included case studies, difficulties and opportunities for Licensing Boards, increase understanding of how the Licensing Board makes its decisions and the basis that decisions are made i.e Statement of Licensing Policy, Overprovision and Licensing Objectives. The outcome of this training day allowed the development of an Action Plan for the Forum which includes:

- Statement of Licensing Policy 2013 – 2016 Review
- Community Engagement (Forum input to Area Forums)
- Improve understanding of Licensing Board decisions
- Publication of Alcohol Profile.

This Action Plan is attached as [Appendix 2](#) for your information.

The training evaluated positively and members agreed that this was a valuable exercise.

Awareness Inputs

In addition to the Development Day, the Forum has also had awareness inputs by the Licensing Standards Officer/ADP Development Officer on the following Bills:

- Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill
- Air Weapons and Licensing (Scotland) Bill (now Act)

The aim of this is to ensure Forum members are kept fully informed as to proposed changes.

Profile

The third edition of the Alcohol Profile is currently underway. As part of the ongoing collaboration with the Licensing Board, a survey was carried out with members in October 2015 to identify how helpful the Profile is in supporting them in their business and any required improvements. A report was sent to both the Licensing Forum and the Licensing Board with the results. Please see [Appendix 3](#).

Areas of improvement identified by Board members have now been incorporated into the Draft Alcohol Profile and it is hoped by the Forum that this resource is utilised fully.

Forum representatives from the Trade have also created a short survey to gather a snapshot of views within their own communities reflecting changes in consumption patterns (Hawick/Kelso).

Finance

No costs have been incurred other than catering for the Development Day.

Appendix 1

Scottish Borders Local Licensing Forum Survey

Susan Walker

ADP Development Officer

ADP Support Team

March 2015

Contents

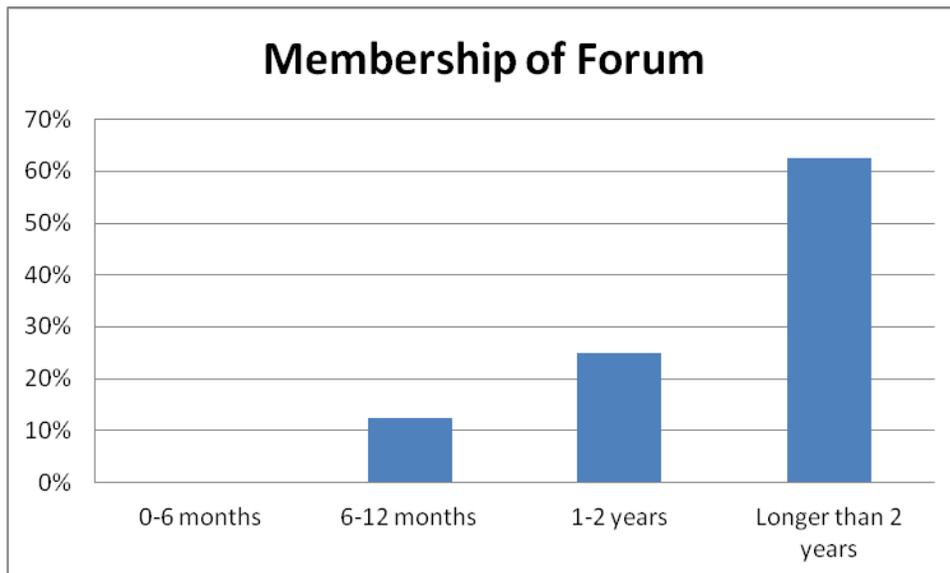
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- 2. Length of time on Forum 3
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- 5. Communicating with Licensing Board 6
- 6. Data, research and evidence 7
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- 10. Other comments made..... 12

1. Introduction

Scottish Borders Licensing Forum (Forum) agreed to carry out a self assessment questionnaire on 27th January 2015 to help identify any developmental needs. Each member of the Forum was asked to complete the survey online to help identify how they feel the Forum is currently performing and where individual members feel more information and support would enable the Forum to function better. The benefit of completing the survey allows members to remain anonymous and present their opinions about the Forum. A total of 8 responses were received which was a 50% response rate. This report collates the responses received and will be presented to the Forum on 24th March to enable members to reflect on the survey responses and identify areas for improvement and action.

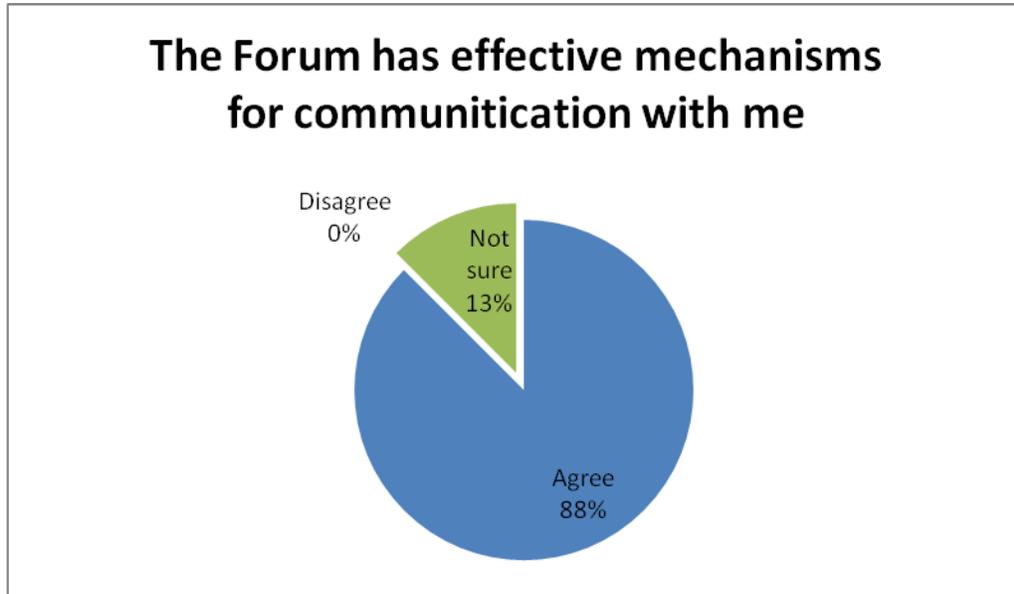
2. Length of time on Forum

The majority of respondents (5) who responded to the survey had been a member of the Forum for longer than 2 years.



3. Communication with Forum members

Members were asked if they felt the Forum has effective mechanisms for communicating with them. The large majority (7) felt that the Forum did.



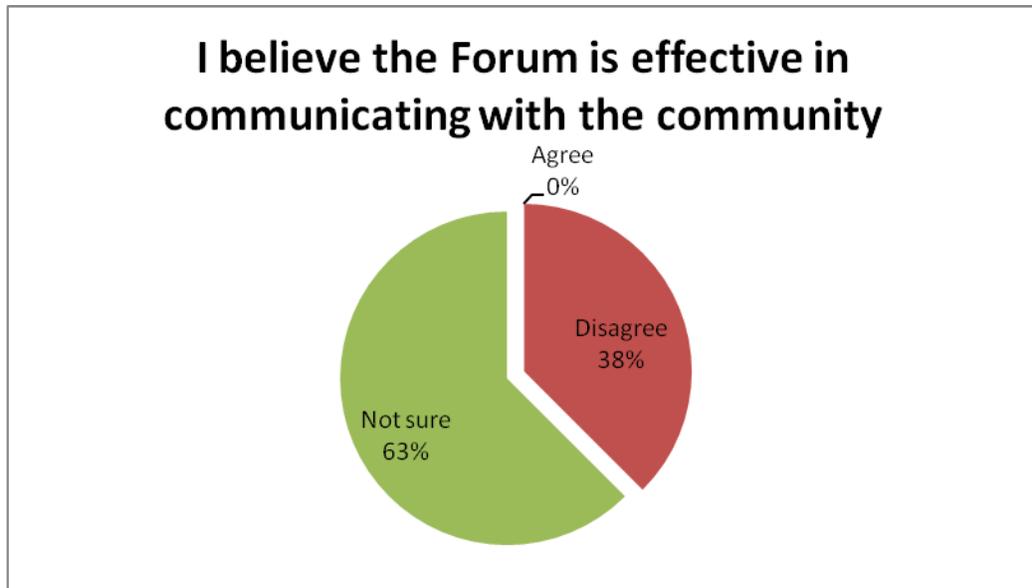
Email was felt to be the most effective method via Admin Support in SBC who can ensure that all information is passed through them. The webpage hosted on SBC was also highlighted as a useful resource to provide an overview of the Forum. However, one participant highlighted previous issues with email communication not being received.

Summary of Improvement suggestions:

- Large documents to be provided on paper copy
- Ensure all members have access to emails
- Request email receipt to ensure everyone has received information
- Ensure email distribution list regularly reviewed to ensure up to date and active

4. Communication with members of community

Results showed that respondents were either unsure (5) or did not feel (3) that the Forum was effective in communicating with members of the community.



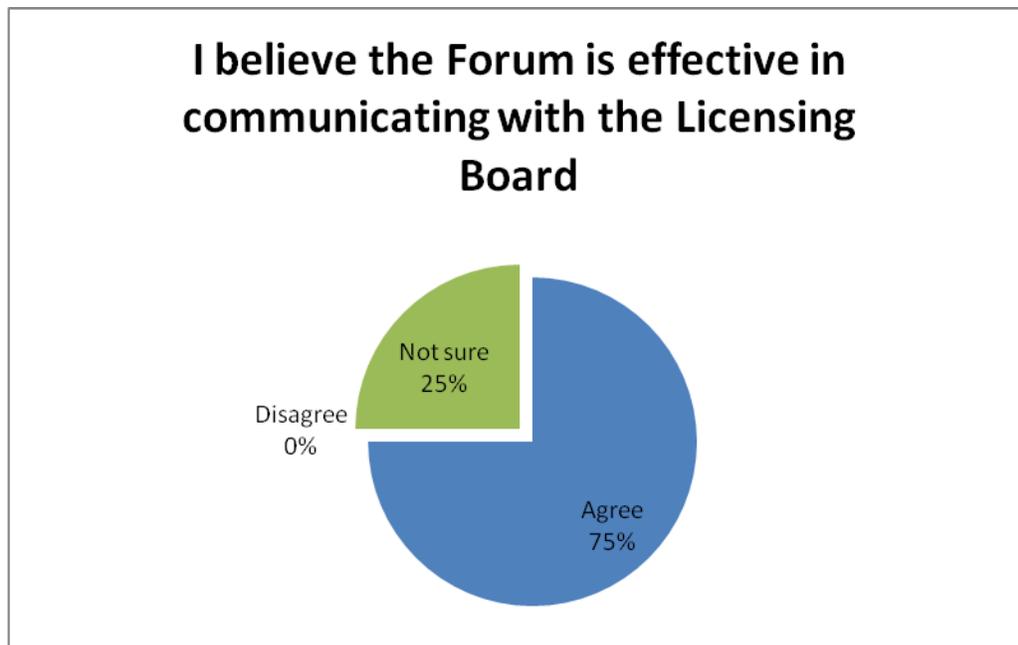
Respondents noted that they were unclear about whether members of the community were aware of the Forum and its role and that comments from the community were not actively sought. Respondents highlighted various previous attempts to do this via website, articles in media, local conference and community council attendance .

Summary of Improvement suggestions:

- More advertising through local media
- Contribute to local community council newspapers and seek feedback
- Improve the involvement of representatives from wider community
- Find out where would be best to inform community about Forum
- Explore how other LLFs are able to bring community views to the table
- Ensure webpage kept up to date with access to minutes etc.
- Briefing note to Community Councils with role of Forum, activities and how they can feed in concerns about licensing from community to Forum
- Follow up on Community Learning and Development representation

5. Communicating with Licensing Board

The majority of respondents (6) felt the Forum is effective in communicating with the Licensing Board however a quarter of respondents were unsure.



The joint meeting between the Licensing Board and the Forum was highlighted as a helpful process to inform each other of work undertaken in previous year. Respondents highlighted that most board members were both interested in what the Forum was reporting and 'had some previous knowledge of previous topics which was encouraging'. However some respondents were not sure whether this is as effective as it could be and in particular one participant felt there was still some work to be done to help the board understand how things are 'at the coal face'. That said, respondents noted that the annual meetings had improved over time with positive dialogue.

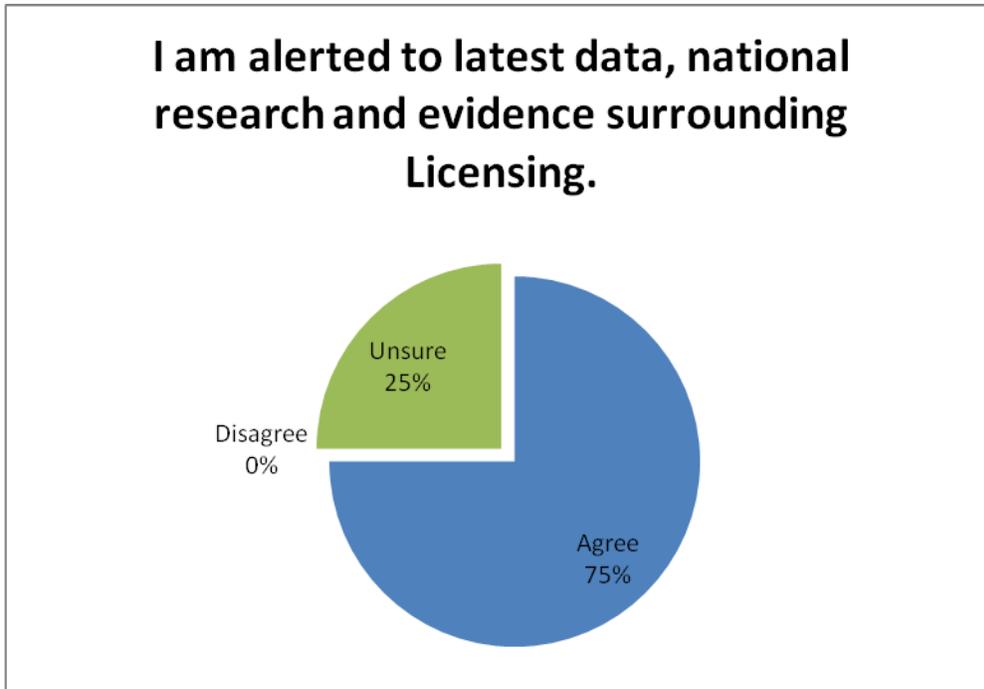
Summary of Improvement suggestions:

- Joint Training (3 respondents suggested)
- Discuss in the Forum what would be helpful to receive from the Licensing Board. (? quarterly report to Forum on statistics that were presented at previous annual report)
- Progress suggestions to have 2 annual meetings with the Licensing Board (One for scrutiny and one for training/discussion)
- Ask the Licensing Board what they would find helpful from the Forum
- Revisiting the roles of each and refreshing joint training where the interface could be reinforced and built on

- Continued communication

6. Data, research and evidence

The majority of respondents(6) felt they were alerted to latest data, national research and evidence surrounding Licensing. However a quarter of respondents were unsure.



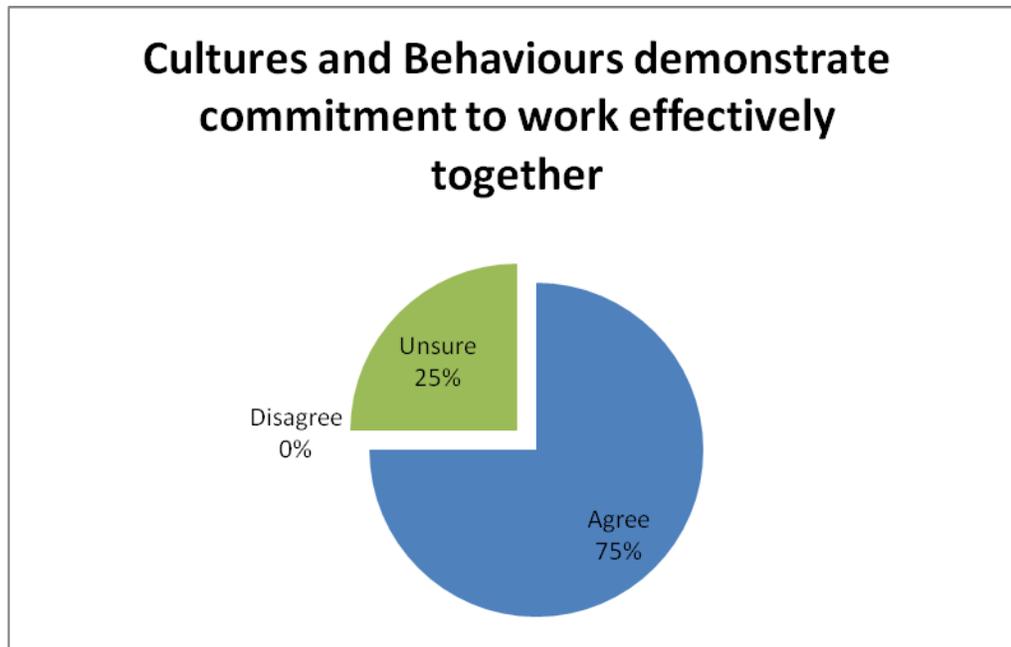
Regular bulletins from Alcohol Focus Scotland, health statistics and consultations were identified by respondents. However it was noted that one participant had identified some interesting studies whilst conducting their own research but had not been alerted to this via the Forum.

Summary of Improvement suggestions:

- Ensure members have access to internet/emails
- Consider development of E-Newsletter for Board and Forum on latest **local** licensing news e.g. update on alcohol profile, test purchasing, responsible drinking initiatives, Best Bar None.

7. Leadership

The majority of respondents (6) felt that the overall culture of the Forums and the behaviours typically displayed by individual members demonstrate a commitment to work together effectively. A quarter of respondents were unsure.



Respondents noted that all members share ideas and there are open and constructive discussions that take place in the Forum meetings. Members are willing to listen to issues/concerns objectively and the Chair recognises what is said. Previous joint work by members was identified and respondents felt there was a good mix within the Forum. Some members were recognised by respondents as 'being more proactive (potentially because of their jobs)' and having staff who work closely with the Board in attendance (LSO and Clerk) was also found to be helpful in discussions.

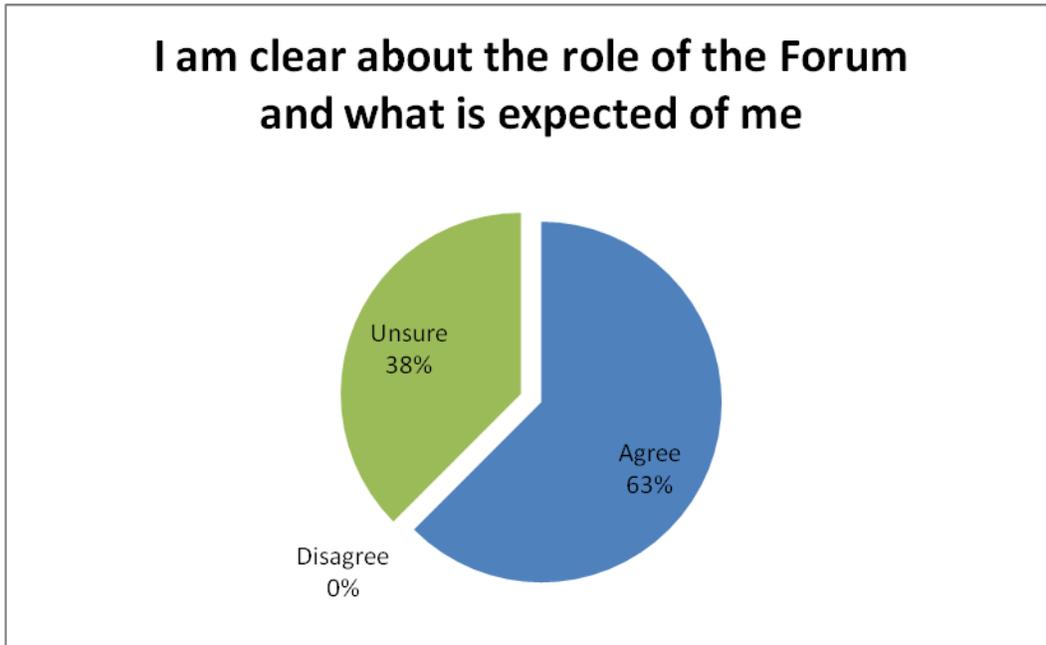
Summary of Improvement Suggestions:

- Induction training for new members (3 respondents suggested)
 - Group training very beneficial, not sure a DVD would have same effect
 - Could include meeting other Forum members and the different roles e.g. LSO, Trade, Police, Health
- Regular CPD for all members including revisiting the role of the Forum
- As part of the role of the Forum, look at events/sessions which are designed to support the local licensing trade.

- Important that new Forum members are given opportunity to ask questions and feel safe in doing so as well as longer term members.
- Switch off /silence mobile phones

8. Role of Forum

Members were asked if they were clear about the role of the Forum and what is expected of them. 62% (5) of respondents agreed with this however 38% (3) of respondents were unsure.



Some respondents commented that although they were clear on the role of the Forum they were not so clear about what is expected of them other than attend meetings and to possibly get involved in ongoing activity of the Forum. Previous personal license training has also helped understanding for some respondents. One participant commented that 'sometimes I feel we cover more areas than I expected to cover' however it was unclear from this response if this was viewed as positive or not.

9. Training needs

The majority (7) of respondents felt they had sufficient knowledge, understanding and experience of current licensing law in Scotland. When asked if they would like more training on the following areas, the number of respondents who ticked yes is outlined below:

Topic: Licensing Law	Number of respondents who ticked topic as learning need
The purpose of licensing (e.g. to regulate sale of alcohol, the five licensing objectives)	1 (out of 6)
Scottish Borders Statement of Licensing Policy 2013 – 2016	2 (out of 6)
The different roles in licensing (e.g. the Licensing Board, Local Licensing Forum, Health Board, Police, Licensing Standards Officer)	1 (out of 6)
How licensing decisions should be made (e.g. using the statement of licensing policy, legal grounds for grant/refusal)	3 (out of 7)
Developing a statement of licensing policy (e.g. evidence and consultation)	5 (out of 7)
Conditions that can be attached to licensed premises (e.g. national mandatory conditions, local conditions, relation to the sale of alcohol)	2 (out of 7)

Again the majority (7) of respondents felt they had sufficient knowledge and understanding of alcohol issues. When asked if they would like more training on the following areas, the number of respondents who ticked yes is outline below:

Topic: Alcohol Issues	Number of respondents who ticked topic as learning need
The context of alcohol in society (economic impact, role of National and Local Government, advertising policy and impact, effects of drink driving laws)	2 (out of 7)
Impact of Licensing (Scotland) Act 2005	5 (out of 8)
Alcohol and public disorder (e.g. drinking patterns, licensed hours and outlet density, harm reduction measures for licensed premises)	3 (out of 7)

Alcohol and health (e.g. short- and long-term impacts of binge drinking and heavy drinking; level of alcohol use/health harm locally)	1 (out of 5)
Alcohol and social harm (e.g. impact on crime, communities, children, education, social work)	3 (out of 7)
Overprovision (e.g. links between availability of alcohol and alcohol harm)	2 (out of 7)
Strategies to reduce alcohol harm (e.g. population based approach, outlet density, harm reduction, harm prevention, minimum pricing, marketing)	3 (out of 7)

From the survey it appears the following areas of training would be of most benefit to members:

- Impact of Licensing (Scotland) Act 2005
- Developing a statement of licensing policy (e.g. evidence and consultation)
- How licensing decisions should be made (e.g. using the statement of licensing policy, legal grounds for grant/refusal)
- Alcohol and public disorder (e.g. drinking patterns, licensed hours and outlet density, harm reduction measures for licensed premises)
- Alcohol and social harm (e.g. impact on crime, communities, children, education, social work)
- Strategies to reduce alcohol harm (e.g. population based approach, outlet density, harm reduction, harm prevention, minimum pricing, marketing)

Format of training:

Face to face training with inputs from different speakers was the favoured method of delivery. However online and shadowing was also acceptable to some respondents.

	Yes	No	Unsure	Total Respondents
Face to face inputs	87.5% (7)	12.5% (1)	0	8
Online Training	43% (3)	43% (3)	14%	7
Shadowing	29% (2)	71% (5)	0	7

Timing of training:

From information provided, the most desirable timing for training would be afternoon, although 4 out of 5 respondents also noted a full day to be helpful.

	Yes	No	Total Respondents
Morning	80% (4)	20% (1)	5

Afternoon	100% (6)	0	6
Evening	0	100% (2)	2
Full Day	80% (4)	20% (1)	5

One participant highlighted the benefit of having a development day as follows:

- 10.00am – 3.00pm
- Inputs from variety of speakers
- lunch (networking)
- Improvement suggestions from needs identified from survey

10. Other comments made

Some more general comments were made as follows:

- I was fortunate that my job was in a licensed premise. I had also done my personal license holder training. Before joining the Forum, I done formal Forum training with other Forum members from throughout Scotland
- Training by way of speakers would be useful, although sessions would need to be fairly short to ensure retention span, costs would however have a big impact on this.
- The real decisions regarding alcohol misuse are being avoided by Politicians on all sides simply because tackling it would prove unpopular with the voting public. Things will continue in the current vein until either the government’s policies or the public’s perception changes.
- Nothing has been discussed about how the Forum can work with the Licensed Trade as in this economic climate this is important for all communities. Alcohol consumption is controlled on trade and more work should be undertaken to support this area. All data seems to be collected on medical issues and social aspects are being ignored. Hospitality employment is crucial in rural areas and should not be compromised.
- Consider bi-annual conference (previous one carried out in Nov 13) as part of CPD. Like to be made aware of any training for Forum members outwith Borders where other Forums would be attending.
- Some members have just stopped attending. Where this happens could there be an exit type exploration about their reasons for leaving to help identify any improvements required in Forum/understanding of role?

Appendix 2

Local Licensing Forum Action Plan 2015 - 16

	What we need to do	Action	Lead	Timescales	Outcome	Status
1	Improve communication with LLF	<ul style="list-style-type: none"> If any large documents are required in hard copy, LLF members to request from Committee Officers Ensure distribution list kept up to date Have 'email receipt' as routine Ensure webpage kept up to date with access to minutes/agendas 	<p>LLF Members</p> <p>Chair to liaise with Committee Officers</p>	End October 2015	Improved communication with all LLF members.	Complete
2	Gain a better understanding of decisions made by Licensing Board (LB).	Develop and maintain database with outcomes of decisions made in LB where objections have been supplies.	Police		LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders.	
		Send out LB minutes of meetings held between LLF meetings.	Committee Officers	ASAP		Ongoing
		Have LB minutes as standing item on LLF agenda for review and discussion.	Committee Officers	First meeting 2016		Complete
		Request annual report for joint meeting	Chair	ASAP		

		in December 2015 to be circulated prior to the event.				
3	Ensure communities are better able to respond to applications and views will be considered by Licensing Board.	Find out how to access Area Forums: Berwickshire – Pauline Bolson pbolson@scotborders.gov.uk Cheviot – Fiona Henderson fhenderson@scotborders.gov.uk Eildon – Fiona Walling fwalling@scotborders.gov.uk Teviot & Liddesdale – Judith Turnbull judith.turnbull@scotborders.gov.uk Tweeddale – Kathleen Mason kmason@scotborders.gov.uk	Fiona Walling	End October	Improved community engagement and appropriate responses made.	Complete
		Review AFS Community Toolkit and plan visits to 5 Area Forums to increase community's awareness of Licensing Board Policy and how they can submit appropriate representations on applications and variations.	Ian Tunnah/Mark Hay/Claire Penny/ Other rep from Legal Team	End December 2016	Improved community engagement and appropriate responses made.	

4	Reflect On-trade views more effectively in 'Alcohol Profile	Gather snap shot of views from customers on consumption patterns prior to attending their venue.	Neil Gillies/Mark Hay	16.11.15	Licensing Board better informed about consumption patterns	
5	Improve engagement with Licensing Board	Liaise with Clerk to Board about joint CPD sessions (suggest first one on Air Weapons and Licensing (Scotland) Bill at joint meeting on	Chair	06.10.15	Improved knowledge and awareness of Licensing legislation	Complete
6	Improve membership to capture Education/Social Work/Young People representation	Discuss with Community Learning & Development.	Susan Walker	End Dec 2015	Improve representation on LLF.	Not started
7	Inform Licensing Board of work undertaken in Forum over past year	Draft LLF Annual Report in partnership with all LLF members.	Ian Tunnah/Susan Walker	4 th November 2015	Increase LB understanding of LLF	Not started
8	Review Licensing Board Statement of Policy 2013 – 2016	Specific meeting to be set up to start work on this	Committee Officer	12.1.16	Increased understanding of Board Policy	Not started

9	Develop 3 rd Edition of Alcohol Profile	Data being collated, analysed and report drafted.	Susan Walker/Erin Murray/Ian Tunnah	First draft to joint meeting 02.12.15	Evidence to support Board Policy Statement and decision making is available for Board members	Ongoing
		Carry out survey of Licensing Board to find out how helpful the Alcohol Profile is and any further requirements.	Susan Walker	15.10.15		Complete

Appendix 3

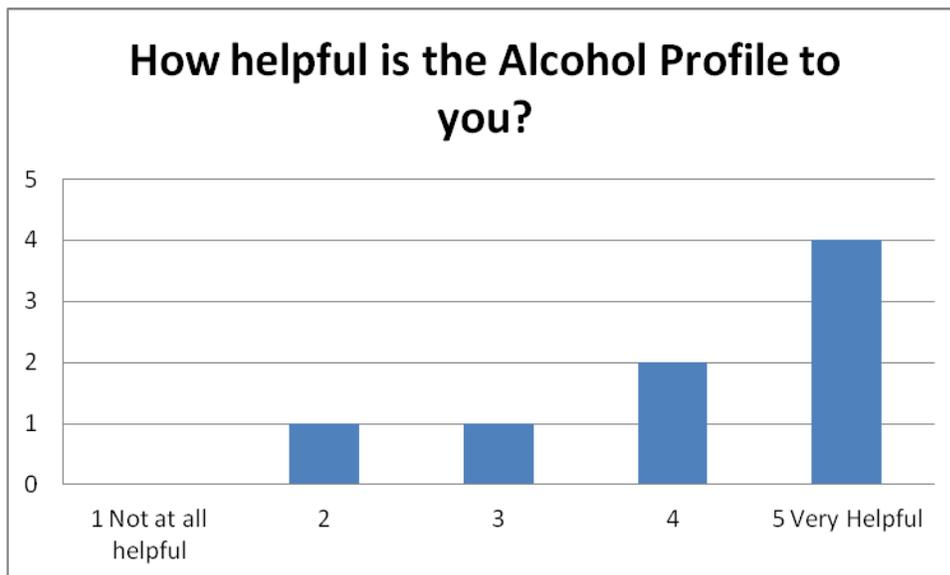
Alcohol Profile Survey: October 2015

The Local Licensing Forum carried out a review of the Alcohol Profile ('Profile') by Licensing Board members about how helpful this was in supporting them in their business and if Profile met their needs. This information will be used to support the development of the 2014-15 Profile.

A summary of the responses is presented below.

1. **Total number of responses:** 8 (80% response rate)
2. **How helpful is the Alcohol Profile to you as a Licensing Board Member?**

The table below shows that although the majority of responders felt the Profile was helpful however there were a couple of individuals that had differing views.

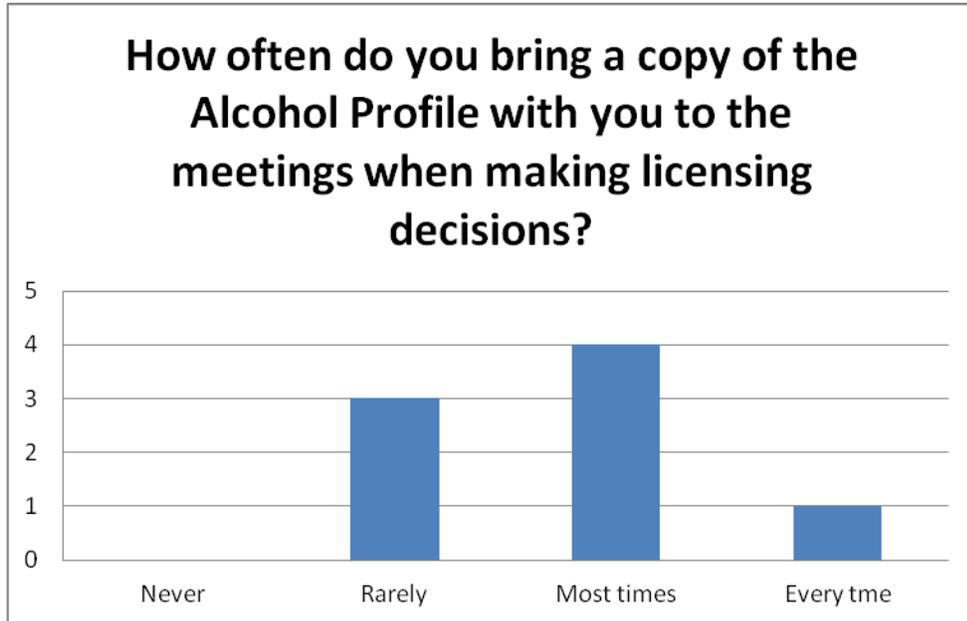


3 What could make the Profile more helpful?

- Please update us on any developments e.g regarding Board decisions elsewhere. Continue to advise us of your meeting dates and agenda

4 How often do you bring a copy of the Alcohol Profile with you to the meetings when making licensing decisions?

Five individuals responded that they brought the Profile to all or majority of Licensing Board meetings and three individuals rarely brought it along.



5 What would make you bring it more often?

- If I thought the content could back up a decision
- Better memory

6 What data would you find helpful to include in the Profile (subject to availability?)

- More information on testing of off licenses especially those that pass successfully and the number carried out.
- More accurate figures on problem areas, not just highlighting night clubs, where you are always going to have problems
- Perhaps a pull out section of statistics/graphs showing ups and downs of our position in the Borders with comparators over other areas
- I find the data available very useful

- Probably unlikely but it would be good to have some indication of the amount of alcohol being sold in supermarkets and off-sales shops. The reason being that in my opinion most folk are now drinking a significant amount of alcohol at home then going to licensed premises.

Commentary

The feedback from the survey is broadly supportive of the Profile but it is recognised that more data on off-sales activity, problem areas and comparisons on the data with other areas would be desirable.

Recommendations

Recommendations on the development of the 2014-15 Profile are:

- Build on the Off-Sales data and impact on overall Licensing Objectives
- Provide Matrix to give better indication of 'problem areas' based on Licensing Objectives
- Consider including capacity of off-sales premises data for Over provision Statement
- Carry out benchmarking with similar local authority areas as per Local Government Benchmarking Framework where data is available
- Include Test Purchasing Information



Is there a need for improved access to licensing data?

The availability of good quality data has been associated with successes in addressing the objectives of the Licensing (Scotland) Act 2005¹ - enabling local issues to be identified and trends monitored over time. However, on the whole, national and local data relevant to licensing is not being collected consistently or in a manner which allows for meaningful comparisons. For example, capacity data is not currently being collected in a standardised way,² which can make assessments of overprovision more difficult. In addition, data collected at local and national level is not always readily accessible to potential users, or presented in the most suitable way for the data to be used effectively.

What is Inn Keeper?

Inn Keeper is an IT software solution for recording liquor and civic licensing issues, which combines administrative licensing data with information on alcohol-related crime and disorder or issues. It allows the Police to receive licensing applications from local authorities electronically, to process these directly onto Inn Keeper and make the necessary enquiries, and then reply with the Police response, with any letters of objection, representation or other correspondence attached. It can also be used to record information and track premises, people and activities related to liquor and civic licensing. Data is input by Police staff at a local level, but can be viewed nationally and broken down by locality.

What types of information does Inn Keeper contain?

All information related to licensed premises is recorded on the software. Examples of the types of information it contains include:

- Numbers of licensed premises (also including data about occasional licenses)
- Operating schedules and layout plans
- Details of breaches of licensing conditions
- Information regarding anti-social behaviour related to alcohol
- Details of any inspections to licensed premises by police
- Details about premises including capacity

Who might find this information useful?

The police already share data from Inn Keeper with key stakeholders as part of the licensing process e.g. when providing comment to licensing boards on individual licensing applications. However, some of the data contained on Inn Keeper could be useful to other individuals and agencies involved in licensing, whether directly commenting on applications or contributing to the development of licensing policy more broadly. This could include:

¹ An evaluation of the implementation of, and compliance with, the objectives of the Licensing (Scotland) Act 2005: Final Report May 2013, NHS Health Scotland

² An evaluation of the implementation of, and compliance with, the objectives of the Licensing (Scotland) Act 2005: Final Report May 2013, NHS Health Scotland

- **Local Licensing Forums** which keep under review the operation of the Act by the Licensing Board in their area.
- **Licensing Standards Officers** who provide guidance, ensure compliance, and mediate on licensing matters.
- **Community Safety Partnerships** which work to reduce anti-social behaviour and fear of crime and to promote safer, more inclusive and healthier communities.
- **Community Planning Partnerships** which co-ordinate public services for a particular area.
- **Alcohol and Drug Partnerships** which are responsible for drawing-up joint strategies for tackling alcohol and drug use in their communities.
- **Community Health Partnerships** which develop local community health services.
- **Community Councils** which represent the community to the local authority.
- **Academics and researchers** who evaluate alcohol related policy and practice.

Questions for stakeholders

Based on the information above, AFS is asking the following questions:

- 1) What types of information, if any, would you wish to access from Inn Keeper?
- 2) For what purposes and in which ways would you use this information?
- 3) Are there any other stakeholders you think may benefit from access to the information contained on Inn Keeper?

Please email your response to aidan.collins@alcohol-focus-scotland.org.uk by **Friday 7th October 2016**

We will collate all responses we receive and provide this information to Police Scotland for their consideration.