

Public Document Pack



LOCAL LICENSING FORUM TUESDAY, 24 JANUARY 2017

A MEETING of the LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on TUESDAY, 24 JANUARY 2017 at
4.00 pm

J. J. WILKINSON,
Clerk to the Council,

17 January 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Appointment of Convener	5 mins
5.	Minute (Pages 1 - 6) Minute of meeting of the Local Licensing Forum of 4 October 2016 to be approved (copy attached).	2 mins
6.	Joint Licensing Board/Local Licensing Forum meeting - review	5 mins
7.	Police Report (Pages 7 - 10) Copy attached.	10 mins
8.	Alcohol Profile Summary 2015-16 (Pages 11 - 24) Copy of Draft Alcohol Profile Summary 2015-16 attached for approval.	10 mins
9.	Consultation on proposed establishment of a National Licensing Forum (Pages 25 - 30) Consider establishment of a National Licensing Forum (copies attached of letter, questionnaire and report regarding joint West of Scotland Licensing Event).	15 mins
10.	Scottish Borders Licensing Board Minutes (Pages 31 - 56) (Copies of Minutes of 23 September 2016, 21 October 2016, 18 November 2016, 16 December 2016 attached).	5 mins

11.	Any Other Items Previously Circulated.	
12.	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, M.W. Hay, Inspector A.Hodges, R. Mackay, A. Maybury, Dr T. Patterson, J. Taylor, G. Todd, S. Walker, M. Wynne.

Please direct any enquiries to Fiona Walling 01835 826504 fwalling@scotborders.gov.uk

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL LICENSING FORUM held in Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday, 4 October, 2016 at 4.00 pm

Present:- I. Tunnah (Convener), S. Bell, N.W. Gillies, R. Mackay, J. Taylor, G. Todd, S. Walker, PC Lackenby (Police Scotland).

Apologies:- M. W. Hay

Also present:- Councillor W. Archibald (Convener – Scottish Borders Licensing Board)

In Attendance:- M. Wynne (Licensing Standards Officer), M. Smith (Youth Community Learning & Development Officer), F. Walling (Democratic Services Officer).

CONVENER

The Convener welcomed to the meeting Mark Smith, Youth Community Learning & Development Officer for Eildon and Councillor Archibald, Convener of Scottish Borders Licensing Board. He then asked for a round of introductions

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

There had been circulated copies of the Minute of the meeting held on 22 March 2016.

DECISION

APPROVED the Minute for signature by the Convener.

3. MATTERS ARISING

With reference to paragraph 2 of the Minute, the Convener gave an update regarding the 'Pub is the Hub' initiative. The Allan Ramsay Hotel had joined the scheme and was offering a programme of entertainment and events as well as walks in the Carlops area.

DECISION

NOTED

- 3.2 With reference to paragraph 3.4 of the Minute the Convener confirmed that presentations on licensing issues had been given to all five Area Fora, by himself, Susan Walker and Mike Wynne. Ms Walker added that further input could be provided on request to any Community Council, in the form of a presentation or copies of the Alcohol Focus Scotland Community Toolkit.

DECISION

NOTED

4. INN-KEEPER - ALCOHOL LICENSING DATA

With reference to paragraph 5 of the Minute of 22 March 2016, regarding the IT software system known as Inn Keeper, there had been circulated a consultation note produced by Alcohol Focus Scotland. The note raised the question as to whether there was a need

for improved access to licensing data. It was recognised that the availability of good quality data had been associated with successes in addressing the objectives of the Licensing (Scotland) Act 2005. However, on the whole, national and local data relevant to licensing was not being collected consistently or in a manner which allowed for meaningful comparisons. Inn Keeper, the IT software solution used by police for recording liquor and civic licensing issues, combined administrative licensing data with information on alcohol-related crime and disorder issues. All information related to licensed premises was recorded on the software, including: numbers of licensed premises; 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; and details about premises including capacity. The police already shared 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 could be useful to other individuals and agencies involved in licensing and licensing policy, including Local Licensing Forums. Alcohol Focus Scotland was 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 this information be used?
3. Were there any other stakeholders you think may benefit from access to the information contained on Inn Keeper?

4.2 Ms Walker pointed out that cross referencing with Inn Keeper would be a useful way of capturing data for the preparation of the annual Alcohol Profile. Information of relevance would be the number of licensed premises; number of occasional licences; record of anti-social behaviour related to premises, which would be of assistance in identifying problems associated with supermarket and off-license sales; and information on premises and capacity, to support an over-provision statement. PC Lackenby stressed that the software was new and that, as no additional resources had been identified to populate the system, it would take five years for it to be fully up to date. With further reference to paragraph 5 of the Minute of 22 March 2016, Mr Gillies raised again the question of how occurrences of 'Incident on Licensed Premises' (ILP) were recorded on Inn Keeper. This issue, which was also recently raised in the Scottish Licensed Trade News, focused on the perception that a licensee who contacted the police to report an incident would automatically receive a negative record against the premises. PC Lackenby explained that there was no specific facility on Inn Keeper to record either a positive or negative mark for the premises associated with an ILP. However there was an additional unallocated box against which there was a space to add other information. PC Lackenby had initiated a process by which this box was used to record, as either positive or negative, the way in which the premises involved had handled the incident. Since he had started recording this information he had noted 10 positive and 2 negative occurrences. Members of the Forum welcomed the initiative being taken by PC Lackenby and asked for this to be flagged-up as an example of good practice in the Borders. The Convener agreed to raise the issue at the police liaison meeting and ask for this to be recognised as a positive course of action.

DECISION

AGREED that:-

- (a) **a response to the AFS consultation on Inn Keeper be submitted, on behalf of the Scottish Borders Local Licensing Forum, to the effect that for the purpose of capturing data for the Alcohol Profile the Forum would wish to access the following types of information:-**
 - (i) **the number of licensed premises and occasional licenses;**
 - (ii) **incidents of anti-social behaviour related to premises; and**

(iii) details about premises including capacity.

(b) that the process be continued in the Scottish Borders of recording on Inn Keeper, as either positive or negative, the way in which ILPs were handled by the licensed premises involved and that this action be recognised as good practice.

5. **FEEDBACK FROM WORKING GROUP ON LICENSING BOARD POLICY STATEMENT**

With reference to paragraph 3.1 of the Minute of 22 March 2016, the Convener confirmed that the short-life working group of N. Gillies, M. Hay, I. Tunnah, S. Walker and M. Wynne had met to identify the areas of change evidenced by the Alcohol Profile in order to bring these to the attention of the Licensing Board. It had been suggested that, as the publication of the new Statement of Licensing Policy was not due until November 2018, the Licensing Board may wish to produce a Supplementary Policy in the meantime. As the last meeting of the Licensing Forum had been cancelled due to lack of a quorum, this was the first opportunity for the Forum to discuss the findings of the working group. A table of suggested amendments for a Supplementary Policy within the Scottish Borders Statement of Licensing Policy had been circulated with the agenda. The Convener highlighted the main suggested amendments, explaining that the focus had been on removing sections of the policy that were considered irrelevant. Members of the Forum discussed the amendments. It was noted that the statutory timescale required to process a Supplementary Policy may be a limiting factor. However it was agreed that the document would be a good starting point for the review of the policy by the new Scottish Borders Licensing Board following the Local Government election in May 2017. Members agreed that the Convener should write to the Licensing Board with a copy of the Working Group's suggested amendments to the Policy.

DECISION

AGREED that the Convener write to the Scottish Borders Licensing Board with a copy of the Forum's suggested amendments to the Scottish Borders Statement of Licensing Policy.

6. **POLICE REPORT**

PC Lackenby explained that his report included statistics for the period from 1 April to 31 May 2016 which had been prepared for the previous meeting of the Forum that had been cancelled; the second reporting period being from 1 June to 30 September 2016. As referred to in paragraph 3 above, PC Lackenby confirmed that, on 23 March 2016, the new Police IT system Inn Keeper, for both Liquor and Civic Licensing, went live. The system would provide a powerful database which would allow licensing officers to access information no matter where they were based. Graphs within the report summarised the number and type of offences that had taken place on licensed premises over the two time periods. There continued to be a high number of thefts involving alcohol. Violence also gave cause for concern. The graph for the period 1 June to 30 September 2016 showed an increase in violence both within and in the vicinity of licensed premises. This had been recognised as a problem that required additional resources and there were ongoing discussions on how best to tackle this. Police had been involved in a number of large events which had not caused any concerns, including Melrose 7s, Common Ridings and Riverside Rock, Jedburgh. Police and Licensing Standards Officers had given a presentation to staff and volunteers at the new Burnfoot Hub, Hawick, to provide guidance of event licensing. PC Lackenby added that they would like to visit more licensed premises to provide the 'Who Are You' training. With regard to the 'Protecting Children From Harm' role, there had been two test purchasing operations since January. The results were very disappointing with three off-sale premises failing in one evening. All three were retested and passed. Police reports were submitted to the Procurator Fiscal for all three failures. A recent application for an occasional licence for a children's entertainment show in Galashiels saw objections being submitted from the Licensing Standards Officer, Health and the Police. At the subsequent Licensing Board hearing the Board agreed with the concerns raised and refused to grant the license. With reference to

paragraph 5 of the Minute of 22 March 2016, the report provided statistics from Inn Keeper regarding objections to license applications made by Police. This showed that, in the period 1 April to 31 May 2016, there had been 18 variation applications processed. A representation on one had been submitted which resulted in the application being amended at the Board hearing. A total of 273 occasional and extended hours applications had been processed but no objections or representations had been submitted. For the period 1 June to 30 September 2016, Police had processed 31 variation applications and submitted an objection for one which had yet to be heard at the Board. A total of 417 occasional and extended hours applications had been processed in that time period. An objection for one was submitted, subsequently refused by the Board as referred to above and representations submitted for three which were subsequently withdrawn. The Convener thanked PC Lackenby for the report.

DECISION

NOTED the report.

7. ALCOHOL CONSUMPTION AND SALES 2015

There had been circulated an information sheet, produced by NHS Health Scotland, summarising alcohol consumption and price in Scotland in 2015. A graph showed the number of units of alcohol sold per adult per week in Scotland and in England/Wales from 1994 to 2015. The latest data showed that, after a fall between 2009 and 2013, alcohol sales in Scotland had increased in the past two years. The figures also showed that in 2015, 20% more alcohol was sold per adult in Scotland than in England and Wales. The increase in alcohol sales in Scotland was due to more alcohol being sold in supermarkets and other off-licences. In 2015, almost three-quarters (74%) of alcohol sold in Scotland was sold from supermarkets and off-licences. With regard to price, the average price of a unit of alcohol sold in supermarkets and off-licences had stayed the same since 2013, while the price in pubs and clubs continued to increase; the average price per unit in Scotland in 2015 being 52p and £1.74 respectively. Other key statistics about sales in Scotland revealed that beer sales had stabilised since 2013 having declined each year since 1994. In 2015 sales of spirits increased for the first time in 6 years and wine sales reached their highest level for over 20 years. The key message was that the downward trend in alcohol sales in Scotland had reversed, due to higher sales through supermarkets and off-licences. This coincided with a flattening of the price of alcohol sold by these retailers. Ms Walker confirmed that members of the Forum were free to use the material presented in the publication at any presentations/information sessions.

DECISION

NOTED.

8. ACTION PLAN UPDATE

The updated Local Licensing Forum action plan had been circulated. Each of the outstanding items were addressed and advice given as to the current position. Actions were recorded as complete as appropriate. With regard to the aim to develop and maintain a database with outcomes of decisions made by the Licensing Board, where objections had been made, PC Lackenby advised that this could not be produced from Inn Keeper and was more difficult to set up than first envisaged. The action remained ongoing. The action to visit all 5 Area Fora to increase community's awareness of Licensing Board Policy was complete. However Mr Smith agreed that it would be useful for the presentation to be given to other groups through Community Learning and Development. The Convener agreed to liaise with Mr Smith to take this forward. In relation to the ongoing action to improve membership of the Forum to capture Education/Social Work/ Young People representation Mr Smith was keen to develop the involvement of young people who, he believed, were interested and wanted to make effective change. In consideration of an action plan for the forthcoming year, Mr Wynne agreed to take this forward with the support of the Convener and Ms Walker.

DECISION

(a) NOTED

- (i) the updates to the action plan; and**
- (ii) that Mike Wynne would develop a new action plan for October 2016 to October 2017, with the support of the Convener and Susan Walker.**

(b) AGREED that the Convener take forward with Mark Smith the involvement of Community Learning and Development to increase community's awareness of licensing issues and the involvement of young people in particular.

9. SCOTTISH BORDERS LICENSING BOARD MINUTES

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 18 March 2016, 5 April 2016, 22 April 2016, 20 May 2016, 13 June 2016, 22 July 2016 and 19 August 2016.

DECISION

NOTED the Minutes.

10. ANNUAL REPORT FOR JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING

It was noted that the annual Scottish Borders Licensing Board/Local Licensing Forum joint meeting would be held on Tuesday 22 November 2016 at 4 pm at Council Headquarters. A copy of the 2014 – 2015 report had been circulated for information. The Convener agreed to draft a report for 2015 - 2016 in similar format. Ms Walker advised, however, that due to other work commitments, a revised edition of the Alcohol Profile would not be completed before the joint meeting but should be available by the end of the financial year.

DECISION

AGREED that the Scottish Borders Licensing Forum 2015 – 2016 annual report be drafted by the Convener, with the support of Mike Wynne and Susan Walker and be circulated by email to members of the Forum for approval.

11. ANY OTHER ITEMS WHICH THE CONVENER DECIDES ARE URGENT. URGENT BUSINESS

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

11.2 ALCOHOL FOCUS SCOTLAND REGIONAL LICENSING EVENT

The Convener reported that he and Susan Walker had attended the recent Alcohol Focus Scotland Regional Licensing Event in Edinburgh. Ms Walker had given a presentation which had been well received. It was also pleasing that areas of good practice around the management of licensing issues in the Scottish Borders had been referred to at this event.

DECISION

NOTED.

11.3 **STATISTICS ON ALCOHOL SALES**

With regard to information on alcohol consumption and sales discussed earlier in the meeting, Mr Taylor referred to the refusal of supermarket chains to provide statistics on alcohol sales which, if available, would enable improvements in national and local policy. He believed that this issue should be raised at a higher level. Ms Walker advised that this was a key message from all areas within Alcohol Focus Scotland and that a meeting had been organised to lobby legislators within Scottish Government.

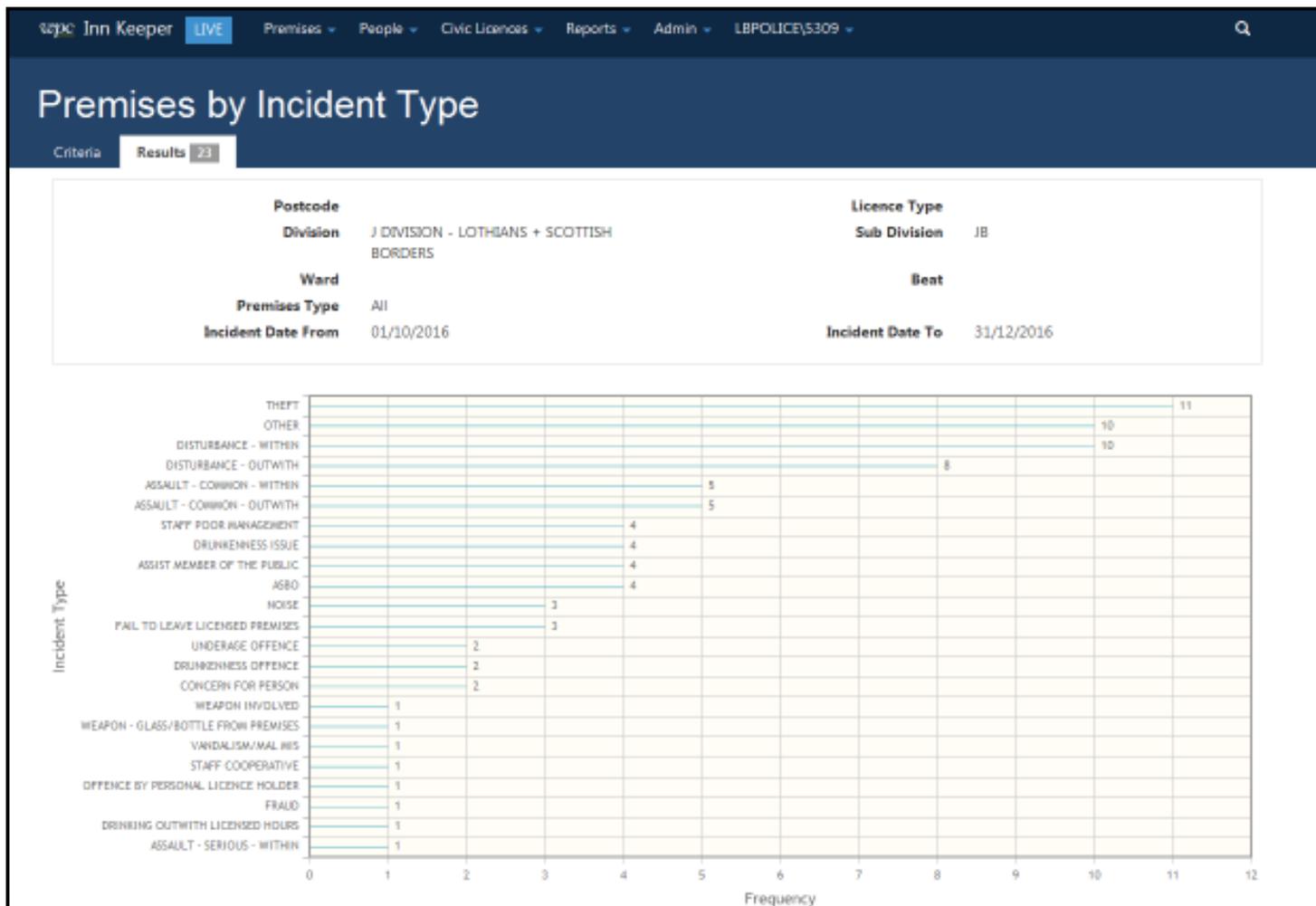
**DECISION
NOTED.**

The meeting concluded at 5.30 pm

Report for Local Licensing Forum
24th January 2017
Period 1st October – 31st December 2016

Preventing Crime and Disorder

The graph below shows the number and type of offences that have taken place on licensed premises between 1st October and 31st December 2016.



There was a small decrease in theft, which is predominately from off sales. The two that occurred at on sale premises relate to buildings that are under renovation / derelict and do not relate to alcohol.

There were 13 incidents of violence, including 1 serious assault whereby the victim suffered a broken jaw and 2 incidents where weapons were involved within premises.

Securing Public Safety

There have been 4 incidents where poor management was identified as a causal factor. These include a members club in which the bar steward allowed a 1 year old birthday party. However, he left the premises in the care of the partygoers and went home. An intervention took place, which has resulted in the removal of the bar steward.

There have been 2 further interventions to deal with staff failing and the premises have been subject to tasked inspections to ensure that the staff and management work to ensure there are no repeat incidents.

The interventions are designed to deal with the issues and negate the need to seek a review of the premises licence.

Nationally Police Scotland sought 11 reviews in 2016, which resulted in positive action being taken by Licensing Boards.

Preventing Public Nuisance / Protecting and Improving Public Health

There has been a higher number of alcohol related anti-social behaviour incidents in and around licensed premises this quarter. Some of this is due to the festive season, which always sees a spike in this type of incident.

However, I would say that the number of incidents reported at licensed premises, particularly at Hogmanay has reduced this year, which is certainly positive.

We continue to record positive incidents and of the 23 incidents in the quarter, there were 2 identified as being positive in Galashiels and Peebles.

In Galashiels, staff reported a male who entered a premise with cuts and bleeding, the member of staff reassured the male until Ambulance and Police attended.

In Peebles, door staff found a male in possession of a pocketknife, which was reported to Police.

However there have also been 7 incidents that have been identified as having a negative aspect to how they handled by the premise.

Protecting Children From Harm

For various reasons we have not been able to carry out any test purchase operations prior to the festive season. We hope to run operations in February / March.

There have been 2 reports of alcohol being sold to persons under 18, however neither has been substantiated.

Following the application in July for an occasional licence for a children's entertainment show in Galashiels, which was refused by the Licensing Board, the applicant applied again for the same event, which again received objections being submitted from the LSO, Health and the Police. Once again the Licensing Board refused to grant the licence.

Process

We have processed 283 occasional licence applications, 4 were classed as late (less than 7 days notice), 1 was refused and 2 were withdrawn.

There have been 47 personal licence applications.

There were 3 premises licence applications, which have been granted by the Licensing Board and a further 3 premises licences granted that have been pending for various reasons.

We have also processed 32 variation applications and submitted representations for 2, which were subsequently amended at the Licensing Board hearing.

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Scottish Borders Local Licensing Forum

Alcohol Profile Summary

2015-16

Introduction

This Profile aims to provide an update on the information available from Police Scotland, NHS Borders, Scottish Borders Council and Scottish Public Health Observatory. It builds on the previous full Alcohol Profile for 2014-15 and should be considered alongside this.

https://www.scotborders.gov.uk/downloads/file/2739/alcohol_profile

A recent report ¹ published October 2015 reinforces how alcohol places a significant and unnecessary strain on emergency services. This includes physical, sexual and verbal abuse on emergency service staff and how all frontline services are calling for policy action to curb alcohol harm. The report reinforces evidence based interventions that can ease the burden including more assertive use of licensing powers by local authorities. In addition to emergency service staff feeling the burden of alcohol, children, families and wider communities also bear the brunt of alcohol related harm.

Information included within this Profile Summary is presented in a similar format to previous years and can be linked to the Licensing Objectives:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young people from harm.

Summary

Areas most affected by alcohol related harm

- The Alcohol Matrix (page3) compares key data by area and sets out the areas most affected by alcohol related harm. Despite there being some improvements Galashiels North, Galashiels West and Langlee remain the area's most negatively affected.

Overprovision

- Galashiels North has the highest rate of off-sales premises per 1000

Protecting children and young people (CYP) from harm

- There has been a decrease in the number and proportion of occasional licenses allowing access to CYP (786 licences/58% in 2015 compared with 795 licences/64% in the previous year).

Preventing Crime and Disorder/Preventing Public Nuisance/Securing Public Safety

- 2015-16 had the lowest proportion of alcohol related anti-social behaviour incidents (ASBI) compared to the previous five years (17%). Galashiels West and North continue to have higher rates compared with rest of the Scottish Borders.

Protecting and Improving Public Health

- Galashiels North and Langlee have highest rate of alcohol-related hospital stay and emergency department attendances.

¹ Institute for Alcohol Studies (2015), Alcohol's Impact on Emergency Services
<http://www.alcoholpolicy.net/2015/10/alcohols-impact-on-emergency-services-ias-report.html>

Alcohol Matrix

Intermediate Zone (2001) Name	Alcohol Related Emergency Attendances as Rate per 1000: 2015-16	Alcohol Related Hospital Stays - Rate per 100,000: 2014-15	Deaths from alcohol conditions: 2009-2013	Rate of Alcohol Related Anti-Social Behaviour Incidents per 1000: 2015-16	Number Off Sale Premises per 1,000: 2016
Berwickshire Central	1.2	123.7	10.0	3.2	0.6
Berwickshire East	1.6	420.5	11.8	8.9	0.7
Berwickshire West	3.9	237.0	0.0	3.9	0.6
Burnfoot and Area	11.0	1065.7	20.4	17.7	0.3
Cheviot East	3.4	157.9	0.0	2.7	0.2
Cheviot West	3.1	160.6	12.5	3.8	0.3
Coldstream and Area	7.1	636.7	29.2	11.2	0.7
Duns	5.0	382.4	0.0	16.5	1.7
Earlston, Lauder and Stow Area	5.6	396.3	10.5	9.0	0.7
Ettrick, Yarrow and Yair	4.1	166.8	7.6	6.2	0.3
Eyemouth	4.5	766.4	30.8	27.0	1.0
Galashiels North	16.0	1320.5	30.1	59.6	2.4
Galashiels South	13.4	347.2	21.4	41.4	1.3
Galashiels West	13.3	885.3	27.1	64.5	0.4
Hawick Central	12.5	600.7	14.8	49.0	1.7
Hawick North	9.0	566.4	10.7	28.8	1.9
Hawick West End	6.0	833.0	16.5	25.2	0.3
Innerleithen and Walkerburn area	5.5	334.8	19.1	12.2	0.7
Jedburgh	6.6	453.8	14.8	15.2	1.0
Kelso North	12.0	641.8	9.8	8.5	0.3
Kelso South	3.0	246.9	19.5	37.3	1.1
Langlee	17.9	908.8	44.3	40.7	0.7
Melrose and Tweedbank Area	9.3	389.2	11.2	12.9	0.7
Newcastleton and Teviot Area	1.5	189.1	0.0	9.1	0.8
Peebles North	5.3	737.8	28.9	29.1	1.6
Peebles South	4.1	512.7	4.7	7.4	0.3
Selkirk	7.5	549.1	12.1	15.8	0.9
St Boswells and Newtown Area	3.9	261.5	11.3	18.0	0.7
West Linton and Broughton Area	0.7	133.2	0.0	3.7	0.4
Scottish Borders	7.0	464.6	13.4	18.6	0.8
Scotland		671.7	23.8		

Key Meaning

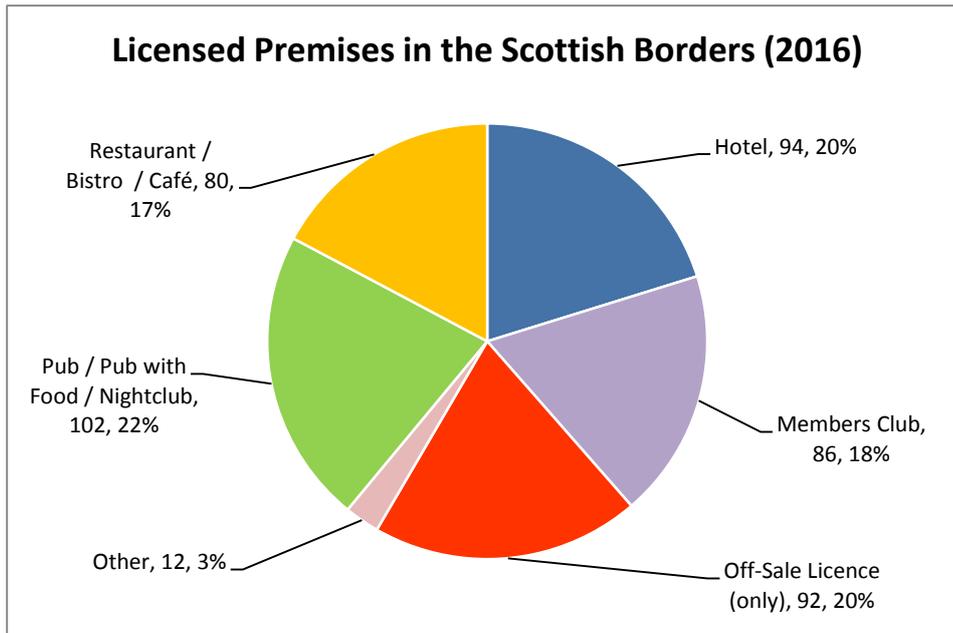
	"Extreme Good": -More than 1 standard deviation below the mean.
	"Good": - Within 1 standard deviation below the mean.
	"Not Good": - Within 1 standard deviation above the mean.
	"Extreme Not Good": - More than 1 standard deviation above the mean.

The Standard Deviation is a measure of how spread out numbers are. It is a measure that is used to quantify the amount of variation or dispersion of a set of data values. In a normal distribution (Bell curve) about 68% of values are within one standard deviation.

Appendix 1 contains a comparison to the index from the 2014-15 profile.

Licensed Premises 2016

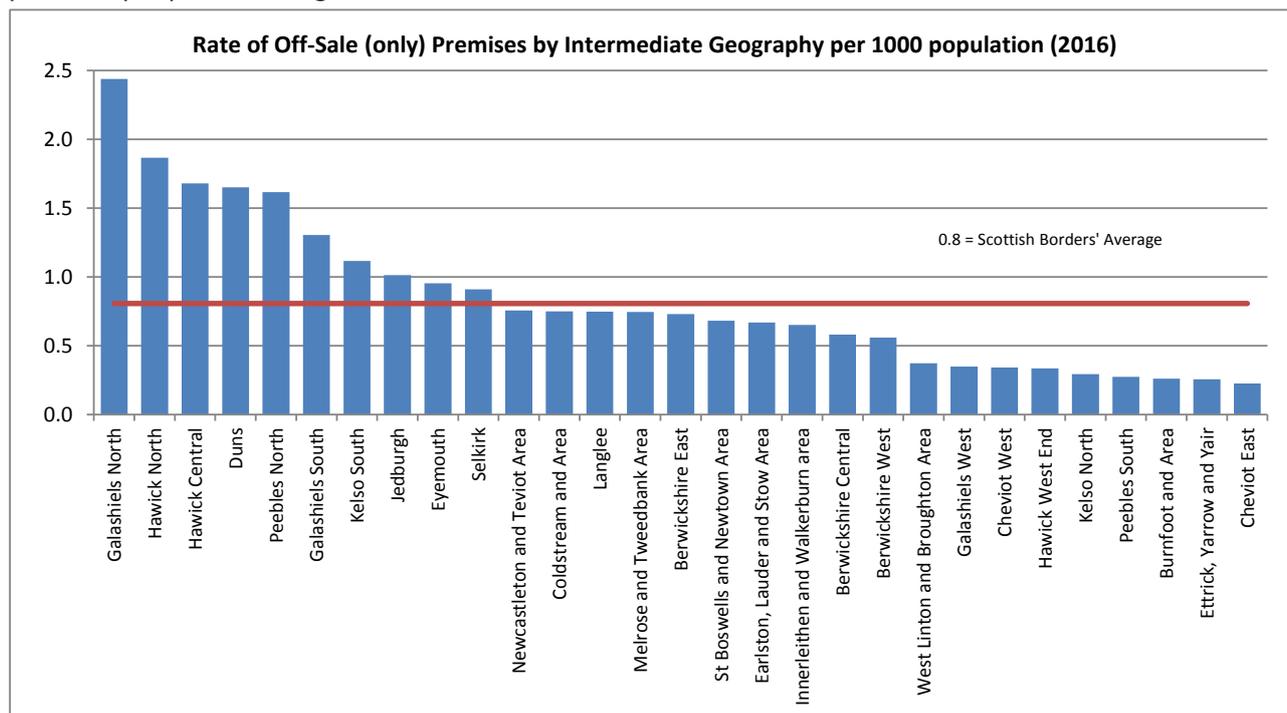
In 2016 there were 466 licensed premises, of which 20% were Off-Sale Licences. There is no change from 2015.



Analysis of the number of off-sale premises has been carried out to support an Overprovision Statement in the forthcoming Licensing Board Policy Statement scheduled to be completed by November 2018. It is important to consider off-sales in overprovision as 72% of all alcohol sold in Scotland were through supermarkets and off-licences². Across the Scottish Borders there is a rate of 0.8 Off Sale (only) premises

² Health Scotland 2014, Monitoring and Evaluating Scotland's Alcohol Strategy

per 1000 people. This ranges from 2.4 in Galashiels North to 0.2 in Cheviot East.



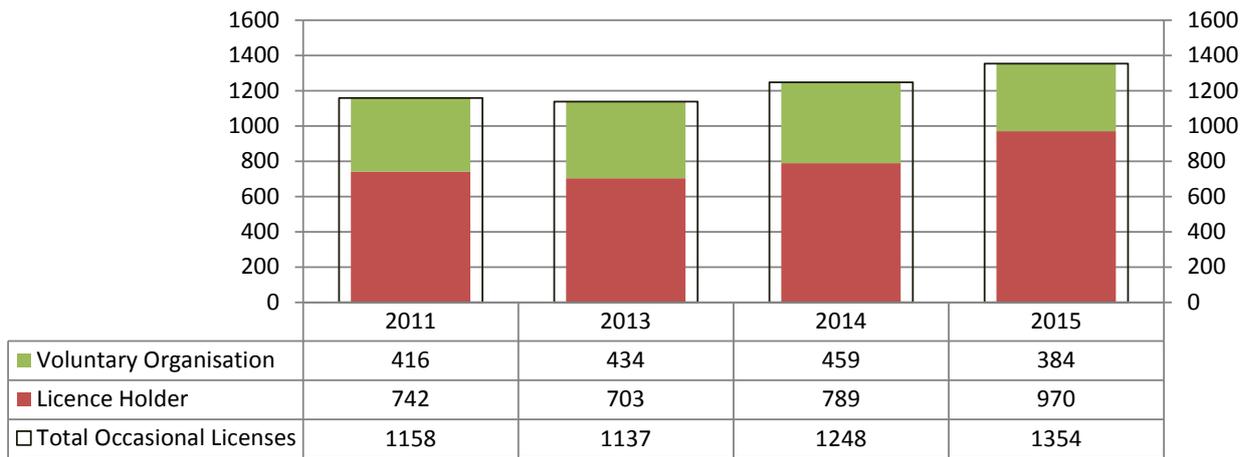
Occasional Licences

2015 saw an increase in the number of occasional licences granted to existing licence holders and a decrease for voluntary organisations. Licence holders accounted for 72% (970) of the granted occasional licences (1354) in 2015. While it is not possible to confirm reasons for this change two potential explanations may partly be attributed to:

- a general move away from licensed premises to temporary venues for various events e.g. weddings, marquees etc
- voluntary organisations applicants undergoing training and subsequently applying as Personal Licence holders.

Due to changes as a result of the Air Weapons and Licensing (Scotland) Act 2015, there may be a reduction in applications of Occasional Licences in the future. As of 1st November 2016, a Public Entertainment Licence will be required in addition to an occasional licence for some events. The increase in cost may be an additional factor in deciding whether to apply or not.

Number and Type of Occasional Licences by Year for the Scottish Borders



2015 saw a decrease in the proportion of occasional licences that allowed children or young people compared to the previous years.

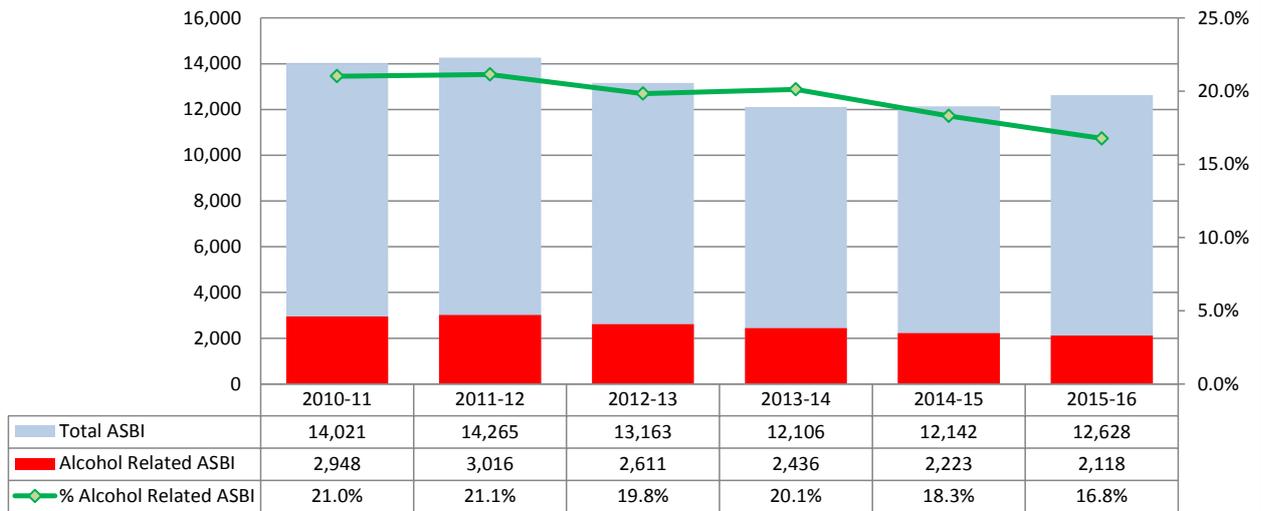
Percent of Occasional Licences that Allow Children or Young People



Alcohol Related Anti-Social Behaviour Incidents

Between 2010-11 and 2015-16 there has been a 28% decrease in the number of alcohol related anti-social behaviour incidents (ASBI) in the Scottish Borders. This is a larger decrease compared to the 10% drop in all ASBI. 2015-16 had the lowest proportion of alcohol related ASBI compared to the previous five years.

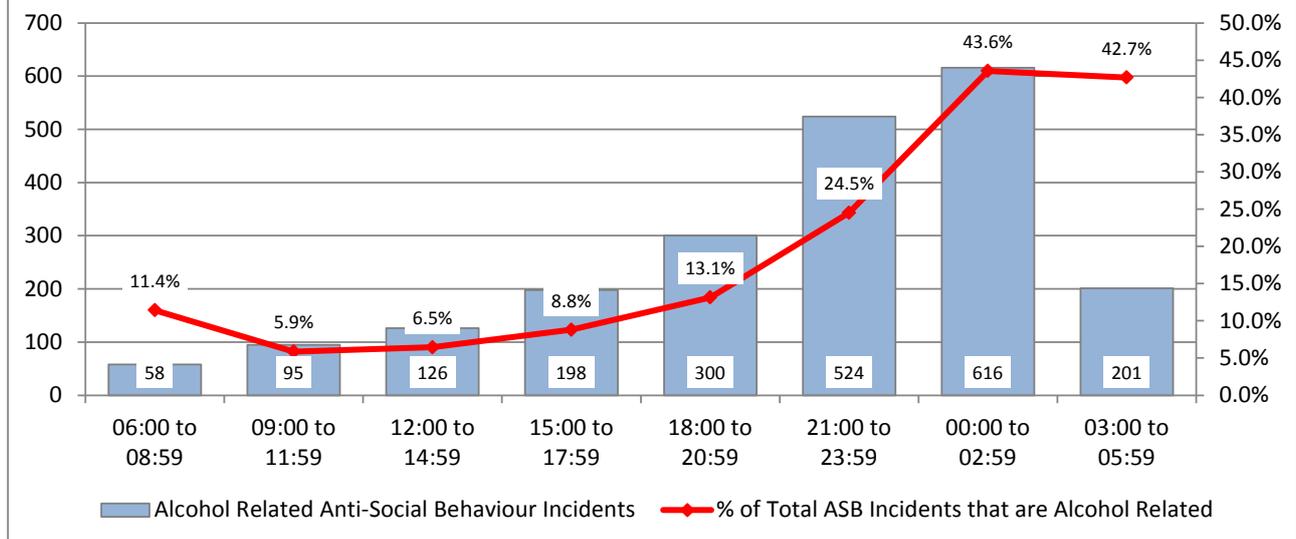
Alcohol Related Anti-Social Behaviour Incidents (ASBI) Recorded by the Police in the Scottish Borders (2010-11 to 2015-16)



In 2015-16, 64% of the alcohol related ASBI were recorded over a weekend (18:00 Friday and 06:00 Monday).

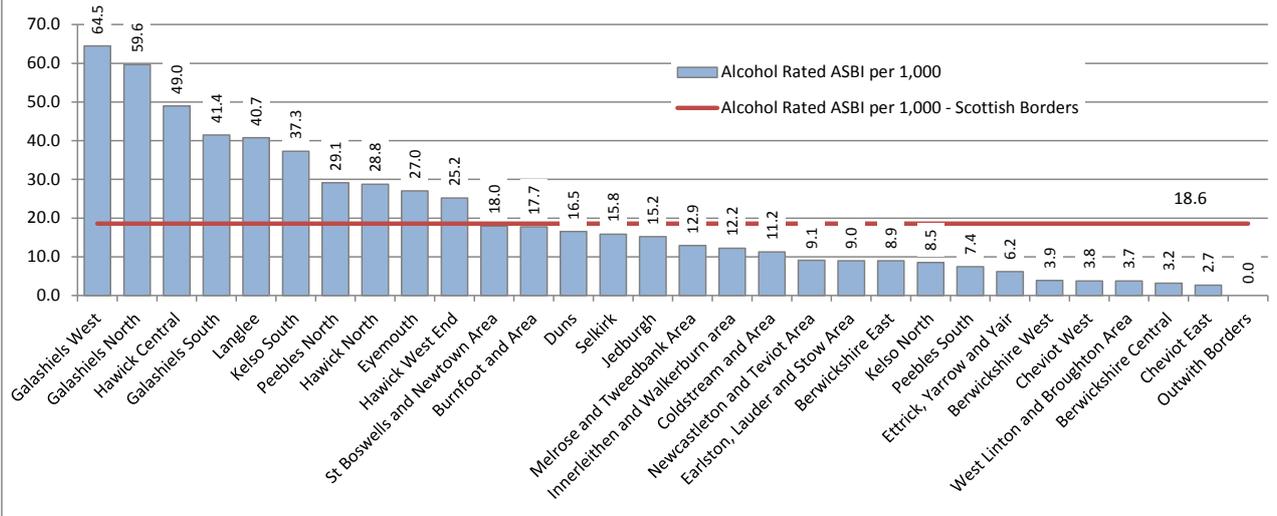
Between midnight and six in the morning over 40% of ASBI recorded are alcohol related for 2015-16. In 2015-16, 53.8% (1140) of alcohol related ASBI occur between 9pm and 3am.

Alcohol Related Anti-Social Behaviour Police Incidents by Time of Day (2015-16)



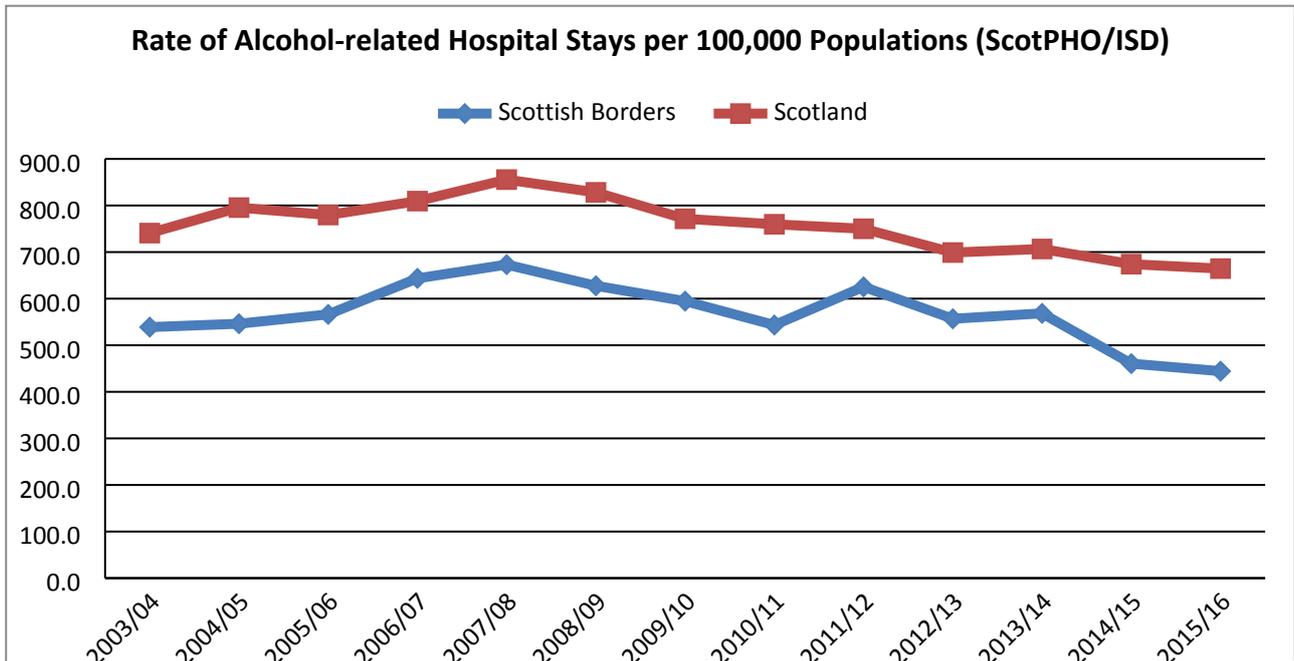
In 2015-16 there was a rate of 18.6 alcohol related ASBI per 1000 people for the Scottish Borders. This ranged in the intermediate zones from 64.5 in Galashiels West to 2.7 in Cheviot West.

Rate of Alcohol Related Anti-Social Behaviour Incidents for 2015-16 by Intermediate Zone

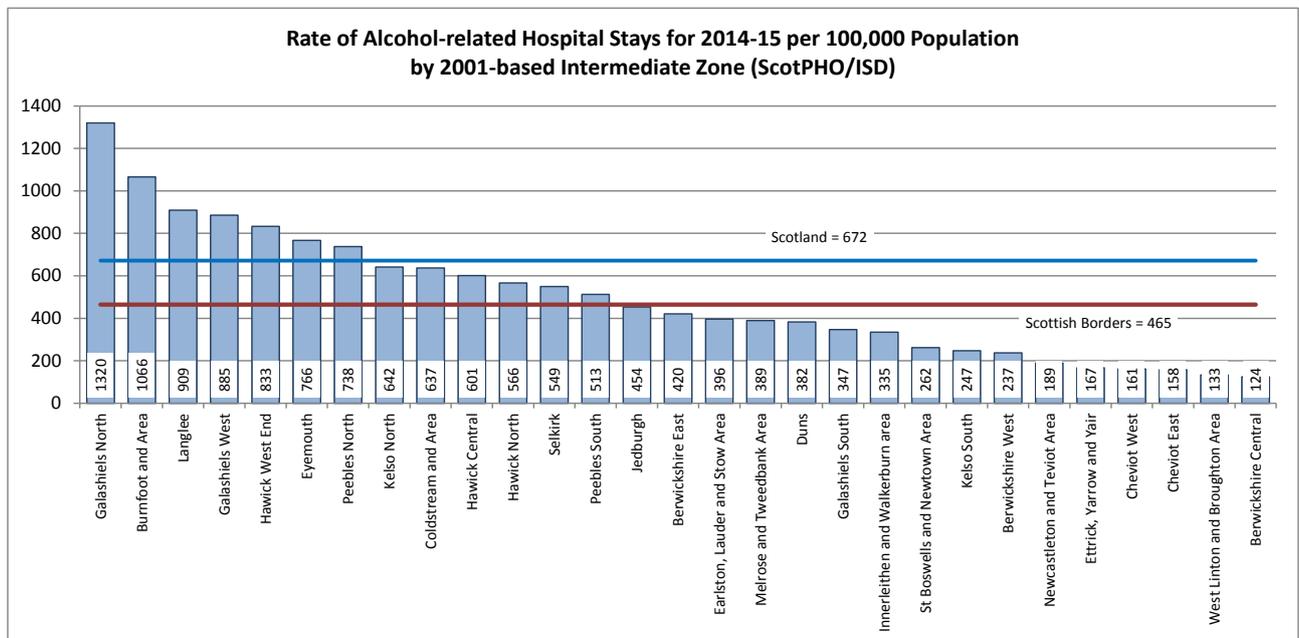


Alcohol Related Hospital Stays

The Scottish Borders has consistently had a lower rate of alcohol-related hospital stays per 100,000 compared to Scotland.

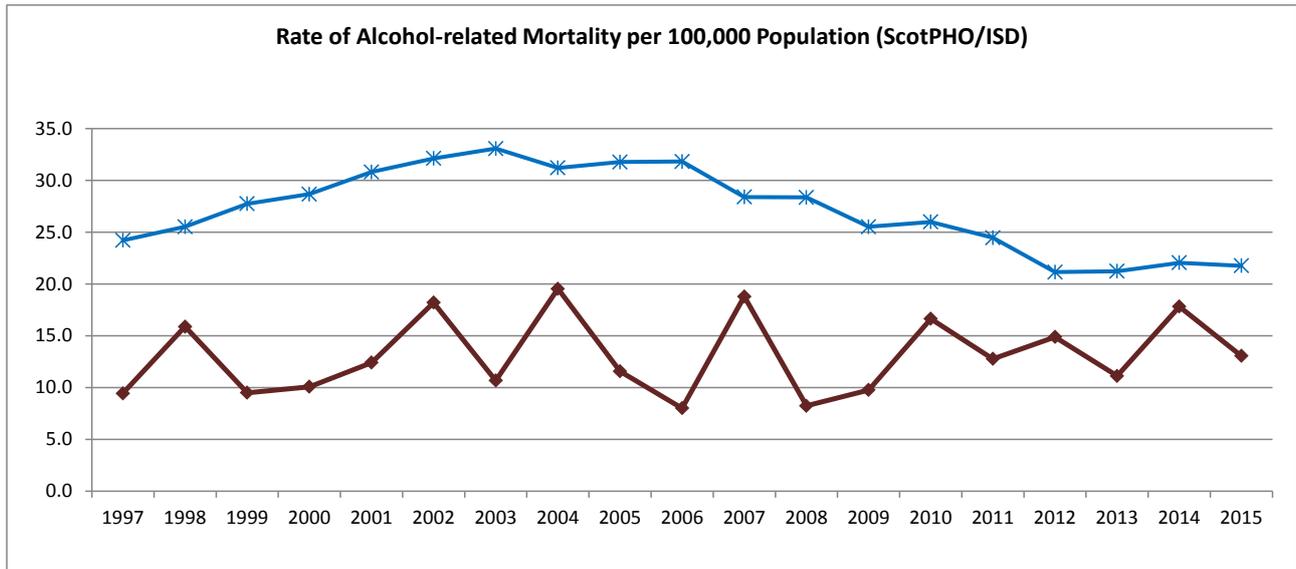


Although the Scottish Borders overall has a lower rate of alcohol-related hospital stays per 100,000 compared to Scotland there are areas in the Scottish Borders with higher rates than Scotland. The most up to date information we have at Intermediate Zone (2014-15) shows the areas with higher rates than Scotland were Galashiels North, Burnfoot and Area, Langlee, Galashiels West, Hawick West End, Eyemouth and Peebles North.



Alcohol-related Mortality

Although the rate of alcohol-related deaths (mortality) in the Scottish Borders has fluctuated from 8.0 to 19.5 deaths per 100,000 between 1997 and 2015 it has consistently been below the rate for Scotland and the trend has remained relatively stable over time.



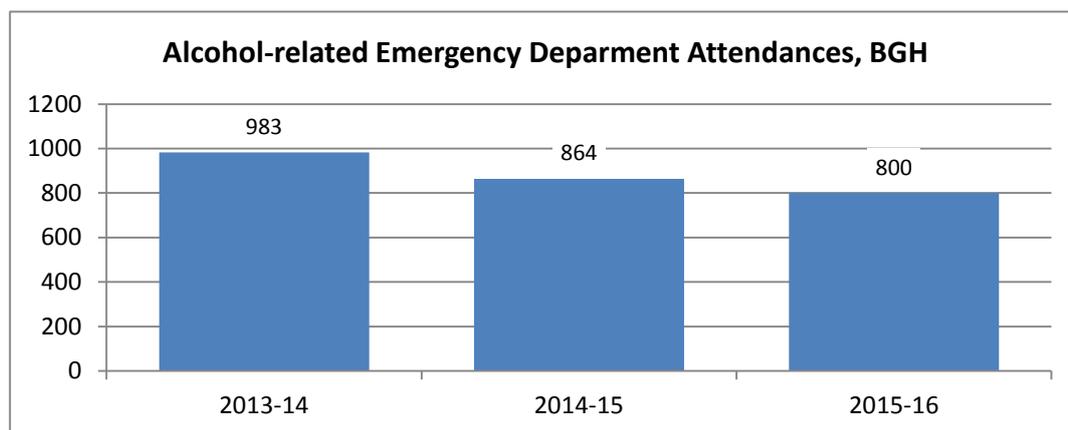
BGH – Alcohol-related Emergency Department Attendances 2015-16

In 2013-14 the BGH started to record if emergency department attendances were alcohol-related.

During 2015-16, there were 800 attendances at ED where alcohol was a contributing factor. Of the total ED attendances (26,829), 2.9% were assessed as alcohol related. This is consistent with the previous year.

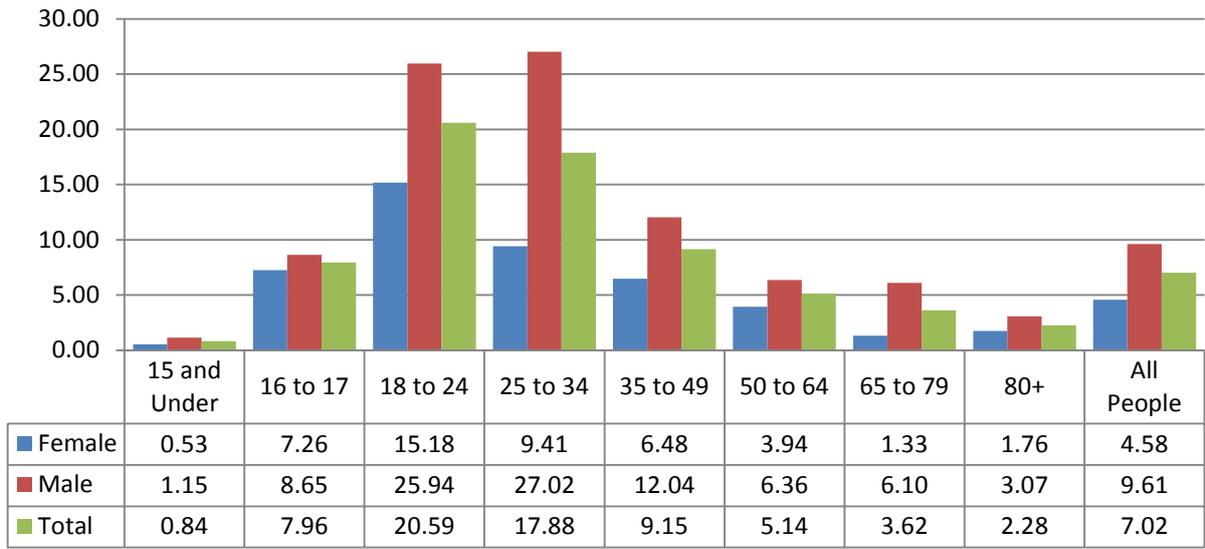
	2013/14	2014/15	2015/16
Total Attendances at ED (incl. planned)	25425	27455	26829
Total Alcohol Attendances	983	864	800
% of Overall Attendances	3.86%	3.14%	2.98%

In 2015-16 there were 18.6% fewer alcohol-related emergency department attendances from 983 in 2013-14 to 800 in 2015-16.



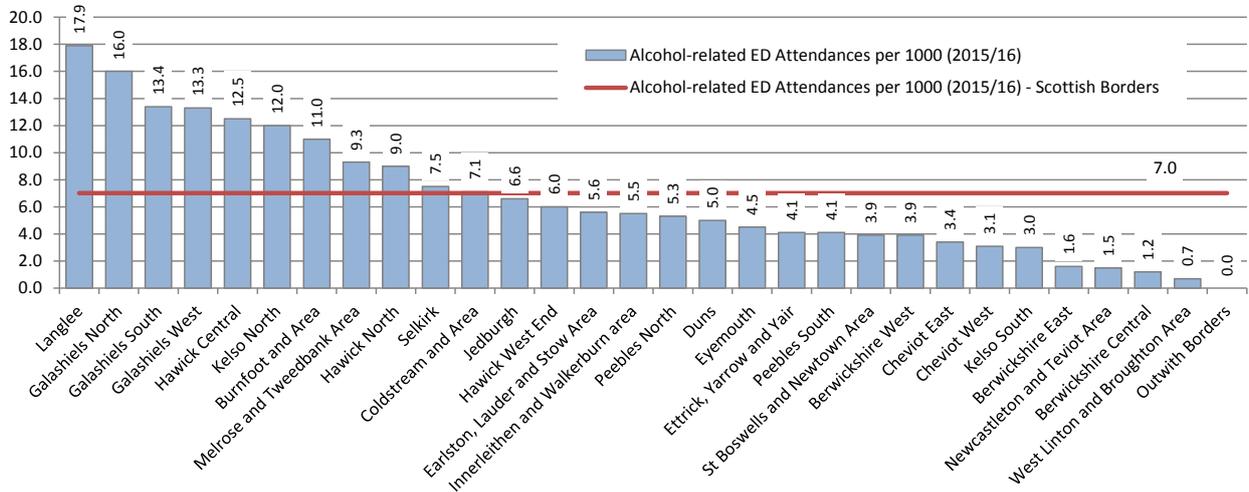
The graph below shows that men between the ages of 18 to 24 and 25 to 34 have the highest rate of alcohol-related emergency department attendances. It is important to note that there were alcohol-related emergency department attendances for all age groups.

Alcohol-related Emergency Department Attendances 2015-16 per 1,000 Population, BGH

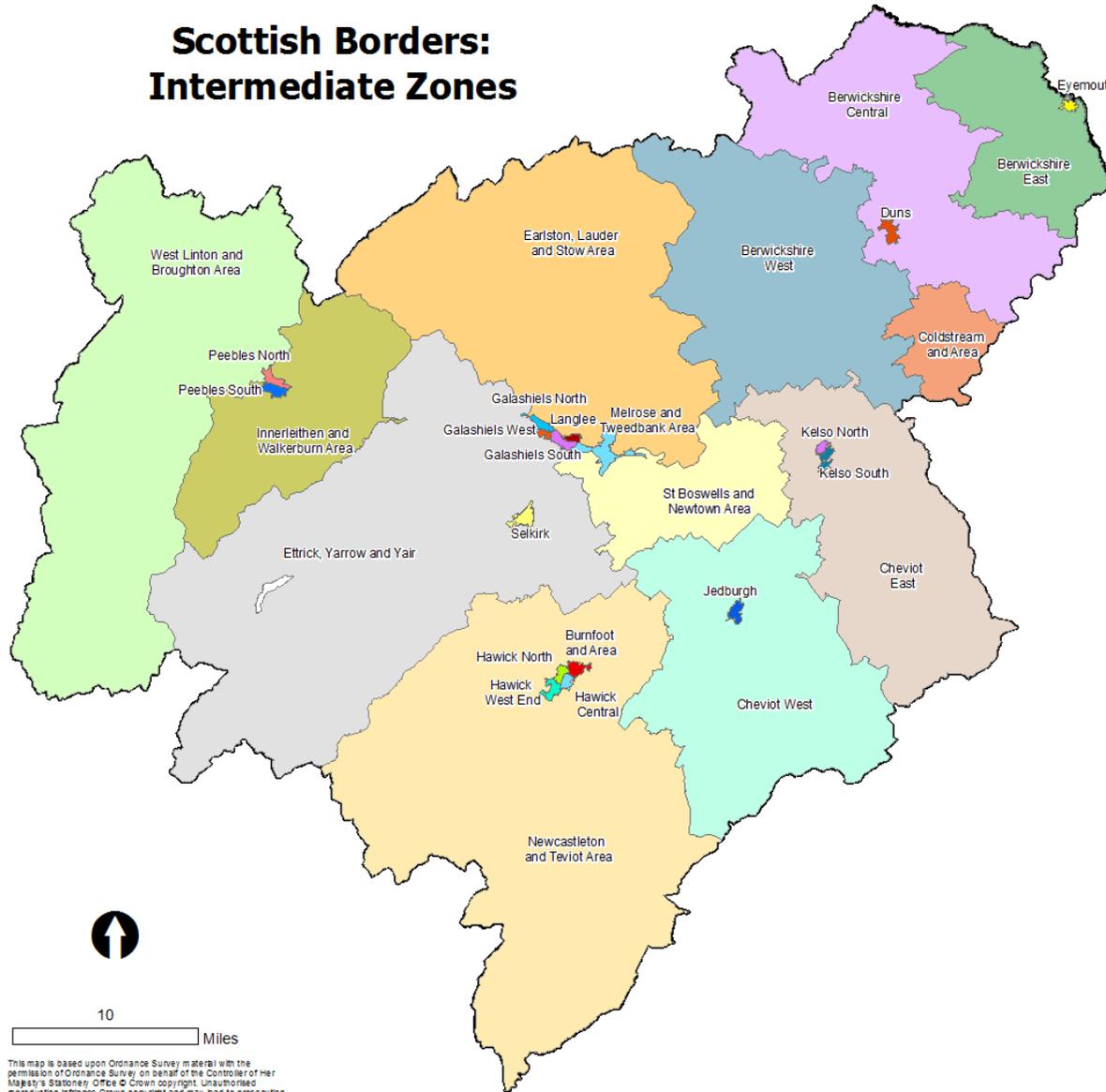


In 2015-16 the Intermediate Zones in Galashiels had the highest rate of alcohol-related emergency department attendances.

Rate of Alcohol-related Emergency Department Attendances at the BGH for 2015-16 by Intermediate Zone



Scottish Borders: Intermediate Zones



Intermediate Zones (2001 based)

- Berwickshire Central
- Berwickshire East
- Berwickshire West
- Burnfoot and Area
- Cheviot East
- Cheviot West
- Coldstream and Area
- Duns
- Earlston, Lauder and Stow Area
- Ettrick, Yarrow and Yair
- Eyemouth
- Galashiels North
- Galashiels South
- Galashiels West
- Hawick Central
- Hawick North
- Hawick West End
- Innerleithen and Walkerburn area
- Jedburgh
- Kelso North
- Kelso South
- Langlee
- Melrose and Tweedbank Area
- Newcastleton and Teviot Area
- Peebles North
- Peebles South
- Selkirk
- St Boswells and Newtown Area
- West Linton and Broughton Area

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Miles

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Appendix 1 Intermediate Zone (2001) Name	Alcohol Related Emergency Attendances as Rate per 1000			Alcohol Related Hospital Stays - Rate per 100,000			Deaths from alcohol	Rate of Alcohol Related Anti Social Behaviour Incidents per 1000			Number Off Sale Premises per 1,000		
	2015-16	2014-15	Change	2014-15	2013-14	Change	2009-2013	2015-16	2014-15	Change	2016	2015	Change
Berwickshire Central	1.2	2.0	+ Pos	123.7	174.1	+ Pos	10.0	3.2	3.1	- Neg	0.6	0.6	+ Pos
Berwickshire East	1.6	3.8	+ Pos	420.5	488.5	+ Pos	11.8	8.9	8.9	- Neg	0.7	0.5	- Neg
Berwickshire West	3.9	3.1	- Neg	237.0	138.1	- Neg	0.0	3.9	4.8	+ Pos	0.6	0.6	+ Pos
Burnfoot and Area	11.0	9.6	- Neg	1065.7	778.3	- Neg	20.4	17.7	20.0	+ Pos	0.3	0.3	+ Pos
Cheviot East	3.4	3.2	- Neg	157.9	177.2	+ Pos	0.0	2.7	3.7	+ Pos	0.2	0.5	+ Pos
Cheviot West	3.1	1.4	- Neg	160.6	222.7	+ Pos	12.5	3.8	1.4	- Neg	0.3	0.3	- Neg
Coldstream and Area	7.1	7.5	+ Pos	636.7	802.7	+ Pos	29.2	11.2	11.6	+ Pos	0.7	0.7	- Neg
Duns	5.0	4.9	- Neg	382.4	336.9	- Neg	0.0	16.5	19.2	+ Pos	1.7	1.2	- Neg
Earlston, Lauder and Stow Area	5.6	5.8	+ Pos	396.3	362.2	- Neg	10.5	9.0	10.5	+ Pos	0.7	0.8	+ Pos
Ettrick, Yarrow and Yair	4.1	2.6	- Neg	166.8	435.0	+ Pos	7.6	6.2	6.2	+ Pos	0.3	0.3	+ Pos
Eyemouth	4.5	7.0	+ Pos	766.4	975.8	+ Pos	30.8	27.0	23.5	- Neg	1.0	1.0	+ Pos
Galashiels North	16.0	18.2	+ Pos	1320.5	1449.5	+ Pos	30.1	59.6	72.7	+ Pos	2.4	1.6	- Neg
Galashiels South	13.4	8.1	- Neg	347.2	739.3	+ Pos	21.4	41.4	47.5	+ Pos	1.3	1.3	- Neg
Galashiels West	13.3	18.0	+ Pos	885.3	1489.8	+ Pos	27.1	64.5	75.5	+ Pos	0.4	0.7	+ Pos
Hawick Central	12.5	8.3	- Neg	600.7	678.5	+ Pos	14.8	49.0	56.9	+ Pos	1.7	1.7	+ Pos
Hawick North	9.0	9.4	+ Pos	566.4	723.6	+ Pos	10.7	28.8	25.8	- Neg	1.9	1.5	- Neg
Hawick West End	6.0	12.2	+ Pos	833.0	1289.9	+ Pos	16.5	25.2	30.4	+ Pos	0.3	0.7	+ Pos
Innerleithen and Walkerburn	5.5	5.5	- Neg	334.8	435.8	+ Pos	19.1	12.2	10.5	- Neg	0.7	0.7	+ Pos
Jedburgh	6.6	7.1	+ Pos	453.8	407.5	- Neg	14.8	15.2	18.2	+ Pos	1.0	0.8	- Neg
Kelso North	12.0	12.0	- Neg	641.8	527.3	- Neg	9.8	8.5	10.0	+ Pos	0.3	0.3	+ Pos
Kelso South	3.0	5.9	+ Pos	246.9	763.8	+ Pos	19.5	37.3	34.9	- Neg	1.1	1.5	+ Pos
Langlee	17.9	17.8	- Neg	908.8	1239.6	+ Pos	44.3	40.7	40.5	- Neg	0.7	0.7	- Neg
Melrose and Tweedbank Area	9.3	7.5	- Neg	389.2	288.4	- Neg	11.2	12.9	12.4	- Neg	0.7	0.9	+ Pos
Newcastleton and Teviot Area	1.5	3.3	+ Pos	189.1	122.6	- Neg	0.0	9.1	4.8	- Neg	0.8	0.3	- Neg
Peebles North	5.3	5.6	+ Pos	737.8	864.2	+ Pos	28.9	29.1	24.4	- Neg	1.6	1.2	- Neg
Peebles South	4.1	5.5	+ Pos	512.7	527.2	+ Pos	4.7	7.4	8.8	+ Pos	0.3	0.3	+ Pos
Selkirk	7.5	10.2	+ Pos	549.1	613.5	+ Pos	12.1	15.8	20.3	+ Pos	0.9	0.9	- Neg
St Boswells and Newtown Area	3.9	7.0	+ Pos	261.5	256.9	- Neg	11.3	18.0	13.2	- Neg	0.7	0.7	+ Pos
West Linton and Broughton Area	0.7	1.5	+ Pos	133.2	324.2	+ Pos	0.0	3.7	3.4	- Neg	0.4	0.6	+ Pos
Scottish Borders	7.0	7.6	+ Pos	464.6	566.0	+ Pos	13.4	18.6	19.5	+ Pos	0.8	0.8	- Neg
Scotland				671.7	704.8	+ Pos	23.8						

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Chief Executive: Fiona Lees

Chief Governance Officer: David Mitchell
Direct Dial: (01563) 576061 Fax: (01563) 576179
Email: david.mitchell@east-ayrshire.gov.uk

If telephoning or calling please ask for:
Jennifer Morrison, Direct Dial (01563) 576139
e-mail: jennifer.morrison@east-ayrshire.gov.uk



To: Chairs of All Licensing Forums in Scotland

14 December 2016

Dear Chair

PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM

Following consultation with various West of Scotland Local Authorities, East Ayrshire Council in December 2014 hosted an event in Kilmarnock which was attended by representatives from six Local Authority areas.

The catalyst for this initial meeting was that it was felt that Local Forums across the country could be experiencing very similar problems in terms of membership, attendance, recruitment, support for members, and the Forum's relationship with the Board. At the above event it was agreed to the establishment of a West of Scotland Regional Meeting which would discuss common issues, and linking in with alcohol and drugs partnerships.

In October 2016, East Ayrshire Council hosted another joint West of Scotland event the impetus for which was that based on the experience of the East Ayrshire Local Licensing Forum it was felt that Licensing Forums were not working as effectively in the way they were set up in legislation, and that changes were required. The October 2016 event was attended by representatives from East Ayrshire, East Renfrewshire, North Ayrshire, North Lanarkshire, Renfrewshire, South Ayrshire and West Dunbartonshire. Also in attendance were Peter Reid, Licensing Team Leader from the Scottish Government and Linda Bowie, Alcohol Focus Scotland. The conclusion of this joint meeting was unanimous agreement by those in attendance that Forums were not working in the way in which they were set up in legislation and that they had no real influence on Licensing Boards. It was therefore agreed that the establishment of a National Forum would be beneficial as this could act as a sounding board for Licensing Forums to exchange best practice ideas and discuss the way forward.

The outcome of the October 2016 event was that a report be compiled on the outcome of the Joint Forum meeting and that this be sent to all Scottish Local Authorities Forums asking: (a) would you wish to see the establishment of a National Forum; (b) your thoughts on what the terms of reference and remit of a National Forum could be; (c) how a National Forum could be funded e.g. cost of hosting, travel, accommodation etc; and (d) who could be responsible for organising the National Forum. Your Forum's views would also be welcomed in terms of potential venues, frequency of national meetings, and a timescale for the first meeting. These points have been encapsulated in the enclosed questionnaire which I would be grateful if you could complete, and would welcome your response by **31 March 2017**.

Meanwhile/...

Meanwhile, should you require any further information on the above please contact Jennifer Morrison on Tel No (01563) 576139. I look forward to hearing from you.

Yours sincerely

pp
Eric Brown
Chair
East Ayrshire Local Licensing Forum
SC

PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM

QUESTIONNAIRE

1. Do you agree to the establishment of a National Licensing Forum? YES/NO

If No, please go to question 10

2. If yes, would your Local Authority Licensing Forum wish to participate in a National Licensing Forum?

.....
.....
.....

3. Are there any issues which you feel would benefit from discussion/highlighting at a national level?

.....
.....
.....

4. Venue - where do you think meetings should be held?

.....
.....
.....

5. How frequently do you feel meetings should be held e.g. annually/biannually

.....
.....
.....

6. August 2017 is proposed as the timescale for the first meeting. New Councils will then be in place, and this will be after the summer holiday period. Would you agree that this is a suitable timescale to hold the first meeting?

.....
.....
.....

7. Who do you think should be responsible for organising the National Forum meetings?

.....
.....
.....

8. How do you think the Forum meetings should be funded:-

(a) Travel/Accommodation

.....
.....

(b) Hosting

.....
.....

9. What do you think the terms of reference and remit of a National Forum should be (attached is the Constitution of the Joint West of Scotland Licensing Forums for information).

.....
.....
.....

10. Any other issues you would wish to raise at this stage.

.....
.....
.....

PLEASE COMPLETE AND SUBMIT THIS QUESTIONNAIRE TO sharon.calderwood@east-ayrshire.gov.uk by 31 March 2017

EAST AYRSHIRE COUNCIL

EAST AYRSHIRE LOCAL LICENSING FORUM - 25 OCTOBER 2016

JOINT WEST OF SCOTLAND LICENSING FORUM EVENT - 20 OCTOBER 2016

Report by Chair of the Licensing Forum

PURPOSE OF REPORT

1. The purpose of the report is to (i) advise the Licensing Forum of the outcome of the Joint West of Scotland Licensing Forum meeting held on 20 October 2016; and (ii) seek authority to take forward the recommendations arising thereon.

BACKGROUND

2. The first Joint West of Scotland Licensing Forum meeting was hosted by East Ayrshire Council on 9 December 2014.
3. The outcome of that event was that the participating authorities had agreed to take it in turn to host a West of Scotland event, however, the next participating authority Dumfries and Galloway Council, had been unable to take this forward.
4. Noting the above position, the Chair felt that there were issues common to all Licensing Forums which it was felt would benefit from having been raised with the Scottish Government.
5. It was therefore agreed that East Ayrshire Local Licensing Forum host a further event with a representative from the Scottish Government in attendance to discuss the role of Forums.

EVENT

6. On the day the event was attended by 23 members representing seven Local Authority areas, namely:- East Ayrshire, South Ayrshire, North Ayrshire, North Lanarkshire, East Renfrewshire, Renfrewshire and West Dunbarton.
7. Also in attendance were Peter Reid, Licensing Team Leader, Scottish Government and Linda Bowie, Alcohol Focus Scotland who each gave a presentation to the Forum members.

CONCLUSION

8. Following discussion, those present agreed that Forums were not working in the way in which they were set up in legislation and they had no real influence on the Licensing Board. It was therefore agreed that the re-establishment of a National Forum would be beneficial as this would act as a sounding board for Licensing Forums to exchange best practice ideas and discuss the way forward.

RECOMMENDATIONS

9. It is recommended that the Forum:-
- (i) notes the success of the Joint Meeting;
 - (ii) remits to the Chief Governance Officer to compile a report on the outcome of today's meeting and thereafter send it to all Scottish Local Forums asking (a) do they want to establish a National Forum; (b) what do they think should be the terms of reference and remit of a National Forum; (c) how the National Forum would be funded; and (d) who would organise a National Forum; and
 - (iii) otherwise, to note the contents of the report.

David Mitchell
Chief Governance Officer

21 October 2017
CB/SC

LIST OF BACKGROUND PAPERS - NIL

Members wishing further information should contact Christine Baillie, Democratic Services Team Leader on Tel No (01563) 576129.

Implementation Officer: Christine Baillie, Democratic Services Team Leader

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2 & 3, Council Headquarters, Newtown St Boswells on Friday 23 September 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, D. Paterson, R. Stewart, B. White.
Apologies:- Councillors B. Herd, J. Torrance, T. Weatherston.
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 T. Hodges - Police Scotland, Borders Alcohol and Drug Partnership (S. Walker).

1. **MINUTE**

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

**DECISION
APPROVED.**

2. **CHIEF CONSTABLE'S ANNUAL REPORT**

There had been circulated copies of a report by Chief Constable, Police Scotland for the period 1 April 2015 - 31 March 2016. The Chief Constable acknowledged and thanked the Licensing Board for the contribution and excellent work undertaken during the past year throughout the licensing area business in Scotland, within the 32 Local Authorities. Police Scotland together with their licensing partners had faced and continued to confront many challenges, not least their budget constraints. However, this would not detract from their commitment to continuing to provide the very best and sustainable policing service to their communities across the country. He was especially keen to develop their local services to meet the varying licensing demands and expectations within diverse local communities, by listening to people and developing opportunities to improve, including the sharing of best practice and influencing positive attitudes and behaviours to reduced alcohol related crimes and anti-social behaviour. Police Scotland's licensing structure and function had recently undergone significant transition and now benefitted from improved governance, flexibility and support, with a real emphasis on quality of service. These changes were further enhanced through their commitment to investing and implementing a national I.T. database, (Innkeeper) which had significantly improved their management and the administration of all liquor and civic licences. Police Scotland and their licensing partners now benefitted from a consistent service with improved local delivery, decision-making and reporting process. With their licensing transition complete, Police Scotland were transforming their licensing service and central to this was their ability to continue to work closely with Local Authorities, the licensed trade and other key partners, with a main focus on prevention and vulnerability. It was recognised that problem solving was essential in achieving their mutual aims of public safety and a healthy community environment, while enforcement should only be used as necessary. Police Scotland would only achieve these aims together through consent and by legitimate means with the full support of all key licensing partners. The Chief Constable looked forward to the coming year where Police Scotland would continue to improve Licensing Standards, Reduce Violence and keep Communities and People Safe.

**DECISION
NOTED the report.**

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 11 August to 14 September 2016.

**DECISION
NOTED.**

4. **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) AS & P Robb | 11 Eastgate
Peebles
EH45 8AD
Provisional |
|----------------------------|--|

Operating Plan includes provision of off sale facility

There had been circulated copies of a letter dated 1 September 2016 from Police Scotland. Inspector Hodges advised that he was unable to confirm the existence of any foreign offence in respect of the applicant or any connected person. He advised that the proposed layout plan, which accompanied the application, had three distinct alcohol sales areas marked. There was one which was not accessible to the public and one area of shelving against a wall. However there was a third area marked as "plinth" in the centre of the store, contrary to Schedule 3, paragraph 13(1) of the Licensing (Scotland) Act 2005. In terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable was of the opinion that the application in its current form should be modified so that the "plinth" was either removed or the area added to the shelving against the wall.

Mr and Mrs Robb were present. They explained they were moving premises and their old licence would be surrendered. Discussions took place in relation to the "plinth" and Mr Robb said he would now prefer this to be removed from the layout plan.

**DECISION
GRANTED, as amended, to remove the third area marked as "plinth"
from the operating plan.**

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

- | | |
|---------------------------------------|--|
| (i) Srathmuir Holdings Limited | Windlestraw Lodge
Galashiels Road
Walkerburn
EH43 6AA |
|---------------------------------------|--|

Amendments to operating plan:

- Addition of accommodation, conference facilities, restaurant facilities, receptions and outdoor drinking outwith core licensed hours
- Addition of recorded music and live performances within and outwith core

licensed hours

- All ages of children and young persons to be allowed entry to the premises
- Resident and non-resident children to be permitted access at all times subject to management discretion
- Children and young persons to be allowed entry to all public parts of the premises including the external area and hotel bedrooms

There were no representations.

Mr Campbell Corcoran, Hill Brown Licensing was present. He explained that his clients had taken over the quaint boutique 6 bedroomed hotel in 2015. This application was to enable the operating plan to be updated.

**DECISION
GRANTED.**

(ii) **DDZ Management Ltd**

Plough Inn
15 Main Street
Lilliesleaf
TD6 9JD

Amendments to operating plan and layout plan:

Changes to existing on and off sale core hours as follows:

Current On Sale

Monday to Thurs 11.00am - 11.00pm

Friday and Saturday 11.00am - 1.00am

Sunday 12.00noon - 12.00midnight

Current Off Sale

Monday to Saturday 11.00am - 10.00pm

Sunday 12.00noon - 10.00pm

Proposed On Sale

Monday to Thurs 11.00am -
12midnight

Friday and Saturday no change

Sunday 11.00am - 12.00midnight

Proposed Off Sale

Monday to Saturday no change

Sunday 11.00am - 10.00pm

- Delete existing wording of seasonal variation and replace with Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day until 1.00am or within any other agreed Board policy
- Addition to listed activities – conference, outdoor drinking and dance facilities both during and outwith core licensed hours and films and gaming during core licensed hours.
- Extend existing listed activities namely, restaurant facilities, bar meals, receptions etc, club or other group meetings etc, recorded music, live performance, 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
- Delete the existing wording in relation to any other activities and substitute a more suitable form of wording for activities relating to a hotel premises
- Amend the terms of access, times and parts permitted within the existing children and young persons statement
- Amendment to layout plan to change the position of the bar counter, seating areas and accommodation layout.

There had been circulated copies of a letter dated 1 September 2016 from Police Scotland. Inspector Hodges advised that the variation requested consisted of changes to core hours for on and off sales, changes to the seasonal variation, changes to permitted activities and changes to children and young persons access. In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005 the following representation was made on behalf of the Chief Constable. The premises were located in the centre of the village and was neighboured on both sides by residential properties. The application sought to add outdoor drinking facilities in the operating plan, however the area concerned was not clearly defined in the layout plan. Also there was no explanation in the relevant section of the operating plan as to how the applicant would operate the outdoor drinking facility. In terms of Section 22(1)(b)(ii) and (iii) of the Act the Chief Constable was of the opinion that the variation in its current form should be modified so that there was an explanation of the use of the outdoor drinking facility in the operating plan, the outside area should be clearly defined in the layout plan. If the variation, or an amended version was approved, the Chief Constable considered that conditions be imposed in respect of: the outside drinking area was subject to a terminal hour of 10.00 pm each day to prevent noise nuisance to neighbours.

Mr Martin Day was present. He advised that he did not have an issue with a terminal hour of 10.00 pm each day in relation to the outside drinking area. Mr Tunnah advised that the Plough Inn had been refurbished and the proposed operating plan would bring the plan up to date, bringing the bedrooms back into use.

DECISION

GRANTED, as amended, to reflect that the terminal hour of the outside drinking area would be 10.00 pm each day.

DECLARATION OF INTEREST

Councillors Paterson and Stewart 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.

(iii) Zing Enterprises Limited Base Nightclub

Baker Street
HAWICK
TD9 9BW

Amendments to operating plan:

- to increase the terminal hour on Fridays and Saturdays until 3.00am (currently 2.00am);
- With Question 4 (Seasonal Variations) in the operating plan being varied to read – ‘during the festive period, namely Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Years Day (regardless of which day of the week these festive days fall on), and at any other times throughout the year, as defined by the Scottish Borders Licensing Board, the premises will operate until 3.00am for the sale of alcohol in accordance with the Licensing Board’s policy in that regard’.

There had been circulated copies of:- (a) a letter dated 5 September 2016 from Police Scotland, (b) a letter dated 2 September 2016 from Mr I Tunnah, Licensing Standards and Enforcement Officer, and (c) a letter dated 29 August from NHS Borders.

Mr Neil Gillies was present. He advised that his Solicitor was unable to attend today's meeting owing to another commitment and requested that the application be continued to the next meeting of the Board.

DECISION

AGREED to continue the application to the next meeting of the Board.

(iv) The Shilling Group (Edinburgh) Ltd

The Border Hotel
The Green
Kirk Yetholm
Kelso
TD5 8PQ

Amendments to operating plan:

- change core hours to commence at 11.00am on Sundays (currently 11.30am) both On Sale and Off Sale core hours;
- addition to the permitted activities referred to in question 5 (column 4 - outwith core hours) of the Operating Plan, to include conference facilities, restaurant facilities, bar meals, receptions including weddings, funerals, birthdays, retirements etc, Club or other group meetings etc, live performances, dance facilities, televised sport activities and outdoor drinking facilities;
- addition to the permitted activities referred to in question 5 (columns 2 and 3) of the Operating Plan to include gaming;
- addition to the permitted activities referred to in question 5 (columns 2, 3 and 4) of the Operating Plan to include theatre, films and indoor/outdoor sports;
- a change to the explanation as to 'Yes' in column 4;
- a change to the explanation at question 5 (f) - any other activities; and
- a change to the terms and conditions of the Children and Young Persons access.

No representations had been received

Mr and Mrs Howe were present. Mr Tunnah advised that the application was to bring the operating plan up to date and there was nothing in the variation which was outwith the Board's Policy.

DECISION

GRANTED.

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

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

(i) **Section 72: Application for Grant of Personal Licence**

The Board agreed to continue the application for Grant of Personal Licence to Mr Ian Couper to the next meeting of the Board.

(ii) **Section 84A: Personal Licence Review Application**

The Board agreed to continue the application for review of Mr Paul McCrindle's Personal Licence received from Police Scotland to the next meeting of the Board.

The meeting concluded at 11.30 a.m.

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

Present:- Councillors W. Archibald (Convener), B. Herd, J. Campbell, J. Greenwell, G. Logan, D. Paterson, T. Weatherston, B. White.
Apologies:- Councillors R. Stewart, J. Torrance.
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. P. Robertson, P.C. C. Lackenby, Inspector C. Wood (to para 3(a)), Inspector J. Scott (from para 3(b)) - Police Scotland, Joint Director Public Health – Scottish Borders Council and NHS Borders (Dr. T. Patterson).

1. **MINUTE**

The Minute of Meeting of 23 September 2016 had been circulated.

**DECISION
APPROVED.**

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 15 September to 11 October 2016. In response to a question raised about an occasional licence granted for a function held in Selkirk High School, Mr Tunnah advised that this was fundamentally an adult event but young people were in attendance helping to organise the event.

**DECISION
NOTED.**

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

DECLARATION OF INTEREST

Councillor Paterson declared an interest in the following item of business in terms of Section 5 of the Councillor's Code of Conduct and left the Chamber during the discussion.

(a) **Section 29: Application for Variation of Premises Licence.** With reference to paragraph 4(b)(iii) of the meeting of 23 September 2016, the Board considered the following application for Variation of Premises Licence:-

Zing Enterprises Limited

Base Nightclub
Baker Street
HAWICK
TD9 9BW

Amendments to operating plan:

- to increase the terminal hour on Fridays and Saturdays until 3.00am (currently 2.00am); and

- With Question 4 (Seasonal Variations) in the operating plan being varied to read – ‘during the festive period, namely Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Years Day (regardless of which day of the week these festive days fall on), and at any other times throughout the year, as defined by the Scottish Borders Licensing Board, the premises will operate until 3.00am for the sale of alcohol in accordance with the Licensing Board’s policy in that regard’.

There had been circulated copies of:-

(a) a letter dated 5 September 2016 from Police Scotland. Inspector Wood advised that the variation consisted of a change to core hours on Fridays and Saturdays from a terminal hour of 2.00 am to 3.00 am and changes to the seasonal variation within the Operating Plan. Police Scotland acknowledged that Mr Gillies maintained a well-run establishment and had in the past been a Best Bar None award winner, though it was noted that he was no longer participating in that scheme. He had worked with local officers during the dispersal from the premises to encourage his patrons to leave the area quietly. However, due to competing demands on limited Police resources, it was not always possible to have Officers in the area at closing time. The Scottish Borders Licensing Board Statement of Licence Policy November 2013 – November 2016, paragraph 7.8 stated “The Board will grant applications for times after 2.00 am only in exceptional circumstances”. In recent months the applicant had applied for extended hours applications for local events, which the Board had determined as being exceptional circumstances and granted. There was disparity between Hawick and Galashiels, where there were two similar nightclub premises, which had a terminal hour of 3.00 am. However, the Board had considered similar applications in the past, and had stated that the “exceptional circumstances” in Galashiels was because it was a “university town”. Therefore this application appeared to be based on commercial reasons only with no apparent exceptional circumstances. Mr Gillies applied for the same variation in 2015, to which a number of local residents objected, citing issues with noise, litter and anti-social behaviour. While Mr Gillies worked hard to mitigate these problems he had no control over his patrons at dispersal outwith his premises and there was no change to the circumstances. Therefore it was respectfully requested that the Board consider this with regard to Section 30(5)(c) of the Licensing (Scotland) Act 2005. In terms of Section 22(1)(a) of Act 2005, the Chief Constable was of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licencing objectives of preventing public nuisance. In regard to the proposed change to the seasonal variation, clarity should be sought as to how this would allow the premises to open should any of the festive season dates fall Sunday to Wednesday. Additionally the wording “and at any other times throughout the year” was ambiguous and should be removed from the section.

(b) a letter dated 2 September 2016 from Mr I. Tunnah, Licensing Standards and Enforcement Officer advising that the premises currently operated with hours terminating at 2.00 am on Friday and Saturday evenings, the Board’s Policy Statement clearly stated that hours beyond 2.00 a.m. would only be granted under exceptional circumstances. The applicant had previously applied for a variation to his licence to allow the terminal hour on Friday and Saturday to be extended until 3.00 am. At the Licensing Board in April 2014 the Board decided there were exceptional circumstances and the application was granted subject to it being amended to allow a trial period to gauge whether or not there was any increase in noise nuisance or disorder connected to the later hours. The trial period ran for several months with no adverse effect and no increase in

complaints connected to these later hours. An application to vary the licence on a permanent basis was considered by the Board in February 2015, at that time the Board decided that there were no exceptional circumstances and the variation was refused with the terminal hour for the premises reverting to 2.00 am. Since that time the applicant had applied for extended hours on an occasional basis for various reasons, the Board appeared to have agreed that exceptional circumstances existed for such occasions as Hawick Common Riding, Hogmanay and Hawick RFC's annual sevens tournament as such the applications were granted to allow a terminal hour of 3.00 am on these occasions. However, the Board decided there were no exceptional circumstances linked to Christmas and Halloween celebrations and refused applications for extended hours linked to these occasions. There would appear to have been no increase in disturbance, disorder or complaints linked to the premises as a result of the late hour extensions which were granted. The only other similar premises in the Board's area were situated in Kelso and Galashiels. The premises in Kelso (a much smaller market town) had a terminal hour of 2.00 am while the two night clubs in Galashiels (a similar sized town to Hawick) had terminal hours of 3.00 am on Thursday, Friday, Saturday and Sunday evenings.

(c) a letter dated 29 August 2016 from NHS Borders lodging an objection to the varying of the licence. Dr Patterson advised that the objection was on the basis that the application was inconsistent with Scottish Borders Licensing Policy Statement 2013 – 2016 which stated at paragraph 7.8 - the Board will grant any applications for times after 2.00 am only in exceptional circumstances. The Policy Statement was agreed and approved by all Licensing Board Members on 21 February 2014. In regard to alcohol related harm, the Alcohol Profile was developed by the Local Licensing Forum to assist the Licensing Board in development of the Policy and decision making. The Policy stated that regard would be made to the Alcohol Profile when determining applications. Since 2000, over 70 research studies had demonstrated a significant association between the local number of licensed premises and opening hours in a locality and levels of alcohol related harm. The premises was situated in the intermediate zone of Hawick Central, an area of Scottish Borders which had higher rates of alcohol related antisocial behaviour (56.9 compared with an average of 19.5). Extending the hours to 3.00 am was inconsistent not only with Board Policy but also with the Licensing Objectives of Protecting and Improving Public Health, preventing Crime and Disorder and Preventing Public Nuisance. There was no rationale which suggested there were exceptional circumstances relating to this application. In addition a similar application was refused in January 2015, and there was no change in the proposal to suggest that the Board would wish to reverse that decision.

- (d) (i) an email dated 8 December 2015 – FOI Borders College
(ii) an email dated 21 December 2015 – FOI Herriot Watt Campus
(iii) reference dated 16 October 2016 from Mark Messer
(iv) reference dated 16 October 2016 from Douglas Telfer
(v) reference dated 15 October 2016 from Councillor Stuart Marshall
(vi) reference dated 16 October 2016 from Councillor Watson McAteer
(vii) reference dated 18 October 2016 from Agnes Bell, Eildon Housing
(viii) reference by email dated 5 October 2016, Kaymarie Hughes, Trustee/Treasurer, Scottish Borders LGBT Equality
(ix) extract Scottish Borders Licensing Forum Report presented on 4 October 2016 – "Forum's suggested amendments to the Scottish Borders Statement of Licensing Policy".

Mr Gillies was present, represented by Mr Niall Hassard, TLT Solicitors. Mr Hassard referred to the commitment of Mr Gillies towards his business, his staff and the community in Hawick. Hopefully the Board could see that as a business operator Mr Gillies witnessed the substantial negative effects of the 2.00 am licence he currently operated and how this compared to both the occasional extended hours applications and the eight month successful trial period 2014 – 2015 when a 3.00 am licence had been granted. Mr Hassard referred to the hearing in February 2015 when the Board was not satisfied that an exception should be made. Because his submissions at that meeting were lengthy and technical, Mr Hassard reflected that that might have been detrimental to his client.

Mr Hassard in referring to the letter dated 5 September 2016 from Police Scotland said it was gratifying to note that the Police acknowledged how well Base Nightclub was run. The Police had sought to cite public concerns and objections in 2015, none of which were replicated in regard to the current application, he suggested that the absence of any “live objection” from residents, Community Council, Eildon Housing Association, fundamentally disproved the Police assertion that “nothing had changed”. Contrary to the view of the Police, Mr Gillies had clearly been able to exercise control over and / or deal with anti-social behaviour, noise and litter to the satisfaction of the local community. The Police offered no negative evidence in respect of this variation. Mr Gillies had liaised with residents and sought feedback from the objectors and offered to attend a Community Council meeting in advance of the Board hearing to answer questions. Mr Gillies was advised at the Community Council that there was no problem.

In discussing the letter dated 29 August 2016 from NHS Borders, Mr Hassard referred to paragraph 7.8 of the Board Policy, while the paragraph headed alcohol related harm made reference to the Board Policy and consideration of the Alcohol Profile, it failed to fully explain how the one hour extension requested was detrimental. Mr Hassard submitted that whilst the profile was to be considered the Board’s Policy Statement also stated at paragraph 4.6 “The Board strongly considers well run On Sales premises are a preferred and safer environment for alcohol consumption and should be encouraged over drinking in the home or any other unlicensed environment”.

In referring to the letter dated 2 September 2016 from Mr I. Tunnah, Licensing Standards and Enforcement Officer, Mr Hassard said it was rewarding for Mr Gillies to have an Officer acknowledge that the trial period from June 2014 to February 2015 had resulted in no adverse effects. Further Mr Tunnah acknowledged that there had been no increase in disturbance, nuisance or the like during the operation of ad hoc extended hours applications.

Mr Hassard went on to submit that the Board’s Policy Statement at paragraph 7.8 stated that the Board would grant applications for licensed hours after 2.00 am only in exceptional circumstances. The further guidance and explanation offered in the Policy, in his opinion, principally related to applications for one off / occasional events rather than permanent variations. With limited guidance Mr Hassard felt that his submission to the Board in February 2015 was too inward looking, focussing on Base Nightclub’s facts and figures. He considered that Base Nightclub was well ran if not better ran than Indigo and Warehouse and he could see nothing to distinguish Base Nightclub to the detriment of the premises. In referring to the Galashiels nightclubs which had an extension to 3.00 am because Galashiels was a student town, Mr Hassard submitted that lots of students and young people lived in Hawick and during the successful 6 month

trial the footfall was driven primarily by students and/or by young people. Mr Hassard advised that Base Nightclub no longer participated in Best Bar None because during the last 18 months Mr Gillies had to seek additional means of income and secondary employment. He had to curtail staffing numbers at Base Nightclub, therefore he could not commit to the time consuming process relating to being a member of Best Bar None. He went on to advise on the numerous qualifications which Mr Gillies held.

In regard to the documents submitted at (d) above, Mr Hassard referred to the papers provided by Mr Gillies following on from a Freedom of Information request, and said that the Borders College confirmed that from the 3,591 students enrolled, 697 were from the TD1 area (covering all of Galashiels), the percentage of students commuting to college from outwith Galashiels was therefore 80.6%. In relation to Heriot Watt, from the 600 students studying at their campus in Galashiels approximately 400 had listed Galashiels as their term time address. Taking this together there were 4,200 students, approximately 1,100 students living in Galashiels and some 3,100 travelling from other areas of the borders and beyond Galashiels meaning that over 72% of students lived outwith the Galashiels postcode. Whilst Mr Hassard was not suggesting that these 3,000 students came from Hawick he asked members to challenge their own views on whether Galashiels exceptional status could be supported by the number of students living there. Mr Gillies supported numerous local causes, charities and local initiatives as could be seen from the reference provided by Kaymarie Hughes. Mr Hassard also referred to the reference from Agnes Bell, Care Service Co-ordinator, Eildon Housing Association advising they had no complaints or concerns, stating that contact by Mr Gillies with the local staff had ensured on-going positive working relationships. The references from Councillors Marshall and McAteer fundamentally supported the application to address what they saw as an inequality forcing young people in particular to travel outwith the town to seek entertainment. Mr Gillies also supported young people by giving them work opportunities as detailed in the references provided by Mark Messer and Douglas Telfer. Mr Hassard concluded his submissions by referring to the extract from Scottish Borders Licensing Forum Report presented on 4 October 2016, although only a recommendation he considered that their views would echo what Board members had said during consideration of previous applications, that perhaps this part of the licensing Policy Statement needed to be addressed. He asked that the Board consider the application as an exceptional case and that the licence be granted to 3.00 a.m. on Friday and Saturday nights.

Mr Gillies and Mr Hassard answered Members' questions and the application was considered in detail. In regard to the application relating to Seasonal Variations in the operating plan being varied to read – 'during the festive period, namely Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Years Day (regardless of which day of the week these festive days fall on), and at any other times throughout the year, as defined by the Scottish Borders Licensing Board, the premises will operate until 3.00am for the sale of alcohol in accordance with the Licensing Board's policy in that regard', Mr Gillies advised he was happy for the words "and at any other times throughout the year" to be removed from the application and it was noted that delegated powers would be granted to the Licensing Standards and Enforcement Officer to liaise with Mr Hassard in relation to the wording of the seasonal variation.

VOTE

Councillor Weatherston, seconded by Councillor Herd, moved that the application to increase the terminal hour on Fridays and Saturdays until 3.00am be granted on the grounds that all licensing objectives had been met, and exceptional circumstances had been established.

Councillor White, seconded by Councillor Campbell, moved as an amendment, that the application to increase the terminal hour on Fridays and Saturdays until 3.00am be granted for a trial period of 6 months on the grounds that all licensing objectives had been met, and exceptional circumstances had been established.

On a show of hands Members voted as follows

Motion – 4 Votes

Amendment – 3 Votes

Accordingly the application was granted.

DECISION

AGREED that

- (a) **the application to increase the terminal hour on Fridays and Saturdays until 3.00am (currently 2.00am) be granted;**
 - (b) **delegated powers be granted to the Licensing Standards and Enforcement Officer to liaise with the Mr Hassard and Mr Gillies regarding the wording of the seasonal variation.**
- (b) **Section 56: Application for Occasional Licence.** The Board considered the following application for an Occasional Licence:-

- (i) Laurence Reid
MacArts
Bridge Street
Galashiels
29 October 2016 - 2.00pm -
5.00pm

There had been circulated copies of

- (a) a letter dated 10 October 2016 from Police Scotland. Inspector Scott advised that the applicant sought to operate a licensed bar for a “family disco and fun afternoon” event for parents and children at MacArts, Bridge Street, Galashiels on Saturday 29 October 2016, with operating hours of 2.00pm to 5.00pm. He referred to a similar application in July of this year, which was subsequently refused by the Board. Once again the application referred to a “Big Fish, Little Fish” event and background research from the website showed that The Big Fish Little Fish (BFLF) was 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 adult. 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 Scott 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 6 October 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 this was 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”. A similar application from the applicant on behalf of Big Fish, Little Fish was considered by the Board on 22 July 2016 and was refused. The event took place on 24 July 2016 without a licensed bar and was followed by an article on Big Fish, Little Fish website describing it as a success.
- (c) a letter dated 15 July 2016 from Dr Tim Paterson, Acting Joint Director of Public Health (Scottish Borders Council/NHS Borders). Dr Patterson 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. 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 fun 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 behaviour. The Board was asked to consider this evidence prior to any decision being made.

Mr Laurence Reid, Director / Trustee of MacArts was present. He advised if the application was granted there would be no financial gain for MacArts. He had been present at the last event held in MacArts which Big Fish Little Fish had run and remarked that the event had been exceptionally well organised. He advised that Councillor White had also attended the event as an observer. During the event the organisers had spoken to parents and were advised that it would have been good to be treated as adults and be able to have an alcoholic drink. This was the reason why a further application had been lodged. Members discussed the application. Councillor White agreed to abstain if there was a vote. Councillor Herd moved that the application be granted, but received no seconder.

DECISION

AGREED that the application be refused having regard to the Protecting Children from Harm licensing objective.

The following application was withdrawn:-

(ii) Nicola Douglas

St Margarets RC Primary School
Livingstone Place
Galashiels
28 October 2016 - 7.00pm -
9.00pm

4. FESTIVE SEASON POLICY HOURS

It was noted that this year the usual 'Festive Season' days incorporated into Seasonal Variations for the vast majority of Premises Licences fell on Christmas Eve - Saturday, Christmas Day - Sunday, Boxing Day – Monday, New Years Eve – Saturday and New Years Day – Sunday. Normal core hours on a Saturday were until 1.00am, with normal core hours for Sunday and Monday being restricted to midnight. Mr Tunnah, Licensing Standards and Enforcement Officer advised that a large number of Premises Licences had a seasonal variation incorporated into their Operating Plan which allowed opening until 1.00am on these days. The wording of those seasonal variations stated: "Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day until 1.00am or in line with Board policy." The following paragraphs from the Licensing Boards Current Licensing Policy Statement for Core Hours were highlighted :-

7.3 - As far as on sale hours are concerned, the Board will not normally grant applications for more than 14 hours in any 24 hour period. Where there is no significant entertainment and alcohol consumption is the principal activity, hours should not extend beyond 12.00 midnight Sunday to Wednesday and 1.00am Thursday to Saturday, with a commencement time of 11.00am seven days a week; and

7.5 In relation to festive seasonal hours for inclusion within the premises operating plan, the Board will normally consider acceptable extension of on sale core hours until 1.00am on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day.

In the circumstances, it would be practical for the Board to consider that any applications for such extended hours from Premises which did not have a Seasonal Variation included in their Operating Plan, should be dealt with by Officers under delegated powers.

In relation to nightclub premises, there was a variance in core hours within existing Premises Licences. Of the four nightclubs in the Scottish Borders, two were licensed until 3.00am on a Sunday with the latest until 2.00am on Monday (Boxing Day). This being the case the Board were requested to consider festive policy hours for those premises to allow applications to be dealt with under delegated powers also.

Members were reminded that applications for extended hours would be required and need to be submitted timeously to allow them to be referred to the Board in the normal manner in the event that any representations or objections were received.

DECISION

- (a) AGREED to grant delegated powers to officers :-**
 - (i) to grant extended hours during the festive season in accordance with the current Licensing Policy Statement; and**
 - (ii) to grant extended hours to nightclub premises similar to their normal weekend hours.**
- (b) NOTED that applications for extended hours would be required to be submitted in the case of those premises where there was no 'Seasonal Variation' currently incorporated within their Operating Plan to cover the festive season.**

ADOURNMENT

The meeting adjourned from 10.45 am until 11.00 am

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.
- 6. **Licensing (Scotland) Act 2005:**
 - (i) Section 72: Application for Grant of Personal Licence.** With reference to paragraph 6.1 of the private Minute held on 23 September 2016, Members agreed that the application be granted.
 - (ii) Section 84A: Personal Licence Review Application.** With reference to paragraph 6.2 of the private Minute held on 23 September 2016, Members agreed that the personal licence be suspended for six months with immediate effect.

Minute

7. The Private section of the Minute of 23 September 2016 was approved.

The meeting concluded at 12.20 p.m.

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

Present:- Councillors W. Archibald (Convener), B. Herd, J. Campbell, J. Greenwell, G. Logan, D. Paterson, J. Torrance T. Weatherston, B. White.
Apologies:- 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 (F. Henderson), P.C. P. Robertson, Inspector T. Hodges - Police Scotland.

1. **MINUTE**

The Minute of Meeting of 21 October 2016 had been circulated.

**DECISION
APPROVED.**

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 12 October to 9 November 2016.

**DECISION
NOTED.**

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

(a) **Section 29: Applications for Variation of Provisional Premises Licence.**
The Board considered the following applications for Variation of Premises Licence.

(i) The Co-Operative Group Food Ltd	The Co-operative Food High Street Melrose Provisional
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Amendments to operating plan and layout plan to increase alcohol capacity from 34.8175 m² to 39.685 m².

There were no representations.

Ms Zoe Calderwood, Hill Brown Licensing and the Co-operative Food's Area Manager, were present. Mr Tunnah advised that the application related to a small increase in alcohol provision which had been inevitable due to the design of the new build Co-op premises in Melrose. In response to questions from Members, Ms Calderwood advised that the Co-op was very diligent in monitoring the sale of alcohol in their stores and areas of the store were also covered by CCTV. In terms of the design of the Co-op, where people queuing were in front of the alcohol display she agreed to take the comments back to head office.

**DECISION
GRANTED.**

(ii) Hunters Stables Limited

Hunters Stables (formerly
RBS)
Moorefield
Main Street
St Boswells

Amendments to premises licence, operating plan and layout plan:-

- Remove adult entertainment from listed activities
- Extend existing listed activities - restaurant facilities and televised sport to be provided outwith core licensed hours
- Amend the explanation of activities to be provided outwith core licensed hours
- Delete the existing wording in relation to any other activities and substitute a more suitable form of wording for activities relating to a restaurant and bar premises
- Remove all reference to club as contained in the current Operating Plan
- Amend the children and young persons statement to reflect the removal of club membership
- Reduce the capacity from 266 to 100
- Amendment to layout plan to reduce the licensed area, introduce a new kitchen, seating and table layout
- Include minor variation to change name of premises to "Hunters Stables"

There were no representations.

Mr Salvatore De Martino, applicant was present. Mr Tunnah advised that the premises was previously licensed by the former Royal British Legion in St Boswells and had been out of use for some 2 years prior to it being bought and re-refurbished by the current applicant into a Bistro. The variation to the premises licence, operating plan and layout plan were to update them following the refurbishment.

**DECISION
GRANTED.**

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

The Spotty Dog (Lauder) Ltd

The Spotty Dog
3(a) East High Street
Lauder

Licensed Hours Applied For:

On Sale

Off Sale

None

Monday to Sunday 10.00am - 8.00pm

There were no representations.

Mr McRitchie, applicant was present. Mr Tunnah advised that the Spotty Dog had been trading for 6 years and the application was to extend their product range to compliment the products currently sold.

**DECISION
GRANTED.**

4. LOCAL LICENSING FORUM – REQUEST THAT SCOTTISH BORDERS LICENSING BOARD ISSUE A SUPPLEMENTARY STATEMENT TO ITS CURRENT LICENSING POLICY

There had been circulated copies of a letter dated 17 October 2016 from the Scottish Borders Local Licensing Forum (LLF) advising that at the LLF meeting held on 4 October 2016 it was agreed that a letter should be sent to the Licensing Board asking them to consider issuing a supplementary to their current Statement of Licensing Policy. The LLF had considered the current Licensing Policy Statement and suggested that the changes detailed in the Appendix to the letter were worthy of consideration by the Board. Members of the LLF had discussed the amendments and the changes contained within the Air Weapons and Licensing Act 2015, which affected the duration of existing Licensing Board Policy Statements and it was acknowledged that the statutory timescale required to process a Supplementary Policy might be a limiting factor. However, it was agreed that the suggested changes would be a good starting point for the review of the policy by the new Scottish Borders Licensing Board following the Local Government election in May 2017. As such Members of the LLF agreed to write to the Licensing Board regarding the LLF Working Group's suggested changes to the Policy. Inspector Hodges emphasised that Police Scotland required the Policy to be clearer, particularly in regard to the need for a clear definition of what would be considered as an exceptional circumstance for late night premises as it was his opinion that there were some ambiguities within the current policy. The Chairman thanked the LLF for their work.

DECISION

AGREED that the Board would not undertake to issue a supplementary statement to its current Policy Statement, however, would ensure that the suggested changes would be made available to the next Board when carrying out the next policy review.

URGENT BUSINESS

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

5. JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING

The Convener took the opportunity to remind Members that the next joint meeting was scheduled to take place on 22 November and encouraged attendance where possible.

**DECISION
NOTED.**

6. OUTSTANDING LICENSING FEES

The Licensing Team Leader requested the Board review the process for dealing with review of premises licences for unpaid annual fees. She explained that a number of premises annual fees due on 1 October remained unpaid. In previous years, the Licensing Standards and Enforcement Officer had submitted review applications for

the Board's consideration. It was proposed that given payment of annual fees was a mandatory condition of all premises licence, it may be more appropriate that any reviews for non-payment be instigated by the Board. The proposed process would alleviate the need for service of Section 14 Compliance Notices and reduce the administrative burden for the Board's staff. There would be no impact on sanctions available to the Board, these being prescribed by the Licensing (Scotland) Act 2005.

DECISION

AGREED that the Board would review any premises licences whose annual fees remain outstanding at its next meeting.

PRIVATE BUSINESS

7. **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.

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

Minute

The Private section of the Minute of 21 October 2016 was approved.

The meeting concluded at 10.30 a.m.

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

Present:- Councillors W. Archibald (Convener), B. Herd, J. Campbell, G. Logan,
D. Paterson, T. Weatherston, B. White.
Absent:- Councillor R. Stewart.
Apologies:- Councillors J. Greenwell, 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), Inspector T.
Hodges, PC C. Lackenby – Police Scotland.

1. MINUTE

The Minute of Meeting of 18 November 2016 had been circulated.

**DECISION
APPROVED.**

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 November to 7 December 2016.

**DECISION
NOTED.**

3. LICENSING (SCOTLAND) ACT 2005:-

(a) Section 20: Application for Premises Licence. The Board considered the following application for grant of provisional licence:-

Partnership of David and Susan Watson Balcary House Hotel
Buccleuch Road
Hawick

Operating Plan includes provision of on and off sale facility.

No representations had been received.

Mr David Watson was present at the meeting. He explained he had turned the premises into a high quality residential hotel with 8 bedrooms. At the request of guests there was now free Wi-Fi in the restaurant area.

**DECISION
GRANTED.**

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

Peebles Hotel Hydropathic Ltd Peebles Hotel Hydro
Innerleithen Road
Peebles
EH45 8LX

Amendments to operating plan and layout plan:-

- Include area at front of main hotel, the rose garden and brewery building to licensed area;
- Delete current narrative in seasonal variations and replace with The Festive Period in accordance with Board Policy;
- Addition of conference facilities; Restaurant facilities, bar meals, receptions etc, club meetings, recorded music, films, indoor/outdoor sports and televised sport to activities provided outwith core licensed hours;
- Addition of outdoor drinking facilities to be provided both during and outwith core licensed hours;
- Delete the current other activities and replace with Brewing and Distilling;
- Clarification of access for Children and Young Persons; and
- Update capacity to 1530.

There had been circulated copies of:-

(i) a letter dated 4 November 2016 from Mr I. Tunnah, Licensing Standards and Enforcement Officer making observations regarding the accompanying Operating Plan. The explanation at Question 5 (Listed Activities) as to Yes being in column 4 may be more appropriately worded as follows: These activities may commence prior to core hours but will not extend beyond other than for Residents and their bona fide Guests. In relation to Question 5(f):- The Hotel has Swimming Pool, Spa and Gym facilities available to both resident and non-resident guests as well as various retail outlets and activities. Brewing and Distilling facilities will be carried on in the Brewery Building where various craft ales and spirits are produced. Any other activities normally associated with a large fully licensed Hotel. In relation to Question 6(b):- Children accompanied by a responsible adult as residents and when involved in any of the various activities within the Hotel as well as any pre-arranged function. Young Persons for the same purposes but without the requirement of being accompanied. Question 6(c):- Children – 15 years and under. Young Persons – 16 and 17 years. Question 6(d):- Children and Young Persons permitted access at all times as residents, until 10.00 pm for the other activities other than pre-arranged private functions when they would be permitted access for the duration of the function. Question 6(e):- Access to all public areas.

(ii) a letter dated 8 November 2016 from Police Scotland. Inspector Hodges advised that the premises was a hotel with additional facilities in respect of a swimming pool, fitness gym and spa. With respect to Question 5(f) the application removed all references to these activities being available to both residents and non-residents and replaces it with reference to the brewing and distilling aspect only. Consideration should be given to amending this section with a full explanation of the activities which would take place. The wording of Question 6 was inappropriate, in that the text in 6(b) did not provide sufficient information as to the terms of access for children and young people. Question 6(c) did not split the age of children and young people and question 6(d) should reflect that children and young people might be there for a purpose other than any function i.e. residents. If the variation, or an amended version was approved, the Chief Constable considered that conditions be imposed in respect of the outside drinking areas, namely the area at the front of the hotel and the Rose Garden, be restricted to a terminal hour of 10 p.m. each day for the purpose of reducing noise nuisance to local residents.

Mr Williams, Solicitor was present, accompanied by Mrs Caroline Raeburn, Designated Premises Manager, Peebles Hydro Limited. Mr Williams explained that the application for variation had been triggered by the introduction of a small craft

No representations had been received.

Mr and Mrs Deans were present. Mr Tunnah gave information in relation to the premises which used to be known as the Ewe and Lamb. Hawick YM Rugby Football Club had now ceased trading. Mrs Deans advised that the premises was being turned back into a traditional public house.

**DECISION
GRANTED.**

4. SECTION 37:- REVIEW OF PREMISES LICENCES

(a) The Board considered a paper providing information on Annual Fees unpaid for 2016/17 by the following premises:-

- (i) Fletchers, Hillside Terrace, Selkirk TD7 4LT
The Licensing Standards and Enforcement Officer advised that the premises were still trading and the licensee had made no contact regarding the unpaid fee.

**DECISION
AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.**

- (ii) Tibbieshiels Inn, St Marys Loch, Selkirk, TD7 5LH
The Licensing Standards and Enforcement Officer advised that to the best of his knowledge the premises was closed.

**DECISION
AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.**

- (iii) Kwans Chinese Restaurant, 10/12 Roxburgh Street, Kelso TD5 7DH
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading as a restaurant and now provided takeaway food only.

**DECISION
AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.**

- (iv) Rutherford Castle Golf Club, West Linton EH46 7AS
The Licensing Standards and Enforcement Officer advised that the premises was closed and had ceased trading.

**DECISION
AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.**

- (v) The Sunflower Restaurant, 4 Bridgegate, Peebles EH45 8RZ
The Licensing Standards and Enforcement Officer advised that the premises was closed and had ceased trading.

**DECISION
AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.**

- (vi) Blackadder Social Club, Mill Wynd, Greenlaw TD10 6UA
The Licensing Standards and Enforcement Officer advised that the premises was closed and had ceased trading.

DECISION

AGREED that the premises licence be suspended with effect from midday on 23 December 2016 unless payment of outstanding fees was made before that date.

- (vii) RBLS, Drill Hall, Coldstream TD12 4DH
The Licensing Standards and Enforcement Officer advised that the fee had now been paid.

DECISION

NOTED.

- (b) **The Board considered a paper providing information on Premises Licences Currently Suspended for Non Payment of Previous Year's Annual Fees:-**

- (i) The Abbotsford Arms Hotel, 63 Stirling Street, Galashiels TD1 1BY
The Licensing Standards and Enforcement Officer advised that there was some confusion over the ownership of the premises. Mr Williams, Solicitor, advised that his colleague Mr A. MacDonald had sought instruction from the owners for today's meeting but had been unsuccessful. He asked for the application to be continued to the next meeting of the Board to allow Mr Macdonald another opportunity to try to contact the owners. Members discussed the position and asked that Mr Williams ask Mr Macdonald to instruct the owners to ensure that the premises was lock-safe.

DECISION

AGREED to continue consideration until the next meeting of the Board pending clarification on the current position.

- (ii) Eagle Hotel, 1 Market Place, Lauder TD2 6SR
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading.

DECISION

AGREED that the premises licence be revoked with immediate effect.

- (iii) Buccleuch Lounge Bar and Restaurant, 1 Trinity Street, Hawick TD9 ONR
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading.

DECISION

AGREED that the premises licence be revoked with immediate effect.

- (iv) Empress of India, 6 Roxburgh Street, Kelso TD5 7SH
The Licensing Standards and Enforcement Officer advised that there was some doubt as to whether the citation had been received by the licence holder owing to some confusion over the address of the licence holder.

DECISION

AGREED to continue consideration to the next meeting of the Board.

- (v) The Courthouse Bar Restaurant, High Street, Peebles EH45 8SW
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading.

DECISION

AGREED that the premises licence be revoked with immediate effect.

The meeting concluded at 10.40 a.m.