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LOCAL LICENSING FORUM TUESDAY, 23 JANUARY 2018

A MEETING of the LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on TUESDAY,
23 JANUARY 2018 at 4.00 pm

J. J. WILKINSON,
Clerk to the Council,

16 January 2018

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Minute (Pages 3 - 6) Minute of meeting of the Local Licensing Forum of 3 October 2017 to be approved (copy attached).	2 mins
5.	Matters arising from the Minute	5 mins
6.	Best Bar None (BBN) Update by PC Nick Walker (Police Scotland)	10 mins
7.	Agent Purchase Campaign PC Nick Walker (Police Scotland)	10 mins
8.	Bystander Theory Approach - Who are you PC Nick Walker (Police Scotland)	10 mins
9.	Review of Scottish Borders Licensing Board Policy Statement Update by Licensing Standards Officer	15 mins
10.	Joint Licensing Board/Forum Meeting - feedback	5 mins
11.	Scottish Borders Licensing Board Minutes (Pages 7 - 28) Copies of the following Minutes attached:- 22 September 2017; 20 October 2017; 17 November 2017; 15 December	5 mins

	2017.	
12.	Any Other Items Previously Circulated.	
13.	Any Other Items which the Convener Decides are Urgent.	
14.	<p>Private Business</p> <p>Before proceeding with the private business, the following motion should be approved:- “That under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 7A to the aforementioned Act”.</p>	
15.	Police Report (Pages 29 - 32)	10 mins
16.	<p>Alcohol Profile (Pages 33 - 60)</p> <p>Consider working draft (copy attached)</p>	10 mins

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:- S. Bell, M.W. Hay, PC T. Rae, R. Mackay, A. Maybury, Dr T. Patterson, G. Todd, I. Tunnah S. Walker, M. Wynne.

Please direct any enquiries to Fiona Walling 01835 826504
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**SCOTTISH BORDERS COUNCIL
LOCAL LICENSING FORUM**

MINUTE of Meeting of the LOCAL LICENSING FORUM held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 3 October 2017 at 4.00 pm

Present:- S. Bell, S. Elliot, M. W. Hay, PC Lackenby (Police Scotland),
A. Maybury, G. Todd, M. Wynne.

Apologies:- I. Tunnah, R. Mackay.
Also present:- Councillors J. Greenwell (Convener Scottish Borders Licensing Board),
D. Paterson.

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

Member of press joined during paragraph 5

WELCOME

Members of the recently appointed Scottish Borders Licensing Board, Councillor Greenwell (Convener) and Councillor Paterson, were welcomed to the meeting and members of the Forum were asked to introduce themselves.

1. **APPOINTMENT OF CONVENER**

After discussion, Ms Susan Elliot agreed to chair the meeting and it was suggested that future meetings be chaired on a rolling basis until a Convener was appointed on a more permanent basis. Mr Mark Hay offered to chair the next meeting.

**DECISION
AGREED**

- (a) to appoint a chair on a rolling basis at each meeting as an interim measure:
- (b) that Ms Susan Elliot chair the current meeting.

RESIGNATION

Mr John Taylor had resigned from the Forum due to his time being taken up with other commitments. The Forum received this information with regret.

DECISION

AGREED that the Democratic Services Officer write to Mr Taylor, on behalf of the Forum, to express appreciation for his contribution as a member.

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 24 January 2017.

DECISION

APPROVED the Minute for signature by the Chairman.

3. **REVIEW OF SCOTTISH BORDERS LICENSING BOARD POLICY STATEMENT -
UPDATE**

With reference to paragraph 2.1 of the Minute of 24 January 2017, Ms Elliot reminded members of the Forum that the new Scottish Borders Licensing Board would be reviewing its Statement of Licensing Policy. The publication of the new Policy Statement was due by November 2018 following a three month consultation period. Councillor Greenwell advised that the Licensing Board had set up a short life working group to review the existing statement with the first meeting scheduled for the following week. It was noted that a copy of the Forum's suggested amendments had been sent to the Convener of the previous Licensing Board. It was agreed that the Forum's own working group be reconvened for a one-off meeting to update the previously suggested amendments and to submit these to the new Board. The Forum would also give a response to the consultation on the new statement at the appropriate time. The membership of the Forum's working group was noted as follows: S. Elliot, M. Hay, I. Tunnah and M. Wynne.

DECISION

AGREED that the short-life working group, set up to identify areas of change relevant to the new Statement of Licensing Policy, be reconvened and that the group's suggested amendments be circulated to members of the Forum for comment before being submitted to the Scottish Borders Licensing Board for consideration.

4. ALCOHOL PROFILE

Ms Elliot advised that data from Police Scotland, NHS Borders, Scottish Borders Council and the Scottish Public Health Observatory was being drawn together for the Alcohol Profile 2016-17. The findings would be presented to the Joint Licensing Board/Local Licensing Forum meeting in December. The Members of the Licensing Board welcomed Ms Elliot's suggestion of preparing an A4 sized user-friendly infographic, picking out the key points from the Alcohol Profile, to which they could refer at all Board meetings.

DECISION NOTED

5. POLICE REPORT

5.1 PC Lackenby presented his report which began with a summary of incidents occurring on licensed premises in the first two quarters of 2017. The prevention of harm from alcohol formed part of the patrols, particularly at weekends and officers engaged with youths to deter them from abusing alcohol. When alcohol was found in their possession it was disposed of and the relevant concerns raised with partner agencies. The Police Licensing Unit had processed 229 occasional licence applications in the first quarter - 12 being classed as late - and 361 in the second quarter. There had also been 28 personal licence applications in the first quarter and 25 in the second. There were eight premises licence applications with representations or objections being submitted in relation to three of the applications. All of the applications were granted by the Licensing Board. Police had also processed 55 variation applications with no representations being submitted.

5.2 In a discussion of the report, Mr Wynne explained that several of the Common Riding Committees were visited prior to the festivals by himself and fellow SBC Licensing Standards Officer, Ian Tunnah. Their advice was gratefully received by organisers and taken on board. It was felt that there was a good working relationship with the festival organisers going forward and a meeting with the Chair of the Borders Common Riding Festival Association and Committee leads had been organised for later in the year to discuss where improvements could be made. Councillor Greenwell, Convener of the Licensing Board, was pleased to note that there were now few applications for occasional licences related to child-centred events. Mr Wynne referred to the occasional licence applications classed as 'late' (less than 7 days' notice) and noted that this could be an issue addressed in the revision of the Policy Statement. In conclusion PC Lackenby advised that he would be leaving his current position in Police Licensing and that, from 4 December, his place would be taken by PC Terrie Ray. PC Lackenby was thanked for his contribution to the Forum over the past five years.

DECISION
NOTED the report.

6. **JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING**

It was confirmed that the joint Licensing Board/Licensing Forum meeting would take place on Wednesday 6 December 2017 at 4 pm in the Chamber, Council HQ. Ms Elliot advised that the Forum would put forward agenda items including an overview of the work of the Forum and suggest a CPD session on the impact of legislation relating to the Air Weapons and Licensing (Scotland) Act 2015. She advised that Alcohol Focus Scotland had offered to send a representative to give a presentation and answer questions. This proposal was welcomed by those present.

DECISION
NOTED that:-

(a) **the joint Licensing Board/Local Licensing Forum meeting would be held on Wednesday 6 December 2017 at 4 pm in the Chamber, Council HQ; and**

(b) **the meeting would include a joint CPD item in the form of a presentation and Q & A session with a representative from Alcohol Focus Scotland.**

7. **UPDATE ON NATIONAL LICENSING FORUM**

With reference to paragraph 6 of the Minute of 24 January 2017, Ms Elliot reported that the Forum's response to the consultation had been forwarded to the East Ayrshire Local Licensing Forum but that, to date, East Ayrshire had been unable to take the proposal forward.

DECISION
NOTED

8. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 20 January 2017, 17 February 2017, 17 March 2017, 21 April 2017, 16 June 2017, 21 July 2017 and 18 August 2017. Ms Elliot noted the positive discussions with new Board Members having recently undertaken training and referring to Policy and Licensing Objectives.

DECISION
NOTED the Minutes.

9. **URGENT BUSINESS**

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

9.1 **Premises Late Night Visits**

Mr Wynne explained that Police Scotland had extended an invitation to the Licensing Board to attend premises late night visits. Members of the Licensing Forum were included in this invitation. Members who had taken part in visits on a previous occasion had agreed how informative these had been. Mr Wynne would circulate the proposed date of the visits, once available, to members of the Forum and those who wished to join the visits should contact him direct.

DECISION
NOTED

9.2. **Availability of alcohol on-line**

Mr Hay drew attention to the ease of ordering and acquiring alcohol on-line. Mr Wynne explained that there was guidance under the Licensing Act about on-line orders placing responsibility on the delivery driver. However it was recognised that the issues raised were difficult to deal with and this had been flagged up by Alcohol Focus Scotland.

**DECISION
NOTED**

9.3 Recruitment of new members for the Forum

It was agreed that, following recent resignations, there was an urgent need to recruit new members for the Licensing Forum. Ms Elliot and Ms Bell offered to take forward a recruitment campaign using SBC Communications to facilitate this through the website and social media.

**DECISION
AGREED that a recruitment campaign be carried out for new members to join the Scottish Borders Licensing Forum.**

9.4 Exploring the impact of alcohol licensing in England and Scotland

Ms Elliot reported that Stirling University was carrying out a study to examine whether and how local public health engagement in alcohol licensing, operated through the local licensing regime to affect alcohol-related harms. The aim of the study was to generate detailed, policy-relevant evidence that could be acted on locally, and to inform potential national legislative changes and international licensing regimes. While many public health partners in England and Scotland worked intensively to try to influence local alcohol licensing many others did not. Little was known about if, or how, implementing these activities actually influenced licensing policy and decisions, as well as health or crime outcomes. Better evidence was needed for public health partners to decide whether and how best to engage with licensing, and for licensing authorities to understand what elements of licensing led to, or had the potential to reduce, alcohol-related harms. Ms Elliot took part in a capacity-building day for researchers from Stirling University to provide an overview of public health involvement from a Scottish perspective in licensing. The research team would be looking for 40 areas across the UK to take part in the study and it was likely that the Scottish Borders would be invited to participate.

**DECISION
NOTED**

The meeting concluded at 5.00 pm

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
22 September 2017 at 10.00 a.m.

Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston.

Apologies:- Councillor J. Greenwell.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr I. Tunnah), Democratic Services Officer (F. Henderson), Inspector Wood, PC C. Lackenby, Police Scotland.

1.0 CONVENER

1.1 In the absence of the Convener, Councillor Turnbull, seconded by Councillor Richards proposed that Councillor Weatherston chair the meeting. There being no other nominations, Councillor Weatherston chaired the meeting.

DECISION

AGREED that Councillor Weatherston, chair the meeting in the absence of the Convener.

2.0 ORDER OF BUSINESS

2.1 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.

3.0 MINUTE

3.1 The Minute of Meeting of 18 August 2017 had been circulated.

DECISION

APPROVED.

4.0 LICENCES DEALT WITH UNDER DELEGATED POWERS

4.1 For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 5 August to 12 September 2017.

DECISION

NOTED.

5.0 SCOTTISH BORDERS LICENSING BOARD FINANCIAL REPORT 2016/17

5.1 There had been circulated copies of a report by the Clerk to the Licensing Board which invited the Board to approve the Annual Financial Report for 2016/17 set out in the Appendix to the report. The report explained that the Air Weapons and Licensing (Scotland) Act 2015 amended the Licensing (Scotland) Act 2005 (the "2005 Act") to introduce a requirement that Licensing Boards produce and publish annual functions reports and annual financial reports. The requirement to publish an annual functions report had not yet come into effect. The requirement to publish an annual financial report came into effect on 15 May 2017. Short notice was given to Boards that the first report which would be required would be in respect of financial year 2016/2017. The 2005 Act requires the Board's annual financial report to be published not later than three months after the end of each financial year. This means that the Board's report for financial year 2016/17 should have been published no later than the end of June 2017. However the Scottish Government recognised that due to the short notice of this requirement coming into effect, together with the local government

elections at the beginning of May 2017 which resulted in the creation of new Licensing Boards, the requirement to have financial reports published by the end of June 2017 was unrealistic. It was agreed therefore that Boards should be allowed some leeway but should strive to publish their financial report as soon as possible.

DECISION

(a) AGREED:-

- (i) to approve the annual financial report set out in the Appendix to the report; and**
- (ii) to authorise the Clerk to the Board to proceed with the publication of the annual financial report.**

(b) NOTED the contents of the report.

6.0 LICENSING (SCOTLAND) ACT 2005:

6.1 Section 20: Application for Premises Licence. The Board considered the following application for Grant/Provisional Grant of Premises Licence:-

- (i) Guiseppe & Simone Falcone** Santa Marina Italian Restaurant & Bar
Teviot Crescent
Hawick TD9 9RE
Provisional

Licensed Hours applied for:

Off Sale

Monday to Sunday 10.00 a.m. – 10.00 p.m.

There had been circulated copies of the Application and Operating Plan and the proposed layout plan was displayed at the meeting. The Licensing Standards and Enforcement Officer advised that the property had previously been a nightclub and then a bike shop and had been purchased for extensive development and investment into an Italian Restaurant and Bar.

Mr Simone Falcone was present at the meeting and explained that he had invested a considerable amount of money into the project. The conversion work was underway and was likely to be completed in 4/6 weeks.

DECISION

GRANTED.

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

- (i) Aldi Stores Limited** Aldi Stores
31 -32 Commercial Road
Hawick TD9 7AD
Provisional Premises

Amendments to Operating Plan and Layout Plan, to include an increase in the proposed capacity of the alcohol display area (from 31.54435m to 31.71486m).

There had been circulated copies of the Application, current operating plan and

proposed operating plan. The Licensing Standards and Enforcement Officer advised that the variation related to a very small increase in alcohol display only but any amendments to the area of alcohol required to come to the Board. There were no police objections

Mr Michael MacDougall, Solicitor, TLT and Zoe McPherson, Area Manager were present. Mr MacDougall confirmed the increase was as a result of changes to shelving configuration as building works at the premises were progressing.

**DECISION
GRANTED.**

(ii) **Main Street Trading Co Ltd** Main Street Trading Company
Main Street
St Boswells

Amendments to Operating and Layout Plan detailing proposed new layout of the delicatessen area and additional off sale shelved alcohol display to 53.89square metres (currently 7.5square metres).

There had been circulated copies of the variation application, current operating plan and proposed operating plan. The Licensing Standards and Enforcement Officer advised that this was a young developing business, comprising bookshop, coffee shop/restaurant and delicatessen. The application was to re-arrange the delicatessen and Coffee Shop/Restaurant lay out to include an upgraded alcohol display within the delicatessen shop area and extension to counter area. There were no police objections.

Mr De La Hay was present on behalf of Main Street Trading Co Ltd and explained the increase would allow his business to develop further.

**DECISION
GRANTED.**

(iii) **Henry Ballantyne Memorial Institute** Henry Ballantyne
Memorial Institute
28 Caberston Road
Walkerburn EH43 6AT

Amendments to Operating Plan:

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
11.00am -11.00pm	11.00am – 12.00midnight
Sunday to Thursday	Sunday to Thursday
- Addition of Activities within Core Hours: Conference Facilities; Receptions etc; Club or other Group Meetings; Recorded Music; Indoor/Outdoor Sport and Televised Sport.
- Addition of Activities outwith Core Hours: Conference Facilities; Receptions etc; Club or other Group Meetings; Recorded Music; Indoor/Outdoor Sport and Televised Sport.
- Change explanation in respect of entries in Column 4 (outwith core hours).

**DECISION
GRANTED.**

6.3 **Section 56: Application for Occasional Licence.** The Board considered an application from Hawick Angling Club for an Occasional Licence.

Hawick Angling Club

Hawick Angling Club
5 Sandbed
Hawick
TD9 0HE

There had been circulated copies of the application and a letter of representation dated 20 September 2017 from Police Scotland. The Licensing Standards and Enforcement Officer advised that the application was for an 18th Birthday Party to be held in the clubhouse. As 18th Birthday parties have historically been rowdy occasions, Police Scotland had requested conditions which were detailed in the Appendix to their letter of representation.

Inspector Wood confirmed the Police position that they wished additional conditions to be considered due to the nature of the event.

Mr Lackenby, representing The Angling Club, explained they were keen to increase revenue and were accepting of the conditions being requested. It was explained that trained Club Members would be serving at the bar.

DECISION

GRANTED an Occasional Licence to Hawick Angling Club with the following conditions:-

- **Access to bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1 metre of the bar.**
- **Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:**
 - *No under 18's served alcohol**
 - *Persons who appear to be under the age of 25 will be asked to provide identification**
 - *The specific opening and closing times of the bar**
 - *Responsible drinking message**
 - *No smoking signs**
- **There should be a Personal Licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours mandatory training, as required under the legislation.**
- **Plastic drinking containers should be used throughout the duration of the event.**
- **Children and Young Persons (0-17 years) may only gain entry to the event if accompanied by a responsible parent or guardian over the age of 25 years.**
- **Children may remain until 10 p.m. but only if supervised by a responsible parent or guardian over the age of 25 years.**
- **Young Persons may remain until 12.15 a.m. but only if supervised by a responsible parent or guardian over the age of 25 years.**

- **All reasonable requests made by the Police are complied with.**

7.0 **REVIEW OF STATEMENT OF LICENSING POLICY**

7.1 The Clerk sought nominations for a short term Working Group to review the existing Statement of Licensing Policy. He explained it was a statutory requirement for a new Policy to be adopted before November 2018 involving a three month public consultation period.

**DECISION
AGREED that**

- (i) **a short term Working Group be established to include the following Members as follows:-
Councillor Greenwell
Councillor Richards
Councillor Tatler
Councillor Thornton-Nicol**
- (ii) **any other Members wishing to take part in the Working Group should notify their interest to Fiona Henderson by 13 October; and**
- (iii) **Working Group meeting dates will be confirmed at the next meeting**

8.0 **FESTIVE SEASON EXTENDED HOURS POLICY**

8.1 There were circulated at the meeting copies of a briefing paper explaining which Festive Season days were incorporated into the Seasonal Variations and applied to the vast majority of Premises Licences (excluding nightclubs) i.e. Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day. It was explained that normal core hours on a Sunday, Monday and Tuesday were restricted to midnight. However a large number of Premises Licences had a seasonal variation incorporated into their Operating Plan which allowed opening until 1 a.m. on these days. The briefing paper detailed the Boards current Licensing Policy Statement for Core hours and festive seasonal hours.

8.2 In relation to Nightclubs the briefing paper detailed the opening hours for the four Nightclubs over the Festive period and whether there were seasonal variations included in their operating plan. The Clerk went on to explain that there was a variance in core hours within existing Premises Licences, as two Nightclubs in the Scottish Borders were licenced until 3.00 a.m. on a Sunday (Christmas/New Years Eve) whilst two had seasonal variations incorporated into their Operating Plans until 2.00 a.m. for the other festive dates. In order to provide consistency for nightclubs, the Board considered the festive policy hours for those premises which did not already have a seasonal variation to allow applications to be dealt with under delegated powers.

8.3 The Licensing Standards and Enforcement Officer proposed that all premises be granted Licences with delegated powers to officers for their normal Saturday

night core hours on. The five festive dates (24, 25, 26 and 31 December 2017 and 1 January 2018) all subject to submission of timely extended hours applications for those premises that do not have a seasonal variation in their current Operating Plan. As required by the Licensing (Scotland) Act 2005, where there are any representations or objections, such applications will require to be referred to the Board for a decision.

DECISION

AGREED that:-

- (a) all premises be granted Licences, with delegated powers to officers for their normal Saturday night core hours on. The five festive dates (24, 25, 26 and 31 December 2017 and 1 January 2018) all subject to submission of timely extended hours applications for those premises that do not have a seasonal variation in their current Operating Plan.
- (b) as required by the Licensing (Scotland) Act 2005, where there are any representations or objections, such applications will require to be referred to the Board for a decision.

9.0 **URGENT BUSINESS**

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

10.0 **JOINT BOARD/LOCAL LICENSING FORUM**

10.1 The Committee noted that the next scheduled date for the Local Licensing Forum was Wednesday, 6 December 2017.

**DECISION
NOTED.**

11.0 **PREMISES LATE NIGHT VISITS**

11.1 The Clerk advised the Committee that Police Scotland had extended an invitation to the Licensing Board to attend premises late night visits. In the absence of the Convener, the Clerk agreed to e-mail proposed dates for consideration.

**DECISION
NOTED.**

The meeting concluded at 10.50 a.m.

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
20 October 2017 at 10.00 a.m.

Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull, 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 (F. Henderson), Inspector Hodges, PC C. Lackenby, Police Scotland.

1.0 **MINUTE**

1.1 The Minute of Meeting of 22 September 2017 had been circulated.

**DECISION
APPROVED.**

2.0 **LICENCES DEALT WITH UNDER DELEGATED POWERS**

2.1 For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 13 September to 11 October 2017.

**DECISION
NOTED.**

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

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

(i) Orde Cafes Limited	Unit 4 West End House Melrose Provisional
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Licensed Hours applied for:

On Sale

Monday to Thursday 11.00am to midnight
Friday and Saturday 11.00am to 1.00am
Sunday 11.00am to midnight

Off Sale

Monday to Sunday 10.00am. to 10.00pm.

There had been circulated copies of the Application, Operating Plan and proposed layout plan. The Licensing Standards and Enforcement Officer advised that the application was for a new restaurant with small retail deli and gift shop area.

Mr Orde was present at the meeting and explained that the restaurant was aimed at the medium to high end of the market, with a chef from London being employed. The limited off sale element of the business will offer bespoke beers, wines and spirits including South African products.

**DECISION
GRANTED.**

(ii) Catherine C MacInnes

Lilliard Ginney
Born in the Borders
Lanton Mill
Jedburgh
Provisional

Licensed Hours applied for:

On Sale

None

Off Sale

Sunday to Saturday

10.00am. – 10.00pm.

There had been circulated copies of the Application, Operating Plan and proposed layout plan. The Licensing Standards and Enforcement Officer advised that Lilliard Ginney products were currently sold at wholesale and the premises licence would allow sales direct to the public from the premises and remotely.

Ms MacInnes was present and explained that the Company made and distributed craft gin and currently held an HMRC Licence which enabled them to sell to licensed premises. Should a premises licence be granted, they would be able to sell direct to the public and this would enhance their service allowing for further development.

**DECISION
GRANTED.**

PRIVATE BUSINESS

4. **DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5.0 **Licensing (Scotland) Act 2005: Section 72 – Applications for Personal Licence -**

(i) **Oliver Drake**

The Board granted an application for a Personal Licence submitted by Mr Oliver Drake.

(ii) **Andrew Crow**

The Board granted an application for a Personal Licence submitted by Mr Andrew Crow.

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman 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 / make an early decision.

6.0 PREMISES LATE NIGHT VISITS

With reference to paragraph 11 of the Minute of 22 September 2017, the Clerk confirmed the date as Saturday, 28 October 2017 commencing at Galashiels Police Station at 8.30 p.m. and outlined the timetable for the evening.

DECISION

AGREED that the timetable be circulated to all Councillors attending the Visits on Saturday, 28 October 2017.

7.0 REVIEW OF STATEMENT OF LICENSING POLICY

With reference to paragraph 7.1(iii) of the Minute of 22 September 2017, there had been circulated proposed dates for the Working Group meetings as follows:-

Wednesday, 15 November at 2 p.m.

Friday, 24 November 2017 at 10 a.m.

Members of the Working Group were requested to confirm the most suitable date for the first meeting, after which, future dates would be agreed at the meeting.

DECISION

NOTED.

The meeting concluded at 10.30 a.m.

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MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
17 November 2017 at 10.00 a.m.

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

1.0 **MINUTE**

1.1 The Minute of Meeting of 20 October 2017 had been circulated.

**DECISION
APPROVED.**

2.0 **LICENCES DEALT WITH UNDER DELEGATED POWERS**

2.1 For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 12 October - 8 November 2017.

**DECISION
NOTED.**

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

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

(i) Simon Rutherford	Rutherfords Micropub 38 The Square Kelso
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Amendments to Operating Plan -
Changes to existing on sale core hours
Current On Sale
Sun to Sat 11.00am to 10.00pm

Proposed On Sale
Sun to Sat 11.00am to midnight

Representations received:

Police Scotland - none
Licensing Standards Officer - none
Health - none
Other - none

There had been circulated copies of the Application, current operating plan and proposed operating plan. The Licensing Standards and Enforcement Officer advised that the application was for an extension to operating hours to offer flexibility, although the owner did not intend to operate these hours seven days per week.

Mr Rutherford was present at the meeting and explained that the micropub operated until 10 p.m. seven days a week, however he wanted the flexibility to be open later in the summer months and when events were held in the town. He reiterated that it was not his intention to open until midnight seven days per week.

**DECISION
GRANTED.**

- 3.2 (ii) Partnership of
Cameron Crombie and Anne Mark Tavern Bar
High Street
Eyemouth

Amendments to Operating Plan and Layout Plan -

Changes to existing core hours

Current Sunday On Sale

12.30pm to 11.30pm

Proposed Sunday On Sale

11.00am to midnight

Current Off Sale (Monday to Sunday)

12.30pm to 10.00pm

Proposed Off Sale (Monday to Sunday)

11.00am to 10.00pm

Change seasonal demand explanation as per Licensing Board policy

Addition of activities outwith core hours: restaurant, bar meals, receptions, club or group meetings, recorded music, indoor/outdoor sports and televised sports

Include outdoor drinking facilities within and outwith core hours

Change explanation in respect of outwith core hours entries

Change terms of children and young persons access to all public areas

Change layout plan to include defined outdoor drinking area

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other - none

There had been circulated copies of the Application, current Operating Plan, proposed Operating Plan and proposed layout plan. The Licensing Standards and Enforcement Officer advised that the business had recently been taken over by new management and the Operating plan required to be updated. The proposed amendments were within Board Policy and raised no concerns.

The Clerk to the Board advised that the applicants were unable to attend the meeting and had asked that the application be considered in their absence.

**DECISION
GRANTED.**

4.0 **SECTION 37: REVIEW OF PREMISES LICENCES**

- 4.1 There had been circulated copies of a list of unpaid annual premises fees in 2017/18. The Board were advised that a reminder letter had been sent to all licensed premises required to pay their annual premises fees advising that the fee was due and the methods of payment available. A further letter was sent to those who failed to pay by the due date advising them that the fee remained unpaid and that the matter would be brought to the Licensing Board, resulting in a number of fees being paid and an updated list was circulated at the meeting. The Board were of the opinion that a firm stance required to be taken as premises required to pay this on an annual basis as a condition of Premises Licence and many of the premises listed were well established and continued to trade. Following considerable discussion, it was agreed that there had been ample opportunity to pay the fees outstanding and the Board requested that under Section 37, should the fees remain unpaid, those premises licences would be reviewed at the next meeting.

DECISION

AGREED that under Section 37 of the Licensing (Scotland) Act 2005 should

annual fees remain unpaid for any Premises Licence, a review hearing would take place in respect of those premises at the Licensing Board on the 15 December 2017.

5.0 URGENT BUSINESS

5.1 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 keep Members informed.

6.0 ANNUAL JOINT BOARD/LOCAL LICENSING FORUM

6.1 The Board were reminded that the Annual Joint Board and Local Licensing Forum meeting was scheduled to be held on Wednesday, 6 December 2017 and encouraged to attend.

**DECISION
NOTED.**

7.0 VALEDICTORY

7.1 The Chairman thanked PC Lackenby for all his work with the Licensing Board and wished him luck as he took up his new post with Police Scotland.

PRIVATE BUSINESS

8.0 DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

9.0 Minute

The Private Minute of the Meeting held on 20 October 2017 was approved.

The meeting concluded at 10.15 a.m.

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MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
15 December 2017 at 10.00 a.m.

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

1.0 **MINUTE**

1.1 The Minute of Meeting of 17 November 2017 had been circulated.

**DECISION
APPROVED.**

2.0 **LICENCES DEALT WITH UNDER DELEGATED POWERS**

2.1 For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 9 November 2017 – 1 December 2017.

**DECISION
NOTED.**

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

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

Pearsons of Duns Ltd

The Cheeklaw Centre
Station Road
Duns

Licensed Hours applied for:

ON SALE

Sunday to Thursday

11.00am – 12.00midnight

Friday and Saturday 11.00am – 1.00am

OFF SALE

Monday to Sunday

10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other – I Sanderson.

There had been circulated copies of the Application and proposed operating plan together with letter of objection from a neighbour. The Licensing Standards and Enforcement Officer advised that there were various aspects to the applicant's business including a Garden Centre and Café. The application was to allow alcohol to be served with food in the café and in the giftware section. The objection submitted was in respect of the policy hours applied for and Mr Tunnah advised that

Mr Pearson had no intention of operating these on a regular basis but wanted the flexibility to do use them occasionally for special events in the year.

Mr Sanderson the objector was not present.

Marion Young, Manager and Michael Doyle, Accountant were present. Mr Doyle explained that the application would permit the business to offer alcohol within the giftware section of the Garden Centre and along with food in the 44 cover café which operated between 10 a.m. and 4.30 p.m. The additional later hours would allow one-off events to be held i.e. summer barbeques, Christmas Nights.

The Board noted the concerns rose in the objection, however, having heard the proposals regarding how the business would operate did not consider there were any issues in relation to the licensing objectives.

DECISION GRANTED.

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

Tempest Brewing Co Ltd	Block 11 Units 1 & 2 Tweedbank Industrial Estate GALASHIELS TD1 3RS
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Amendments to Premises Licence, Operating and Layout Plan:

- Amend description of premises to include on sale provision of alcohol
- Addition of on sale core hours (currently none) - Monday to Sunday 11.00am -10.00pm
- Addition of bar meals, club or other group meetings, etc, recorded music and live performance during core licensed hours with supporting information relating to how the premises operates
- Amend the explanation of any other activities in line with the removal of Members Club status
- Addition of children and young persons statement
- Amendment to layout plan to include tap room/on sale area

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other – none.

There had been circulated copies of the Application, current operating plan and proposed operating and layout plans. The Licensing Standards and Enforcement Officer advised that the application would allow on sale activities to be carried out and accommodate brewery visits and specialist evenings and emphasised there was no intention to operate as a pub type premise.

Ms Ayrton, was present to represent the applicant and explained that the application was an extension to the Business plan and was in line with other distillery operations throughout the country.

**DECISION
GRANTED.**

4.0 **SECTION 37: REVIEW OF PREMISES LICENCES**

4.1 With reference to paragraph 4 of the Minute of 17 November 2017, there had been circulated copies of a report by the Clerk to the Licensing Board on Non Payment of Premises Licence Annual Fees 2017/18. The report explained that the Board had agreed to hold a Review Hearing in respect of the Premises detailed in Appendix A and B to the report. The grounds of the request were that Mandatory Condition 10 of Schedule 3 of the Act – failure to pay the annual fee as required by regulation made under terms of Section 136 of the Act had been breached. The annual fee for all premises fell due on 1 October 2017 and a reminder letter was issued to the licence holders in September 2017. To date no payment had been made by any of the Premises listed in Appendix A and B. The premises listed in Appendix A paid the previous year's annual fee (or in part). The premises listed in Appendix B had been suspended due to non-payment of the previous year's annual fees. Following discussion the Board agreed the action to be taken against each Premise listed in Appendices A and B of the report.

DECISION

- (i) GrantsHouse Inn, GrantsHouse TD11 3RW
The Licensing Standards and Enforcement Officer advised that the premises were no longer trading and the Premises Licence had been surrendered.

**DECISION
NOTED.**

- (ii) Costcutter, Market Place, Eyemouth TD14 5HE
The Licensing Standards and Enforcement Officer advised that he had been unable to make contact with the Premises Licence Holder, despite numerous attempts and the business did not appear to be trading.

**DECISION
AGREED that the premises licence be suspended with immediate effect pending payment of outstanding fees.**

- (iii) County Hotel, High Street, Selkirk TD7 4LT
The Licensing Standards and Enforcement Officer advised that the fee had now been paid.

**DECISION
(a) NOTED that outstanding fee had been paid.
(b) AGREED that a written warning be issued.**

- (iv) Fletchers, Hillside Terrace, Selkirk TD7 4BZ
The Licensing Standards and Enforcement Officer advised that the premises were still trading, he had discussed the matter with the licence holder who was aware of the position and had been cited to attend.

**DECISION
AGREED that the premises licence be suspended with immediate effect pending payment of outstanding fees.**

- (v) Grapevine, Now Your Talking, 2 Douglas Bridge, Galashiels TD1 1BH
The Licensing Standards and Enforcement Officer advised that the fee had now been paid.

DECISION

(a) **NOTED that outstanding fee had been paid.**

(b) **AGREED that a written warning be issued.**

- (vi) Melrose Cricket Club, Huntlyburn, Melrose TD6 9BP
The Licensing Standards and Enforcement Officer advised that the club had surrendered their Premises Licence.

DECISION

NOTED.

- (vii) Turnbolls, 8 High Street, Galashiels TD1 1SD
The Licensing Standards and Enforcement Officer advised that the business had ceased trading, he had not made contact with the licence holder and all correspondence regarding non-payment had been returned.

DECISION

AGREED that the premises Licence be revoked with immediate effect.

- (viii) Turnbolls, 4 Oliver Place, Hawick TD9 9BG
The Licensing Standards and Enforcement Officer advised that the business had ceased trading, he had not made contact with the licence holder and all correspondence regarding non-payment had been returned.

DECISION

AGREED that the premises Licence be revoked with immediate effect.

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

DECISION

AGREED that the premises licence be revoked with immediate effect.

- (x) Tibbieshiels Inn, St Marys Loch, Selkirk TD7 5LH
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading.

DECISION

AGREED that the premises licence be revoked with immediate effect.

- (xi) Kwan's Restaurant, 1012 Roxburgh Street, Kelso TD5 7DH
The Licensing Standards and Enforcement Officer advised that whilst the premises continued as a carry out food establishment, the current occupant advised they had had ceased trading in alcohol sales.

DECISION

AGREED that the premises licence be revoked with immediate effect.

The meeting concluded at 10:22 a.m.

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