

SCOTTISH BORDERS COUNCIL SCOTTISH BORDERS - LICENSING BOARD

MINUTES 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 am

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
Station Road
Duns

The Cheeklaw Centre

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

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
4.1

SECTION 37: REVIEW OF PREMISES LICENCES

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) Turnbulls, 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) Turnbulls, 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.