

# Public Document Pack



## SCOTTISH BORDERS LICENSING BOARD FRIDAY, 21ST JUNE, 2019

A MEETING of the SCOTTISH BORDERS LICENSING BOARD will be held in the COMMITTEE ROOMS 2 AND 3, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on FRIDAY, 21 JUNE 2019 at 10.00 am

N. McKINLAY  
Clerk to the Licensing Board

14 June 2019

<b>BUSINESS</b>	
1.	<b>Apologies for Absence</b>
2.	<b>Order of Business</b>
3.	<b>Declarations of Interest</b>
4.	<b>Minute</b> (Pages 3 - 4) Minute of Meeting held on 31 May 2019 to be approved and signed by the Convener. (Copy attached).
5.	<b>Licences dealt with under Delegated Powers</b> (Pages 5 - 16)  (Copies attached).
6.	<b>Annual Financial and Functions Reports</b> (Pages 17 - 30) Consider report by the Clerk seeking approval of the Board's Financial and Functions Reports for 2018/19 for publication. (Copy attached).
7.	<b>PRIVATE BUSINESS</b>  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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Part 1 of Schedule 7A to the aforementioned Act."
8.	<b>Licensing (Scotland) Act 2005: Section 72 - Applications for Grant of Personal Licence (Applicants cited to attend)</b> (Pages 31 - 42)  (i) Hearing to consider application following confirmation from Police Scotland of conviction(s) for a relevant offence(s). (Copy application and Police Scotland notification attached).

	(ii) Hearing to consider application following confirmation from Police Scotland of conviction(s) for a relevant offence(s). (Copy application and Police Scotland notification requesting refusal attached).
9.	<b>Any other items previously circulated</b>
10.	<b>Any other items which the Convener decides are Urgent</b>

**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.**

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**Membership of Committee:-** Councillors J. Brown, J. Greenwell (Convener), D. Paterson, N. Richards, S. Scott, R. Tatler, G. Turnbull, E. Thornton-Nicol and T. Weatherston

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**SCOTTISH BORDERS COUNCIL  
SCOTTISH BORDERS LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Friday 31 May 2019 at 10.00 am

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Present:- Councillors J. Greenwell (Convener), N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull

Apologies:- Councillors J. Brown, D. Paterson, T. Weatherston  
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officers (I. Tunnah and M. Wynne), Inspector J. McGuigan and PC T. Rae - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **MINUTE**  
The Minute of Meeting of 19 April 2019 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 April 2019 to 15 May 2019.

**DECISION  
NOTED.**

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

**Section 29: Application for Variation of Premises Licence**

- 3.1 The Board considered the following application for a Variation of Premises Licence:-

**Baxter Storey Scotland Limited**

Refectory and Union  
Borders College  
Scottish Borders Campus  
Nether Road  
Galashiels

Amendments to the Operating and Layout Plans as follows:

- amend the explanation in relation to the additional activities to take place outwith core hours
- amend wording in relation to any activities other than those listed and proposed to take place on the premises
- amend the children and young person's access statement to reflect the diverse use of the premises
- increase the capacity from 522 to 600 persons
- amendment to layout plan to include the training bar, restaurant and entrance reception area within the licensed footprint

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

- 3.2 There had been circulated copies of an application for variation of Premises Licence, together with current and amended Operating and Layout Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to update the existing operating and layout plans, to include the training bar, restaurant and entrance reception area as part of the licensed footprint. With specific regard to the training area, the amendment would allow for full service of alcohol to be permitted as part of the course provision for students. In addition, the application included the transfer of the Licence to Borders College. The Convener welcomed Fiona Nicol, representing Borders College who advised that the training area was currently used for courses related to the hospitality industry involving students in the responsible service of alcohol. Ms Nicol explained that the restaurant training area was open to the public and had operated for some time on a bring your own bottle basis. The College recognised that all alcohol accreditations now required those involved in the sale and provision of alcohol to meet the licensing objectives and the proposed amendments would enable students to promote safe drinking. In response to a Member's question regarding how the alcohol would be kept secure, Ms Nicol confirmed that new lockable chillers and storage facilities had been put in place. There were no objections and the application was granted.

**DECISION  
GRANTED.**

4. **ANY OTHER ITEMS WHICH THE CONVENER DECIDED WERE URGENT**  
The Managing Solicitor (Property and Licensing), highlighted the ongoing Scottish Government Consultation with regard to the Licensing (Scotland) Act 2005, Section 142 - draft revised Guidance for Licensing Boards. He advised that the revised draft document incorporated the many legislative changes which had taken place since the introduction of the new licensing regime and it was noted that the SOLAR Licensing Group, a legal body of licensing practitioners, would be submitting a response on behalf of its Members by 11 June 2019. In the circumstances, it was proposed that an individual response on behalf of Scottish Borders was not necessary but once finalised, it would be useful to hold a training session later in the year in relation to the Guidance.

**DECISION:-**

- (a) **NOTED** the ongoing consultation; and
- (b) **AGREED** that a training session be arranged to take place later in the year once the Guidance had been finalised

***The meeting concluded at 10.10am***

**SCOTTISH BORDERS LICENSING BOARD  
LICENCES ISSUED UNDER DELEGATED POWERS**

**16 May - 11 June 2019**

<u>NAME OF APPLICANT</u>	<u>LICENCE TYPE</u>	<u>LICENCE DETAILS</u>	<u>VENUE</u>
Joanne Sudlow	SEC33	Transfer of Premises Licence - Ashley Wilkie	Capon Tree Town House, Jedburgh
Susan Graham	SUBDPM	Substitution of Designated Premises Manager - Jason Hope	Office Bar, Hawick
George MacDonald	SUBDPM	Substitution of Designated Premises Manager - George MacDonald	Premier Store, Hawick
Co-operative Group Food Ltd	SUBDPM	Substitution of Designated Premises Manager - David Newman	Co-operative Food, Newtown St Boswells
JD Wetherspoon (Scot) Ltd	SUBDPM	Substitution of Designated Premises Manager - Alexander McTrusty	Cross Keys, Peebles
Galapate Ltd	SUBDPM	Substitution of Designated Premises Manager - Michael Turnbull	Dryburgh Arms Hotel, Newtown St Boswells
Midside Finances Ltd	SUBDPM	Substitution of Designated Premises Manager - Lucille Gray	Station Hotel, Melrose
Midside Finances Ltd	SUBDPM	Substitution of Designated Premises Manager - Tracey Hay	Cross Keys Inn, Lilliesleaf
Michael Turnbull	PERLIC	Personal Licence - Grant	n/a
Sean Clarke	PERLIC	Personal Licence - Grant	n/a
Michelle Law	PERLIC	Personal Licence - Grant	n/a
Zoe Hannan	PERLIC	Personal Licence - Grant	n/a
Jack Gillingham	PERLIC	Personal Licence - Grant	n/a
Louise Carr	PERLIC	Personal Licence - Grant	n/a
Douglas McIntyre	PERLIC	Personal Licence - Grant	n/a
Jeysith Perinparasa	PERLIC	Personal Licence - Grant	n/a
Stephen Henderson	PERLIC	Personal Licence - Grant	n/a
Jamie Bryson-Sword	PERLIC	Personal Licence - Grant	n/a
Sarah Robertson	PERLIC	Personal Licence - Grant	n/a
Colin Dobie	PERLIC	Personal Licence - Grant	n/a
Sarah Hughes	PERLIC	Personal Licence - Grant	n/a
Mark Hopkins	PERLIC	Personal Licence - Grant	n/a
Kayley Bryan	PERLIC	Personal Licence - Grant	n/a
Oliver Brennan	PERLIC	Personal Licence - Grant	n/a
Andrew Hodgson	PERLIC	Personal Licence - Grant	n/a
Jessica Dennison	PERLIC	Personal Licence - Grant	n/a

Agenda Item 5

Norman MacIver	PERLIC	Personal Licence - Grant	n/a
Jennifer McBeth	PERLIC	Personal Licence - Grant	n/a
Asif Rahaman	PERLIC	Personal Licence - Grant	n/a
Kathleen Byers	PERLIC	Personal Licence - Grant	n/a
Michael Falla	PERLIC	Personal Licence - Grant	n/a
Andrew Shortreed	PERLIC	Personal Licence - Refresher	n/a
Caledonian Heritable Limited	OCCEXT	Extension of Hours - Common Riding Breakfasts Friday 14 June 2019 8.00am - 11.00am	The Fleece, Selkirk
DMH Inns	OCCEXT	Extension of Hours - Yetholm Festival Week Celebrations Wednesday 12 June 2019 12.00midnight - 1.00am	Borders Hotel, Kirk Yetholm
Drumlanrig Bar Partnership	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 9.30am - 11.00am and 12.00midnight - 1.00am	Drumlanrig Bar, Hawick
Drumlanrig Bar Partnership	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 6.00am - 11.00am	Drumlanrig Bar, Hawick
Drumlanrig Bar Partnership	OCCEXT	Extension of Hours - Common Riding Saturday Saturday 8 June 2019 9.30am - 11.00am	Drumlanrig Bar, Hawick
Eileen Paris	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 6.00am - 1.00am	Exchange Bar, Hawick
Hawick Golf Club	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 8.00am - 11.00am	Golf Club, Hawick
Hawick Golf Club	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 9.00am - 11.00am	Golf Club, Hawick
IC Leisure and K Innes	OCCEXT	Extension of Hours - Beltane Wednesday Celebrations Wednesday 19 June 2019 12.00midnight - 1.00am	Tontine Hotel, Peebles
Kamila Raczynska	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 9.30am - 11.00am	Adams Kitchen, Hawick
Kamila Raczynska	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 6.30am - 11.00am	Adams Kitchen, Hawick
Kingdom Taverns Ltd	OCCEXT	Extension of Hours - Peebles Beltane Band Breakfasts Saturday 22 June 2019 9.00am - 11.00am	Bridge Inn, Peebles
Mark Deans	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 9.30am - 11.00am	Deans Bar, Hawick
Mark Deans	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 9.30am - 11.00am and 12.00midnight - 1.00am	Deans Bar, Hawick
Mark Hay	OCCEXT	Extension of Hours - Selkirk Common Riding Breakfasts Friday 14 June 2019 8.00am - 11.00am	Town Arms, Selkirk

Partnership of Peter Atkinson and Gail Atkinson	OCCEXT	Extension of Hours - Music Festival Thursday 4 July 2019 11.00pm - 1.00am	Grapes Hotel, Newcastleton
Partnership of Peter Atkinson and Gail Atkinson	OCCEXT	Extension of Hours - Music Festival Sunday 7 July 2019 11.00pm - 12.00midnight	Grapes Hotel, Newcastleton
Square One Hawick Limited	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 12.00midnight - 1.00am	Square One, Hawick
Steven Anderson	OCCEXT	Extension of Hours - Common Riding Thursday Thursday 6 June 2019 9.30am - 11.00am	Brew 13, Hawick
Steven Anderson	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 6.00am - 11.00am	Brew 13, Hawick
Susan Graham	OCCEXT	Extension of Hours - Common Riding Friday Friday 7 June 2019 6.00am - 11.00am	Office Bar, Hawick
Sylvia Scott	OCCEXT	Extension of Hours - Braw Lads Lindean Ride Out Social Monday 24 June 2019 12.00midnight - 1.00am	Quins, Galashiels
Gala Fairydean Football Club	OCCLIC	Occasional Licence - Staff Night for McDonalds Monday 10 June 2019 7.00pm - 12.00midnight	Gala Fairydean Football Club, Galashiels
Page Limited	OCCLIC	Occasional Licence - Wedding Saturday 15 June 2019 2.00pm - 1.00am	Volunteer Hall, Galashiels
Galashiels Cricket Club	OCCLIC	Occasional Licence - Ladies Afternoon Tea Saturday 8 June 2019 11.00am - 1.00am	Cricket Club, Galashiels
Hawick Angling Club	OCCLIC	Occasional Licence - Acting Fathers Night - Hawick Common Riding Thursday 30 May 2019 7.00pm - 1.00am	Angling Club, Hawick
Hawick Angling Club	OCCLIC	Occasional Licence - Drumlanrig School Teachers Party Friday 31 May 2019 7.00pm - 12.00midnight	Angling Club, Hawick
Hawick Angling Club	OCCLIC	Occasional Licence - Hawick Common Riding Saturday 8 June 2019 4.00pm - 1.00am	Angling Club, Hawick
Hawick Angling Club	OCCLIC	Occasional Licence - Hawick Common Riding Friday 7 June 2019 4.00pm - 1.00am	Angling Club, Hawick
Jedburgh Bowling Club	OCCLIC	Occasional Licence - Ex Callants Dinner Saturday 8 June 2019 7.00pm - 12.45am	Bowling Club, Jedburgh
Kelso Cricket Club	OCCLIC	Occasional Licence - Fundraising Day Saturday 25 May 2019 12.00noon - 12.00midnight	Cricket Club, Kelso
Kelso Cricket Club	OCCLIC	Occasional Licence - Kelso Civic Week Family Day Sunday 14 July 2019 12.00noon - 8.00pm	Cricket Club, Kelso
Peebles Rugby Football Club	OCCLIC	Occasional Licence - Miners Outing to Peebles Saturday 1 June 2019 1.00pm - 10.00pm	Clubrooms, Peebles

Phoenix Kyle Properties Limited (The Wheatsheaf)	OCCLIC	Occasional Licence - Village Gala Day Saturday 1 June 2019 3.00pm - 10.00pm	Village Green, Swinton
Rutherfords Micropub	OCCLIC	Occasional Licence - Farmers Market Saturday 25 May 2019 10.00am - 1.30pm	Town Square, Kelso
Selkirk Bowling Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Disco Friday 14 June 2019 11.30am - 1.00am	Bowling Club, Selkirk
Selkirk Bowling Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Disco Friday 14 June 2019 11.30am - 1.00am	Bowling Club, Selkirk
Selkirk Bowling Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Ladies Night Wednesday 12 June 2019 6.30pm - 1.00am	Bowling Club, Selkirk
Selkirk Bowling Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Night Afore the Morn Thursday 13 June 2019 6.30pm - 1.00am	Bowling Club, Selkirk
Selkirk Conservative Club	OCCLIC	Occasional Licence - Anniversary Party For Ex Bearer Sunday 9 June 2019 12.30pm - 11.00pm	Conservative Club , Selkirk
Selkirk Conservative Club	OCCLIC	Occasional Licence - Pin Night and Dinner Friday 31 May 2019 6.30pm - 1.00am	Conservative Club , Selkirk
Selkirk Conservative Club	OCCLIC	Occasional Licence - Selkirk Common Riding Ladies Night Wednesday 12 June 2019 7.00pm - 1.00am	Conservative Club , Selkirk
Selkirk Conservative Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Breakfast for Silver Band Friday 14 June 2019 11.00am - 1.00am	Conservative Club , Selkirk
Selkirk Conservative Club	OCCLIC	Occasional Licence - Brass Band Concert Sunday 16 June 2019 - 12.30pm - 11.00pm	Conservative Club , Selkirk
Selkirk Masonic Club	OCCLIC	Occasional Licence - Selkirk Common Riding - Ladies Night Wednesday 12 June 2019 7.30pm - 1.00am	Masonic Club, Selkirk
Simon Rutherford	OCCLIC	Occasional Licence - Kelso Classic American Car Show 2019 Saturday 15 June to Sunday 16 June 2019 10.00am - 4.00pm	The Square , Kelso
Tempest Brewing Co Ltd	OCCLIC	Occasional Licence - Selkirk Farmers Market Saturday 1 June 2019 10.00am - 2.00pm	Town Square, Selkirk
Tempest Brewing Co Ltd	OCCLIC	Occasional Licence - Selkirk Farmers Market Saturday 6 July 2019 10.00am - 2.00pm	Town Square, Selkirk
Tempest Brewing Co Ltd	OCCLIC	Occasional Licence - Stall in Marquee - BVAC Festival of Motoring Sunday 2 June 2019 11.00am - 5.00pm	Thirlestane Castle, Lauder
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Thursday Night Chase - Hawick Common Riding Thursday 30 May 2019 5.00pm - 10.00pm	St Leonards Hut , Hawick



The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Overseas/Exiles Night - Hawick Common Riding Wednesday 5 June 2019 7.15pm - 11.00pm	Town Hall, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Provost's Breakfast - Hawick Common Riding Friday 7 June 2019 7.00am - 11.00am	Town Hall, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Friday Morning Chase - Hawick Common Riding Friday 7 June 2019 7.00am - 12.00noon	St Leonards Hut , Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Thursday Morning Chase - Hawick Common Riding Thursday 6 June 2019 5.00am - 10.00am	St Leonards Hut, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Saturday Moor - Hawick Common Riding Saturday 8 June 2019 10.30am - 9.30pm	Hawick Moor, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Top Tent - Tent 2 - Hawick Common Riding Friday 7 June 2019 10.30am - 9.30pm	Hawick Moor, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Saturday Moor - Hawick Common Riding Saturday 8 June 2019 10.30am - 9.30pm	Hawick Moor, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Dinner and Ball - Hawick Common Riding Friday 7 June 2019 6.00pm - 3.00am	Town Hall, Hawick
The Drumlanrig Bar Partnership	OCCLIC	Occasional Licence - Friday Moor - Hawick Common Riding Friday 7 June 2019 10.30am - 9.30pm	Hawick Moor, Hawick
The Old Thistle Inn	OCCLIC	Occasional Licence - 50th Birthday Party with Disco Saturday 1 June 2019 7.00pm - 1.00am	Village Hall , Westruther
Traquair House Limited	OCCLIC	Occasional Licence - The Traquair Medieval Fayre Saturday 25 and Sunday 26 May 2019 11.00am - 5.30pm	Traquair House, Traquair, Innerleithen
West Linton Bowling Club	OCCLIC	Occasional Licence - 50th Birthday Party, Saturday 15 June 2019 7.30pm - 12.00midnight	Bowling Club, West Linton
Aileen Dyer	OCCPLH	Occasional Licence - Kelso Races - Ladies Day Sunday 26 May 2019 12.00noon - 9.00pm	Kelso Racecourse, Kelso
Aileen Dyer	OCCPLH	Occasional Licence - BVAC Vintage and Classic Car Rally Sunday 2 June 2019 11.00am - 6.00pm	Thirlestane Castle , Lauder
Adam Davies	OCCPLH	Occasional Licence - Borders Book Festival 2019 - Orchard Garden Thursday 13 June 2.00pm - 12.00midnight Friday 14 June 11.00am - 12.00midnight Saturday 15 June 11.00am - 12.00midnight Sunday 16 June 11.00am - 11.00pm	Orchard Garden, Melrose

Adam Davies	OCCPLH	Occasional Licence - Borders Book Festival 2019 - Garden Bar Thursday 13 June 4.00pm - 12.00midnight Friday 14 June 12.00noon - 12.00midnight Saturday 15 June 11.00am - 12.00midnight Sunday 16 June 11.00am - 11.00pm	Harmony House , Melrose
Alan Miller	OCCPLH	Occasional Licence - Wedding Ceremony and Evening Reception Saturday 12 October 2019 12.00noon - 1.00am	Volunteer Hal, Galashiels
Alexander Hay	OCCPLH	Occasional Licence - Proclaimers Music Concert Saturday 15 June 2019 2.00pm - 12.00midnight	Battery Dykes , Melrose
Alice Gourlie	OCCPLH	Occasional Licence - Kelso Races - Ladies Day Sunday 26 May 2019 11.00am - 6.00pm	Kelso Racecourse, Kelso
Allan Walker	OCCPLH	Occasional Licence - Thirlestane Castle Food + Drink Marquee Sunday 2 June 2019 11.00am - 5.00pm	Thirlestane Castle, Lauder
Andrew Crow	OCCPLH	Occasional Licence - Kelso Gin Products - International Gin Day Friday 7 June to Sunday 9 June 2019 10.00am - 6.00pm	The Distillery , Harestanes, Ancrum
Angus MacPherson	OCCPLH	Occasional Licence - Drag Artist Evening and Live Band Saturday 8 June 2019 6.00pm - 1.00am	Memorial Hall, Innerleithen
Charlotte Thompson	OCCPLH	Occasional Licence - Wedding Saturday 8 June 2019 12.00noon - 12.00midnight	Wedderburn Castle, Duns
Charlotte Thompson	OCCPLH	Occasional Licence - Wedding Saturday 20 July 2019 12.00noon - 12.00midnight	Wedderburn Castle, Duns
Christian Orde	OCCPLH	Occasional Licence - Wedding Ceremony and Evening Reception Saturday 18 May 2019 5.00pm - 12.00midnight	Wedderburn Castle, Duns
Christian Orde	OCCPLH	Occasional Licence - Wedding Ceremony and Evening Reception Saturday 25 May 2019 5.00pm - 12.00midnight	Wedderburn Castle , Duns
Darren Murray	OCCPLH	Occasional Licence - Taste of the Borders - BVAC Event Sunday 2 June 2019 10.00am - 4.00pm	Thirlestane Castle, Lauder
Douglas Baillie	OCCPLH	Occasional Licence - Wedding Reception Friday 28 June 2019 5.00pm - 1.00am	Memorial Hall , Innerleithen
Douglas McKechnie	OCCPLH	Occasional Licence - Wedding Ceremony and Reception Saturday 1 June 2019 7.00pm - 12.00midnight	Kippielaw House, Melrose
Emma McNab	OCCPLH	Occasional Licence - Charity Event Sunday 16 June 2019 1.00pm - 5.00pm	Elibank Park, Eddleston
Fiona Ingram	OCCPLH	Occasional Licence - Peeblesshire JAC 75th Anniversary Dinner Dance Saturday 25 May 2019 6.00pm - 1.00am	Marquee, Lower Green, West Linton

Fiona Ingram	OCCPLH	Occasional Licence - Testimonial Football Match Sunday 26 May 2019 2.00pm - 10.00pm	Hotspurs Clubhouse , West Linton
Helen Scott-Watson	OCCPLH	Occasional Licence - Festival Ball Saturday 15 June 2019 7.30pm - 1.00am	Wauchope Hall , Town Yetholm
James Henderson	OCCPLH	Occasional Licence - Selkirk Common Riding - Race Meet and Disco Friday 14 June 2019 11.00am - 11.00pm	Gala Rig, Selkirk
James Henderson	OCCPLH	Occasional Licence - Tribute Act Saturday 8 June 2019 - 6.30pm - 12.00midnight	Community Centre , Kelso
James Henderson	OCCPLH	Occasional Licence - Joint 21st/50th Birthday Party Saturday 15 June 2019 6.00pm - 1.00am	Lochton Farm , Coldstream
James Henderson	OCCPLH	Occasional Licence - Wedding and Evening Reception Saturday 29 June 2019 1.00pm - 1.00am	Springwood Hall, Kelso
James Henderson	OCCPLH	Occasional Licence - Selkirk Common Riding Ball Friday 14 June 2019 6.00pm - 3.00am	Victoria Halls, Selkirk
James Henderson	OCCPLH	Occasional Licence - Common Riding Games with Music/Disco Saturday 15 June 2019 11.00am - 10.30pm	Cricket Club, Selkirk
James McAllister	OCCPLH	Occasional Licence - BVAC Festival of Motoring Sunday 2 June 2019 11.00am - 5.00pm	Thirlestane Castle, Lauder
Judith Gillies	OCCPLH	Occasional Licence - Border Union Show - Market Stall Friday 26 and Saturday 27 July 2019 10.00am - 6.00pm	Springwood Hall, Kelso
Kieran Scott	OCCPLH	Occasional Licence - Tweedlove Transcend Bike Festival Friday 7th and Saturday 8th June 2019 11.00am - 1.00am Sunday 9th June 2019 11am - 12midnight	Nether Pirn, Innerleithen
Kenneth Miller	OCCPLH	Occasional Licence - Wine Tasting for Local Wine Club Monday 20 May 2019 7.00pm - 9.00pm	Village Hall, Coldstream
Kenneth Miller	OCCPLH	Occasional Licence - Wine Tasting for Local Wine Club Tuesday 21 May 2019 7.00pm - 9.00pm	Village Hall, Ednam
Kevin Crawford	OCCPLH	Occasional Licence - Wedding Breakfast and Evening Reception Saturday 15 June 2019 2.00pm - 12.00midnight	Lewinshope Farm , Yarrowford
Laura Rae	OCCPLH	Occasional Licence - Music Concert - Tidelines Saturday 8 June 2019 7.00pm - 12.00midnight	Tait Hall, Kelso
Laura Rae	OCCPLH	Occasional Licence - Karine Polwort Concert, Saturday 18 May 2019 7.00pm - 12.00midnight	Tait Hall, Kelso
Laura Rae	OCCPLH	Occasional Licence - Community Cinema Screenings Friday 31 May 2019 7.00pm - 12.00midnight	Tait Hall, Kelso

Laurence Reid	OCCPLH	Occasional Licence - Tinderbox Orchestra Concert Friday 7 June 2019 7.00pm - 11.00pm	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Q and A Night with Alan McGehee Sunday 30 June 2019 7.00pm - 12.00midnight	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Wedding Reception with Music Friday 21 June 2019 7.00pm - 12.00midnight	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Live Music Friday 28 June 2019 7.00pm - 12.00midnight	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Retirement Party with Live Music Saturday 29 June 2019 7.00pm - 12.00midnight	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Theatre Show Thursday 30 May 2019 7.00pm - 11.00pm	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Acoustic Jazz Trio 'Le Cafe Parisien' Saturday 1 June 2019 7.00pm - 11.00pm	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Theatre Show Sunday 2 June 2019 7.00pm - 10.00pm	MacArts, Galashiels
Laurence Reid	OCCPLH	Occasional Licence - Live Band - The Vistas Thursday 13 June 2019 7.00pm - 11.00pm	MacArts, Galashiels
Leslie Mallin	OCCPLH	Occasional Licence - 60th Birthday Party with Background Music Saturday 1 June 2019 6.00pm - 1.00am	Forestfield , 112 Bleachfield Road, Selkirk
Leslie Mallin	OCCPLH	Occasional Licence - Selkirk Ex Standard Bearers Common Riding Dinner Monday 10 June 2019 6.00pm - 1.00am	Victoria Halls, Selkirk
Leslie Mallin	OCCPLH	Occasional Licence - Selkirk Merchant Company Common Riding Dinner Tuesday 11 June 2019 6.00pm - 1.00am	Victoria Halls, Selkirk
Leslie Mallin	OCCPLH	Occasional Licence - Common Riding Singalong Saturday 15 June 2019 6.00pm - 12.00midnight	Haining House, Selkirk
Leslie Mallin	OCCPLH	Occasional Licence - United Crafts Common Riding Dinner Friday 7 June 2019 6.00pm - 1.00am	Victoria Halls, Selkirk
Malcolm Cooper	OCCPLH	Occasional Licence - MossPaul Ride Out - Hawick Common Riding Tuesday 28 May 2019 12.00noon - 6.00pm	Field at MossPaul Hotel, Hawick
Malcolm Cooper	OCCPLH	Occasional Licence - MossPaul Ride Out - Hawick Comon Riding Saturday 25 May 2019 12.00noon - 6.00pm	Field at MossPaul Hotel, Hawick
Nicolina Fitzgerald	OCCPLH	Occasional Licence - Selkirk Common Riding - Colonial Dinner Wednesday 12 June 2019 6.00pm - 1.00am	Victoria Halls, Selkirk

Oliver Drake	OCCPLH	Occasional Licence - Gin Tasting event Friday 14, Saturday 15 and Sunday 16th June 2019 - 10.00am - 6.00pm every day	The Distillery, Harestanes , Ancrum
Peter Allan	OCCPLH	Occasional Licence - Wedding Reception Saturday 15 June 2019 4.00pm - 12.30am	Community Centre St Cuthberts , Coldstream
Rosemary Cully	OCCPLH	Occasional Licence - Kelso Races - Ladies Day Sunday 26 May 2019 11.00am - 7.00pm	Kelso Racecourse , Kelso
Susan Thorburn	OCCPLH	Occasional Licence - Funeral Tea Tuesday 11 June 2019 - 2.00pm - 6.00pm	The Lodge , Carfraemill
Timothy Brown	OCCPLH	Occasional Licence - Fleshers Bussin - Selkirk Common Riding Saturday 8 June 2019 6.00pm - 1.00am	Victoria Hall s, Selkirk
Berwickshire Hunt Supporters Club	OCCVOL	Occasional Licence - Terrier Show Sunday 9 June 2019 11.00am - 5.00pm	Marigold Farm, Duns
Border Federation Of Young Farmers	OCCVOL	Occasional Licence - Young Farmers Prize / Awards Night Saturday 25 May 2019 7.30pm - 12.00midnight	Deanfoot Farm, Minto
Broughton Choral Society	OCCVOL	Occasional Licence - Concert Saturday 8 June 2019 7.00pm - 10.00pm	Village Hall, Broughton
Broughton Primary School Parent Association	OCCVOL	Occasional Licence - Small Village Fayre Saturday 1 June 2019 12.00noon - 5.00pm	Broughton Primary School, Broughton
Burnfoot Community Futures	OCCVOL	Occasional Licence - Community BBQ and Cornets Visit Saturday 1 June 2019 3.30pm - 9.00pm	Burnfoot Community Hub, Hawick
Ednam And District Young Farmers Assoc	OCCVOL	Occasional Licence - Young Farmers Dance Saturday 8 June 2019 7.00pm - 12.00midnight	Smailholm Mains Farm, Kelso
Gavinton Village Hall	OCCVOL	Occasional Licence - Fundraising Social Event Saturday 25 May 2019 6.00pm - 12.00midnight	Village Hall, Gavinton
Gavinton Village Hall Community Fund	OCCVOL	Occasional Licence - Annual Party for BAVS Volunteers Friday 7 June 2019 6.00pm - 11.00pm	Village Hall, Gavinton
Greenlaw Festival Trust	OCCVOL	Occasional Licence Greenlaw Festival Friday 28th June 2019 5.00pm - 12.30am Saturday 29th June 2019 12.00noon - 1.00am	Marquee , The Green, Greenlaw
Haining Volunteers	OCCVOL	Occasional Licence - Show Sunday - Selkirk Common Riding Sunday 9 June 2019 2.00pm - 4.30pm	Haining House , Selkirk
Hermitage Hall	OCCVOL	Occasional Licence - Dance Saturday 1 June 2019 7.30pm - 11.30pm	Hermitage Hall, Hawick
Jedforest Instrumental Band	OCCVOL	Occasional Licence - Brass Band Concert Saturday 1 June 2019 7.00pm - 9.30pm	Town Hall, Jedburgh

Kelso Football Club	OCCVOL	Occasional Licence - Over 35's Game and Awards / Prize Giving Saturday 15 June 2019 2.00pm - 8.00pm	Kelso Football Club, Kelso
Lauderdale Football Club	OCCVOL	Occasional Licence - Race Night and Quiz Saturday 1 June 2019 7.00pm - 12.00midngiht	Public Hall , Lauder
Newlands Community Development Trust	OCCVOL	Occasional Licence - Community Champions League Final Viewing Saturday 1 June 2019 6.00pm - 11.00pm	Newlands Community Centre, Romanno Bridge
Peebles Burgh Silver Band	OCCVOL	Occasional Licence - Silver Band Concert Friday 31 May 2019	Burgh Hall, Peebles
Shakespeare At Traquair	OCCVOL	Occasional Licence - Performance of Love's Labour's Lost Tuesday 28 May 2019 to Saturday 8 June 2019 7.00pm - 9.15pm	Traquair House , Traquair, Innerleithen
St Ronans Bowling Club	OCCVOL	Occasional Licence - Open Bowling Tournament Sunday 9 June 2019 11.00am - 7.00pm	Bowling Club , Innerleithen
St Ronans Bowling Club	OCCVOL	Occasional Licence - Open Bowling Competition Sunday 2 June 2019 11.00am - 6.00pm	Bowling Club , Innerleithen
St Ronans Bowling Club	OCCVOL	Occasional Licence - Open Bowling Competition Sunday 30 June 2019 11.00am - 5.00pm	Bowling Club , Innerleithen
St Ronan's Silver Band	OCCVOL	Occasional Licence - Band/Concert Saturday 14 December 2019 6.30pm - 12.00midnight	Memorial Hall , Innerleithen
St Ronan's Silver Band	OCCVOL	Occasional Licence - Band/Concert Saturday 1 June 2019 6.30pm - 12.00midnight	St Ronans Primary School , Innerleithen
Stow Sports Committee	OCCVOL	Occasiona Licence - Disco and Cheese and Wine Friday 21 June 2019 7.30pm - 11.30pm	Town Hall, Stow
Stow Sports Committee	OCCVOL	Occasional Licence - Dance Saturday 22 June 2019 7.30pm - 12.00midnight	Town Hall, Stow
The Lodge Of Melrose St John No.1 BIS	OCCVOL	Occasional Licence - Masonic Meeting Monday 24 June 2019 9.00pm - 11.30pm	Corn Exchange, Melrose
The Whipman Play Society	OCCVOL	Occasional Licence - Whipman Play Prize Giving and Closing Ceremony Saturday 8 June 2019 5.00pm - 10.00pm	Marquee , Lower Green , West Linton
The Whipman Play Society	OCCVOL	Occasional Licence - Whipman Installation Party Saturday 1 June 2019 7.00pm - 1.00am	Marquee , Lower Green , West Linton
The Whipman Play Society	OCCVOL	Occasional Licence - Whipman Play Fundraising Comedy Event Thursday 6 June 2019 7.00pm - 11.00pm	Marquee , Lower Green , West Linton
The Whipman Play Society	OCCVOL	Occasional Licence - Whipman Dinner Dance Friday 7 June 2019 6.30pm - 1.00am	Marquee , Lower Green , West Linton

Thirlestane Castle Trust	OCCVOL	Occasional Licence - Outdoor Film Screening Friday 31 May 2019 5.30pm - 8.30pm	Thirlestane Castle, Lauder
Upper Kalewater Show And Sports Committee	OCCVOL	Occasional Licence - Stock Judging with Bar and BBQ Saturday 8 June 2019 5.00pm - 12.00midnight	Towford Outward Centre, Jedburgh

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## **SCOTTISH BORDERS LICENSING BOARD FUNCTIONS AND FINANCIAL REPORTS 2018/19**

**Report by the Clerk to the Licensing Board**

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### **SCOTTISH BORDERS LICENSING BOARD**

**21 June 2019**

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#### **1 PURPOSE AND SUMMARY**

**This report seeks approval from the Licensing Board for the Annual Functions Report and Annual Financial Report.**

#### **2 RECOMMENDATIONS**

2.1 It is recommended that Members:

- (a) approve the annual Functions Report set out in Appendix 1 to this report;
- (b) approve the annual Financial Report set out in Appendix 2 to this report; and
- (c) authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report.

### **3 BACKGROUND**

- 3.1 In terms of Section 9A of the Licensing (Scotland) Act 2005 (“the 2005 Act”) Licensing Boards are required to provide an Annual Functions Report. In addition, in terms of Section 9B of the 2005 Act, Licensing Boards are also required to produce and publish an Annual Financial Report.
- 3.2 The Board’s Annual Functions Report must include a statement explaining how the Board has had regard to the licensing objectives and the Board’s Policy Statement in the exercise of its functions under the Act as well as a summary of decisions made by the Board and information about the number of licences held in the Board’s area, including occasional licences.
- 3.3 The draft report at Appendix 1 hereto therefore provides all the required information as an accurate representation of the Board’s functions for the period 1 April 2018 to 31 March 2019.
- 3.4 The Financial Report must include:
- (a) a statement of:
    - (i) the amount of relevant income received by the Licensing Board during the financial year; and
    - (ii) the amount of relevant expenditure incurred in respect of the Board’s area during the year; and
  - (b) an explanation of how the amounts in the statement were calculated.
- 3.5 The draft report at Appendix 2 hereto therefore provides all required financial information and is an accurate representation of the Board’s financial position for the period 1 April 2018 to 31 March 2019.
- 3.6 Members are asked to note that the Licensing Board income cannot be guaranteed in any financial year, this being completely dependent on the number of licensed premises which continue to operate as the vast majority of Board income stems from annual Premises Licence fees. Similarly, expenditure will fluctuate and additional costs have been incurred in this financial year due to additional work carried out by legal and licensing staff in reviewing the Board’s Licensing Policy Statement and the requirement for renewal of Personal Licences.
- 3.7 It is also the case the Board income and expenditure is kept under review on a regular basis.

### **4 IMPLICATIONS**

- 4.1 **Financial**  
There are no costs attached to any of the recommendations contained in this report.
- 4.2 **Risk and Mitigations**  
The information proved within these reports ensures transparency and

helps to mitigate reputational risk to the Council by allowing further scrutiny of its income and expenditure.

**4.3 Equalities**

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religious belief arising from the proposals contained in this report.

**4.4 Acting Sustainably**

There are no economic, social or environmental effects as a result of the proposals contained in this report.

**4.5 Carbon Management**

There is no impact on the Council's carbon emissions as a result of the proposals contained in this report.

**4.6 Rural Proofing**

Not applicable, as although this is a legislative requirement it is not a new policy.

**4.7 Changes to Scheme of Administration or Scheme of Delegation**

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the recommendations in this report

**5 CONSULTATION**

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer and the Chief Officer – Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

**Approved by**

**Name Nuala McKinlay**

**Title Clerk, Scottish Borders Licensing Board Signature .....**

**Author(s)**

Name	Designation and Contact Number
Ron Kirk	Managing Solicitor, Property and Licensing. 01835 826764
Jackie Wilson	Licensing Services Team Leader. 01835 826568

**Background Papers:** None

**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ron Kirk can also give information on other language translations as well as providing additional copies.

Contact us at Ron Kirk, Scottish Borders Council, Council Headquarters, Newtown St Boswells. T: 01835 826764; F: 01835 826693; E: ron.kirk@scotborders.gov.uk  
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**SCOTTISH BORDERS LICENSING BOARD**  
**LICENSING (SCOTLAND) Act 2005**  
**SECTION 9A: ANNUAL FUNCTIONS REPORT**  
**1 APRIL 2018 - 31 MARCH 2019**

## **1 INTRODUCTION – SCOTTISH BORDERS LICENSING BOARD**

- 1.1 Scottish Borders Licensing Board (“the Board”) is the Licensing Authority for the local government area of the Scottish Borders for the purposes of the Act. The current Board which was formed in May 2017 comprises nine Members all of whom are elected members of Scottish Borders Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within the Scottish Borders.
- 1.2 The Council boundaries cover 4,742 square kilometres. The estimated population as identified by the 2011 Census is 113,870. The area is divided into ten Wards of three Councillors and one Ward of four Councillors totalling 34 Councillors of whom nine sit on the Board. All have completed the statutory training required under the Act.
- 1.3 The Licensing (Scotland) Act 2005 (as amended) (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold. The number of licensed premises within the Board’s area averaged 456 in number during the period.
- 1.4 Under the Act, Licensing Boards are responsible for considering applications for:
- Premises Licences
  - Occasional Licences
  - Provisional Licences
  - Temporary Licences
  - Personal Licences
  - Transfer of Premises Licences
  - Variation of Premises Licence
  - Extensions of licensing hours in respect of:
    - The sale of alcohol by retail, and
    - The sale of alcohol in members clubs

## **2 ANNUAL FUNCTIONS REPORT**

- 2.1 The Air Weapons and Licensing (Scotland) Act 2015 amended the Act to place a statutory duty on Licensing Boards to publish an Annual Functions within three months of the end of each financial year.
- 2.2 In terms of Section 9A of the Air Weapons and Licensing (Scotland) Act 2015, the Board has the following key obligations:
- To publish an Annual Functions Report within three months of the end of the relevant financial year and to include within the Annual Functions Report:
- a Statement explaining how the Board has had regard to the licensing objectives and its policy statement in the exercise of its functions;
  - the Board’s Policy Statement in exercise of its functions under

the Act;

- a summary of decisions taken by each Board over the relevant financial year including decisions taken by officers under delegated powers;
- the number of licences held under the Act in the Board's area including the number of occasional licences issued during the financial year;
- other information as determined as necessary by the Licensing Board

### **3 LICENSING OBJECTIVES**

3.1 The Act sets out the following five Licensing Objectives ("the Licensing Objectives") as set out below:

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

3.2 The Licensing Objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a Premises Licence, an Occasional Licence or a Personal Licence. Breach of the objectives may provide grounds for reviewing a Premises Licence or a Personal Licence. Conditions attached to a Premises Licence or an Occasional Licence may be based on any one or more of the Licensing Objectives.

### **4 FUNCTIONS OF THE BOARD**

4.1 The functions of the Board are set out in Schedule 1 of the Act and are summarised below:

- Determining the Board's policy for the purposes of a Licensing Policy Statement or Supplementary Licensing Policy Statement;
- Determining for the purposes of any such Statement whether there is overprovision of licensed premises or licensed premises or any particular description in any locality
- Determining a Premises Licence application/ Provisional Premises Licence application.
- Determining a Premises Licence Variation application where the variation sought is not a minor variation
- Determining an application for the Transfer of a Premises Licence where the applicant has been convicted of a relevant offence or a foreign offence
- Determining a Personal Licence application or a Personal Licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence
- Conducting a hearing in respect of a Review of a Premises

Licence

- Conducting a hearing in respect of revoking, suspending or endorsing a Personal Licence
- Making a Closure Order

## **5 HOW THE BOARD HAS REGARD TO THE LICENSING OBJECTIVES**

- 5.1 In exercising its functions under the Act, the Board is required to have regard to the Licensing Objectives as stated at paragraph 3.1.
- 5.2 Promotion of the Licensing Objectives is always at the forefront of the Board's consideration in determining its policies for the purposes of its policy statement.
- 5.3 When determining licence applications, the Board verifies that all applications are consistent with the Licensing Objectives and ensures that any potential issues are addressed through appropriate measures to safeguard full compliance with the Licensing Objectives. Such measures include attaching local and special conditions to licences if necessary.
- 5.4 The Board is confident that it has been able to pursue the crime and disorder objective by taking into account and recognising that certain criminal activity or associated problems may take place or be taking place despite the best efforts of the licensee and the staff working at the premises. In such circumstances the Board will endeavour to take any steps it feels are appropriate to remedy the problem. The Board has strived to promote this objective in the interests of the wider community rather than determining the guilt or innocence of the individual which the Board recognises is a matter for the courts of law.
- 5.5 The Board is confident that it has been able to pursue the Public Safety and Public Nuisance objectives by endeavouring to take any necessary steps it feels are appropriate to address any such problems which may contravene these objectives. In doing so, the Board is mindful that it cannot take into account any issues that are dealt with by other legislation such as the Environmental Protection Act 1990.
- 5.6 The Board is confident that it has pursued the protecting Children and Young Persons from harm objective by applying appropriate conditions to licences with a view to ensuring that children and young persons are adequately protected within licensed premises or at licensed events. There have also been occasions when the Board has not been satisfied that an application sufficiently complies with this objective and on these occasions the Board has refused the applications accordingly.
- 5.7 The Board is confident that it has been able to pursue the Public Health objective to mitigate the public health risk when considering licensing applications. The Local Health Board is a statutory consultee who are invited to make representations with regard to each application which is considered by the Board. Whilst in most cases they have no comments to make, there are occasions when they do make representations and a representative is invited to attend the



Board meeting and address the Board accordingly.

## **6 HOW THE BOARD HAS REGARD TO ITS LICENSING POLICY STATEMENT**

- 6.1 The Board is aware that all applications before it are to be dealt with in an open and transparent manner in accordance with licensing legislation and the Board's policy documents.
- 6.2 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections.
- 6.3 The Board, when making their determinations, took into account their Policy Statement and any supplementary arrangements which it had agreed on extended hours for special events of local or national significance and the Board policy hours.
- 6.4 The Board is aware of its quasi-judicial function and its obligation to objectively determine facts and draw conclusions from them. The Board always aims to follow best practice to ensure proportionate, accountable and consistent decision making by listening to all the information provided by applicants, any objectors and Licensing Standards Officers weighing up the relevant information, reviewing this against its policies and coming to an informed decision.
- 6.5 The Board is confident that its Statement of Licensing Policy which was reviewed during the year is sufficiently robust to enable it to make appropriate decisions when the question of over-provision is a consideration. On reviewing its Statement of Licensing Policy, the Board took into account the work carried out by the Scottish Borders Licensing Forum who by way of a multi-agency data gathering public project produced the report "Scottish Borders Alcohol Profile". This Profile provides an invaluable evidence base which has been most useful to the Board in the review of its Policy and the Board has regard to it when determining applications

## **7 DECISIONS MADE BY (OR ON BEHALF OF) THE BOARD**

- 7.1 In the year from 1 April 2018 to 31 March 2019 the Board met ten times to determine applications.
- 7.2 Each application for a new Premises Licence, Variation of a Premises Licence, Occasional Licence or Extended hours was decided on its own merits.
- 7.3 In assessing applications, the Board used a number of different sources of information to enable them to reach determinations. As well as the statutory consultees these sources included others with an interest including Community Councils, local residents, the Licensing Standards Officers, Police Scotland, the local Health Board, application objectors and established licensing practitioners. As referred to in paragraph 6.5 above, the Board also took into account the information provided in the Scottish Borders Alcohol Profile provided by the Scottish Borders Licensing Forum as well as the Licensing Objectives and its Statement of Licensing Policy.
- 7.4 All objections received to any applications were taken into account in the decision making process.

## **8 NUMBER OF LICENCES PROCESSED IN THE BOARD'S AREA**

- 8.1 The Board granted 10 new Premises Licences and 1356 Occasional Licences were issued by the Board during the period. 384 of those Occasionals were granted to voluntary organisations whilst 95 applications by the holders of a Premises Licence for extended hours were granted. The Board also considered 26 applications to vary Premises Licences. This included both major variations which must be determined by the Board and the applications which attracted objections or representations. In addition, 75 minor variations and transfers were dealt with.
- 8.2 The Board arranged review hearings in respect of 12 premises during the period. All were in relation to notices for failure of premises to make payment of the annual fee. This resulted in 3 licences being revoked and 4 being suspended. The remaining 5 licence holders made payment of the annual fee prior to the hearing taking place. After hearing the circumstances of non-payment, the Board took no action in respect of 2 premises and issued written warnings to 3.
- 8.3 The Board received 136 new Personal Licence applications during the period. 134 were granted and 2 were refused. Review hearings were arranged in respect of 2 Personal Licence holders and the Board took no action for one whilst the other was revoked. 4 Personal Licences were surrendered during the period with a further 98 revoked due to the required refresher training not being undertaken.

## **9 OTHER INFORMATION ABOUT THE EXERCISE OF THE LICENSING BOARD'S FUNCTIONS**

### **9.1 Statement of Licensing Policy**

One of the main functions of the Board is to finalise its statement of Licensing Policy. During the year the Board carried out a review of its Policy for the period November 2013 to November 2018. At its meeting on 20 April 2018 the Board agreed a draft Statement of Licensing Policy for consultation. A twelve week period of consultation took place from 8 May 2018 until 31 July 2018. A total of 35 responses were received. 19 were from individuals, nine were from Licensees and seven were from organisations including the Licensing Forum and Alcohol Focus Scotland.

The consultation asked specific questions which covered the five Licensing Objectives, the period of licensed hours, the events

including children and invited the consultees for other comments or suggestions. 12 of the consultees who responded agreed with the proposed draft Statement and made no additional comments or suggestions. 14 agreed with the proposed draft statement but provided additional comments or suggestions for consideration and nine stated that they did not agree with some parts of the draft Policy and made comments or suggestions they wished to be considered in the final Policy Statement.

Following the close of the consultation period, officers on behalf of the Board considered all responses received and thereafter proposed revisions to the draft Policy Statement for consideration by the Board. The Board considered the proposed revisions at its meeting on 26 October 2018 when the proposed revisions were accepted and the revised draft Policy Statement was approved by the Board for the period November 2018 to November 2023 and subsequently published

## 9.2 **Equalities Outcomes and Mainstreaming**

The Board has specific duties in terms of the Equalities Act 2010 (Specific Duties (Scotland) Regulations 2012). In particular the Board must publish Equality Mainstreaming Reports every four years. The Board produced such a report in 2017. One of the outcomes in said report was to increase the Board's knowledge and understanding of equality issues. In order to meet this outcome the Board were provided with awareness training in December 2018. This highlighted the issues which may arise and provided Members with the relevant guidance as to how these issues should be addressed. During the year, the Forum has continued to strive to add new members.

## 9.3 **Licensing Forum**

The Licensing Forum continues to meet four times a year and additionally held its joint meeting with the Board on 5 December 2018. The Forum consists of a cross-section of members including Licensing Standards Officers, representatives from public health, the Police, the licensed trade and the general public. The Forum continues to work well with the Board and provided valuable input during the Board's review of its Statement of Licensing Policy.

## 9.4 **Statement of Gambling Principles**

During the period, the Board has commenced a review of its Statement of Gambling Principles in accordance with Section 349 of the Gambling Act 2005 and the Board will adopt its new Statement in the near future.

## 9.5 **Licensing Team**

The Board is assisted by a unit of officers who sit within the Council's Legal and Licensing Team. The unit consists of a Licensing Team Leader, two Licensing Standards and Civic Government Enforcement Officers, two Licensing Officers and a Licensing Assistant with administrative support staff. They offer guidance and advice in the processing and issuing of licences under delegated powers, provide support to the Clerk and make referrals to the Board. The Licensing Team as a unit ensure that the functions of the Board are fulfilled as

efficiently as possible.

## **10 CONCLUSION**

The Board is pleased to report that licenced premises in the Scottish Borders have been well run and generally problem free during the period covered by this report. The Board is thankful to the licensed trade in its efforts of promoting and upholding the licensing objectives and complying with the Board's Policy and to the Local Licensing Forum for their continued role in reviewing and updating the Alcohol Profile in support of its Policy. The Board also acknowledges the hard work applied by and the achievements made by those licence holders who were recognised in the annual Best Bar None awards.

## **11 ADDITIONAL INFORMATION**

Further information relating to the Board's functions including public access to Agendas and Minutes, its Statement of Licensing Policy, application forms, statutory public adverts and the Local Licensing Forum can be accessed via the undernoted links.

[Licensing Board](#)

[Licensing Board Agenda and Minutes](#)

[Local Licensing Forum](#)

**Licensing (Scotland) Act 2005****Scottish Borders Licensing Board Financial Report****Financial Year: 2018/19**

The Scottish Borders Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within three months of the end of the relevant financial year.

This report has been prepared using financial data taken for year ending 31 March 2019. It should be noted that expenditure in the statement has been calculated based upon estimates of the direct time spent by legal and licensing service staff on licencing functions. The report excludes allocation of indirect central support costs properly incurred by Scottish Borders Council which would include a share of total costs associated with accommodation, ICT, financial services, catering, telephone calls, printing, stationery and equipment.

The report accordingly should not be relied on as an accurate statement of income and expenditure for the exercise of the Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<b>Income<sup>1</sup>:</b>	
Premises inc	
Annual Fees	£163,589
Extensions/Variations/Transfers/Personal	£11,378
Occasional Licences	£13,430
<b>Total</b>	<b>£188,397</b>
<b>Direct Staff Costs<sup>2</sup>:</b>	
Licensing Standards Enforcement Officers	£31,000
Licensing Services	£74,644
Legal Services	£47,254
<b>Total</b>	<b>£152,898</b>
<b>Other Direct Costs<sup>3</sup>:</b>	
Board Members	£3,070
Transport Costs, Members	£1,340
Transport Costs, Officers	£1,334
IT Software Licences	£2,981
Postages	£3,265
<b>Total</b>	<b>£11,990</b>
<b>Indirect Costs<sup>4</sup>:</b>	
Apportionment of central admin costs	<b>£26,079</b>
<b>Net Income – Expenditure</b>	<b>- £2,570</b>

**Notes:**

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council legal and licensing staff responsible for support to the Board under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function.
4. Figures exclude any apportionment of central costs such as accommodation, ICT, financial services, catering, telephone calls, printing, stationery and equipment, etc that are expended towards the Council's statutory duty to provide the Licensing Board function.

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