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LOCAL LICENSING FORUM TUESDAY, 23 OCTOBER 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
OCTOBER 2018 at 4.00 pm

J. J. WILKINSON,
Clerk to the Council,

16 October 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 27 June 2018 to be noted (copy attached).	2 mins
5.	Statement of Licensing Policy Update by Licensing Standards Officer.	10 mins
6.	Licensing Board Functions and Financial Reports 2017/18 (Pages 7 - 12) Update by Licensing Standards Officer (copies of reports attached).	15 mins
7.	Fee for Personal Licence Holder Renewal	15 mins
8.	Licensing Standards Officers - update	15 mins
9.	Scottish Borders Licensing Board Minutes (Pages 13 - 22) (Copies of Minutes of 22 June 2018 and 24 August 2018 attached).	5 mins
10.	Other Business Minimum alcohol pricing becomes law in Wales http://www.southwalesargus.co.uk/news/16409076.minimum-alcohol-pricing-becomes-law-in-wales/	5 mins
11.	Private Business	

	<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>	
12.	<p>Minute (Pages 23 - 24)</p> <p>Private Minute of meeting of the Local Licensing Forum of 27 June 2018 to be noted.</p>	2 mins
13.	<p>Police Report</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 Local Licensing Forum:- S. Bell, S. Elliot, M.W. Hay, R. MacKay, A. Maybury, Dr T. Patterson, PC T. Ray G. Todd, I. Tunnah, M. Wynne.

**Please direct any enquiries to Fiona Walling Tel: 01835 826504
email: fwalling@scotborders.gov.uk**

**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 Wednesday, 27 June 2018 at 3.00 pm

- Present:- Local Licensing Forum: M. W. Hay (Chairman), S. Bell, S. Elliot, R. MacKay, PC Ray (Police Scotland), G. Todd, I. Tunnah, M. Wynne.
Scottish Borders Licensing Board: Councillors D. Paterson, R. Tatler, G. Turnbull and T. Weatherston.
- Apologies:- Local Licensing Forum: A. Maybury
Scottish Borders Licensing Board: Councillors J. Brown, J. Greenwell, N. Richards, S. Scott, E. Thornton-Nicol.
- In Attendance:- F. Walling (Democratic Services Officer).

CHAIRMAN

The meeting was chaired by Mark Hay. He gave a welcome to Alcohol Focus Scotland representatives Aidan Collins (Senior Coordinator – Policy and Development) and Nicola Merrin (Senior Coordinator – Policy and Research) and also welcomed Members of the Licensing Forum and Licensing Board.

JOINT TRAINING SESSION

Prior to the formal meeting of the Licensing Forum there was a joint CPD training session for members of the Forum and Licensing Board. This comprised a presentation entitled 'Minimum Unit Pricing and the Licensing Standards Officer' given by Ian Tunnah and a presentation by the representatives from Alcohol Focus Scotland on 'Alcohol Availability and Harm in Scottish Borders'. Each presentation was followed by a discussion on the issues raised and it was agreed that copies of both presentations be circulated for information to all members of the Forum and Board following the meeting.

RESIGNATION

Members were sorry to hear that James McKay had sent in his resignation from the Forum which was for personal reasons.

1. **MINUTE**
The note of the informal meeting held on 20 March 2018 had been circulated.

**DECISION
NOTED**

2. **ALCOHOL PROFILE**
The Alcohol and Drugs Partnership (ADP) Coordinator, Susan Elliot, advised that the 'Alcohol Profile in the Scottish Borders 2016-17' had been finalised and published. The aim of the Profile was to support the Scottish Borders Licensing Board by providing evidence to support decision making and inform development of future Licensing Policy Statement. The Profile and its value as a reference was nationally recognised. The document could be accessed on the Scottish Borders Council website and paper copies were available at the meeting. Copies would also be provided for Community Planning Partners and ADP stakeholders. Mike Wynne thanked Ms Elliot and other staff involved

for the significant amount of work required in developing this report and in turn Susan thanked members of the Forum for their assistance.

DECISION

NOTED the publication of the Alcohol Profile in the Scottish Borders 2016/17

3. SCOTTISH BORDERS LICENSING BOARD POLICY CONSULTATION

With reference to paragraph 3 of the note of the last meeting, Licensing Standards Officer, Ian Tunnah, confirmed that the draft Licensing Board Policy Statement had been released for a six month consultation period. A copy of the draft statement had been circulated with the agenda. Members of the Forum were reminded that they could respond individually to the consultation as well as contributing to a response on behalf of the Forum . Mr Tunnah advised that, in revising the Policy Statement an objective had been to simplify the document by removing content considered unnecessary. With reference to the draft response to the consultation on behalf of the Forum, circulated to members by email prior to the meeting, members were asked for their comments on each section of the draft Policy Statement. After discussion on the section regarding overprovision it was suggested that the Statement should be more robust in terms of identifying the areas of overprovision and associated alcohol-related harm, in the Scottish Borders, as reflected in national data and in the local Alcohol Profile. There was further discussion about the concept of 'pop-up' pubs whereby an application for an Occasional Licence may be received for a temporary pub in empty shop premises. There was concern that empty premises for a proposed pop-up pub would fail to meet the standard required for on-sale licensed premises and that, during festival celebrations where the idea of a pop-up pub may be economically lucrative the areas concerned were usually well served by both on and off sales licensed premises. The Forum agreed to recommend that a statement be included in the Board's Policy Statement against the concept and licensing of pop-up pubs.

DECISION

AGREED that Ms Elliot amend the Forum's consultation response to the draft Policy Statement in accordance with the above comments and re-circulate to members for approval.

4. LICENSING STANDARDS OFFICERS - UPDATE

Mr Tunnah reported that since the last meeting, he and Mike Wynne had been busy with the Rugby 7s circuit and the Common Riding Festivals. Mr Wynne commented that the 'don't buy it don't supply it' campaign against underage drinking appeared to be having an impact as people appeared to be talking about it and the press had been involved. The 'pull-up' campaign signs for supermarkets and similar outlets were moved around the Borders in accordance with the festival calendar. Licensing Standards Officers' time had also been taken up dealing with a high volume of Occasional Licences with last minute applications proving to be a problem.

DECISION

NOTED the update.

5. SCOTTISH BORDERS LICENSING BOARD MINUTES

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 23 March 2018, 20 April 2018 and 25 May 2018.

DECISION

NOTED the minutes.

6. OTHER BUSINESS

6.1 **LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE**

For information, a link to a recording of the Scottish Government Local Government and Communities Committee meeting of 23 May 2018 had been circulated with the agenda. Susan Elliot had been invited to contribute to the first part of this meeting which had focused on Alcohol Licensing in Scotland. The evidence taken, from those invited to attend, included reference to the role of Local Licensing Fora and their relationship to Licensing Boards. There was recognition of the challenge of recruitment of members, the importance and need for training and the value of the contribution from experienced members.

**DECISION
NOTED**

6.2 **'ASK FOR ANGELA' POLICY**

Mr Hay explained that the 'Ask for Angela' scheme was an initiative, developed initially in other areas, to help people who felt unsafe in the company they were in at a venue by using the code word to get the attention of bar staff. Staff would then discretely separate them from the situation which was making them feel unsafe. This would usually involve taking the person to a safe place and calling for a taxi or contacting a friend or family member. Mr Hay had placed posters advertising the scheme in female toilets at various venues and events where he had provided bar facilities and he added that there had been two recent occasions when the 'Ask for Angela' approach had been taken by customers. Members of the Forum recognised the value of the initiative and agreed with Mr Hay that the scheme should be rolled out further at venues and events within the Scottish Borders. PC Ray suggested it could be an extension of the 'Who Are You?' training programme given to bar staff and offered to assist in the roll out.

DECISION

AGREED that PC Ray explore the roll-out of the 'Ask for Angela' scheme at venues and events across the Scottish Borders as part of 'Who Are You?'.

7. **PRIVATE BUSINESS**

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 Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. **POLICE REPORT**

PC Ray gave a report for the period 1 January 2018 to 31 May 2018.

The meeting concluded at 5.15 pm

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SCOTTISH BORDERS LICENSING BOARD
ANNUAL FUNCTIONS REPORT 2017-2018

1 INTRODUCTION – SCOTTISH BORDERS LICENSING BOARD

1.1 This report has been prepared in accordance with the provisions of Section 9 of the Licensing (Scotland) Act 2005 (“the Act”).

Scottish Borders Licensing Board (“the Board”) is the Licensing Authority for the Scottish Borders area for the purposes of the act which makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.

1.2 The current Board which was formed in May 2017 comprises 9 Members all of whom are elected members of Scottish Borders Council.

1.3 The Council boundaries cover 4,742 square km. The estimated population as identified by the 2011 Census is 113,870. The area is divided into 10 Wards of 3 Councillors and 1 Ward of 4 Councillors totalling 34 Councillors of whom 9 sit on the board. All have completed the Statutory training required under the Act.

1.4 The Board is a Licensing Authority for the purposes of the Act and is responsible for the consideration of applications for:

- Premises Licences
- Occasional Licences
- Temporary Licences
- Provisional Licences
- Personal Licences
- Variation of Licences
- Review of Licences
- Transfer of Licences
- Extension of Licensing hours

There are currently 454 licenced premises within the Scottish Borders.

2 ANNUAL FUNCTIONS REPORT

The purpose of this report is to detail the operation of the Board during the period from 1 April 2017 until 31 March 2018.

In terms of Section 9a of the Act an Annual Functions Report must include:

- (a) a Statement explaining how the Board has had regard to the licensing objectives; and
- (b) the Board’s Policy Statement in exercise of its functions under the Act.
- (c) a summary of decisions made by the Board
- (d) information about the number of licences held in the Board’s area including occasional licences.

During the period 1 April 2017 to 31 March 2018 the Board met on a monthly basis to determine applications not determined using delegated powers. The statistics for this period are shown in Annex I.

3 LICENSING OBJECTIVES

The Act sets out the following 5 licensing objectives:

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

The Board is aware of its responsibilities to uphold the licensing objectives equally and the board details its approach and expectations regarding the objectives in its Statement of Licensing Policy. From the context of its policy the Board seeks to ensure that both the licence holders and the residents of the Scottish Borders are fully informed of the Boards approach and expectations with regard to the operation of licenced premises in its area.

4 DECISIONS OF THE BOARD

Applications for the Board were dealt with in an open and transparent manner and were considered on their individual merits in accordance with the Act and the Statement of Licensing Policy.

- 5** The Board recognises the importance of licenced hours to the operators of licenced premises. The Board is also aware that when licensed premises are open they can have an impact on persons who live and work near to the premises.

The Boards Policy on licensed hours is dependent on the type of operation that is being conducted and details of the Board's position is contained in its Statement of Licensing Policy.

6 Licensing Board Training

Board members received statutory training from alcohol focus Scotland in licensing legislation and board functions. This included a post training examination which all required to pass with a minimum of 75% before they were permitted to make any decisions.

7 The Local Licensing Forum

The Licensing Forum membership includes Licensing Standards Officers, representatives of the licensed trade, license holders and a representative of the Chief Constable. The Forum has worked well in partnership with the Board and the Board provides statistical information for the Forum regularly. The Board acknowledges the work that the Forum does in the local area.

8 Review of Licensing Policy Statement

The Board is currently reviewing its statement of Licensing and Policy. In doing so the Board will consult with partners such as NHS, Police Scotland, a local licensing forum and all premises licence holders in the Scottish Borders area and at the time of this report the Board's public consultation is about to conclude. Thereafter the Board will complete its review with the aim of publishing the new Statement in November 2018.

9 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.

Licensing (Scotland) Act 2005**Scottish Borders Licensing Board Financial Report****Financial Year: 2017/18**

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 2018. It should be noted that expenditure in the statement has been calculated based upon estimates of the direct time spent by Legal Service staff on licencing functions and exclude any allocation of indirect central support costs for example central administration costs properly incurred by Scottish Borders Council. These include a share of total costs associated with accommodation, ICT, financial and committee services, catering, postage, telephone calls, 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:

Income¹:

	Premises inc	
	Annual Fees	£157,166
Extensions/Variations/Transfers		£12,893
	Occasional Licences	£12,948
	Total	£183,007

Direct Staff Costs²:

Licensing Standards Enforcement Officers	£31,916
Licensing Officers	£57,475
Legal Services	£43,475
Administrative Support	£36,935
	Total
	£169,801

Other Direct Costs³:

Transport Costs, Licensing Officers	£1,892
Transport Costs, Members	£1,340
Transport Costs, Legal Officers	£119
IT Software Licences	£2,981
Training and Development	£1,250
Printing/Stationery/Postages	£3,000
	Total
	£180,383

Indirect Costs⁴:

Net Income – Expenditure	£2,624
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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 staff responsible for administrative support 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 such as training and travel expenses.
4. Figures exclude any apportionment of central administrative costs such as accommodation, ICT, financial and committee services, catering, postage, telephone calls, stationery and equipment, etc that are expended towards the Council's statutory duty to provide the Licensing Board function.

Agenda Item 9

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3, Council
Headquarters, Newtown St Boswells on Friday 22 June 2018 at
10.00 a.m.

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

1. **MINUTE**

The Minute of Meeting of 25 May 2018 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 17 May 2018 – 13 June 2018.

**DECISION
NOTED.**

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

Section 29: Application for Premises Licences. The Board considered the following applications for Grant/Provisional Grant of Premises Licences:-

3.1	BP Oil UK Limited	BP Peebles M&S SF Innerleithen Road PEEBLES EH45 8AZ (Provisional)
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Licensed hours applied for:

ON SALE
None

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

Representations received:

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

There had been circulated copies of the Application, proposed operating plan and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns as there had been a similar business on this site previously. The applicant's solicitor was unable to attend but a letter in support of the application had been submitted and this was tabled at the meeting.

**DECISION
GRANTED.**

3.2 Bonheur Wines Ltd

Bonheur Wines Ltd
Unit 7 Coldstream Workshops
Home Place
COLDSTREAM
TD12 4DT

Licensed hours applied for:-

ON SALE

None

OFF SALE

Monday to Sunday

10.00 a.m. 10.00 p.m.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of the Application, proposed operating plan and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns. Mr Kenneth Miller, applicant was present and spoke in support of his application.

**DECISION
GRANTED.**

3.3 Katrina Yule

Kat's Corner Shop
18 Myreslawgreen
HAWICK
TD9 0JA
(Provisional)

Licensed hours applied for:

ON SALE

None

OFF SALE

Monday to Sunday

10.00 a.m. – 10.00 p.m.

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 floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns as the applicant had operated a similar business previously. Miss Yule was present and spoke in support of her application.

**DECISION
GRANTED.**

3.4 The Three Stills Company Ltd

The Borders Distillery (Visitor Centre)
Commercial Road
HAWICK
TD9 7AQ

Licensed hours applied for:

ON SALE
None

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

Representations received:

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

There had been circulated copies of the Application, proposed operating plan and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns. Mr John Fordyce, applicant was present and spoke in support of his application.

**DECISION
GRANTED.**

3.5 IC Leisure and Kathleen Innes
Tontine Hotel
High Street
PEEBLES
EH45 8AJ

Amendments to Operating Plan and Layout Plan:

Change Core Hours

PROPOSED ON SALE
11.00am – 12.00midnight Sun - Wed
11.00am – 1.00am Thurs to Sat

CURRENT ON SALE
12.00noon – 12.00midnight Sun
11.00am – 12.00midnight Mon – Fri
11.00am – 1.00am Sat

PROPOSED OFF SALE
11.00am – 10.00pm Sunday

CURRENT OFF SALE
12.00pm – 10.00pm Sunday

- Change seasonal demand to YES with explanation as per Licensing Board Policy
- Addition of Activities outwith Core Hours: Bar Meals, Club Meetings, Recorded Music, Live Performance and Dance Facilities
- Addition of Activities within and outwith Core Hours: Theatre, Films, Indoor/Outdoor Sports, Televised Sport and Outdoor Drinking Facilities
- Change explanation in respect of outwith Core Hours entries in Column 4
- Change explanation at 5(f) regarding other activities
- Change terms of Children and Young Persons Access
- Show the licensed external area on Layout Plan and remove the Children and Young Person restricted 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 floor plan. The Licensing Standards and Enforcement Officer advised that the applicants had intended to be present but had suffered car problems on route. However, the application was within policy and there was no history of problems with this

establishment.

**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. **Minute**
The Private Minute of the Meeting held on 25 May 2018 was approved.

The meeting concluded at 10.20 a.m.

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Friday, 24 August 2018 at 10.00 am

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

APPOINTMENT OF CONVENER

The Managing Solicitor welcomed everyone to the meeting of the Scottish Borders Licensing Board. In the absence of Councillor Greenwell, Councillor Tatler proposed that Councillor Turnbull be appointed as Convener for the meeting. This was seconded by Councillor Richards and unanimously agreed.

DECISION

AGREED that Councillor Turnbull be appointed Convener for this meeting.

1. **MINUTE**

The Minute of Meeting of 22 June 2018 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 14 June 2018 – 14 August 2018.

DECISION

NOTED.

3. **SCOTTISH BORDERS LICENSING BOARD - FUNCTIONS AND FINANCIAL REPORTS 2017/18**

There had been circulated copies of a report by the Clerk to the Scottish Borders Licensing Board seeking approval of the Annual Functions Report and Annual Financial Report. The report explained that, in terms of Section 9A and Section 9B respectively of the Licensing (Scotland) Act 2005, Licensing Boards were required to provide an Annual Functions Report and an Annual Financial Report. The Board's Annual Functions Report must include a statement explaining how the Board 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. The draft Scottish Borders Licensing Board Annual Functions Report 2017-2018 was attached as Appendix 1 to the report. The Financial Report must include statements of the relevant income received and relevant expenditure incurred by the Licensing Board during the financial year and an explanation of how these amounts were calculated. The draft Scottish Borders Licensing Board Financial Report 2017-2018 was attached as Appendix 2 to the report. Members were asked to note that the

Licensing Board income could not be guaranteed in any financial year, this being dependent on the number of licensed premises which continued to operate, as the vast majority of Board income stemmed from annual Premises Licence fees. In response to a question, further information about calculations within the Financial Report could not be given at the meeting. It was therefore agreed to defer consideration of the Financial Report to the next meeting to enable clarification to be obtained.

DECISION

- (a) **APPROVED Scottish Borders Licensing Board Functions Report 2017-2018 attached as Appendix 1 to the report; and**
- (b) **AGREED to defer to the next meeting consideration of the Scottish Borders Licensing Board Financial Report 2017-2018 attached as Appendix 2 to the report and to delay publication of the reports until after its approval.**

4. LICENSING (SCOTLAND) ACT 2005:

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

Lynn Ferguson

**Denholm Post Office
1 Westside
Denholm
Nr HAWICK**

(Provisional)

Licensed hours applied for:

ON SALE
None

OFF SALE
Monday to Sunday
10.00 a.m. – 8.00 p.m.

Representations received:

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

There had been circulated copies of the application, proposed operating plan and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns. Ms Lynn Ferguson, applicant, was present and explained that she wished to increase footfall within the store by diversifying and expanding the range of goods offered.

DECISION GRANTED

- 4.2 **Section 29: Application for Variation of Premises Licences.** The Board considered the following applications for variation of Premises Licences:-

Torwoodlee Golf Club

**Torwoodlee Golf Club
Edinburgh Road
GALASHIELS
TD1 2NE**

Amendments to operating and layout plan:-

- Changes to the existing On Sale core hours:-

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

Proposed On Sale Hours
Sun to Wed 11.00am – midnight
Thurs, Fri & Sat 11.00am – 1.00am

- addition of a seasonal variation to read 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day until 1.00am or within any other agreed Licensing Board Policy';
- addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities both during and outwith core licensed hours;
- addition to the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan, to include gaming during core licensed hours;
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; and recorded music;
- a change to the explanation as to 'Yes' in column 4 (outwith core hours);
- amend the explanation of any other activities in line with the removal of Members Club status; and
- Update the existing Children and Young Persons statement in line with the removal of Members Club status.
- Amendment to layout plan showing new entrance, toilet and locker room arrangement.

Representations received:

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

There had been circulated copies of the application, current and proposed operating plans and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns about the proposals which effectively made the facilities and services at the club available to non-members. Club representative, Mr Gordon Keddie, was in attendance and spoke in support of the application. He explained that alcohol sales had decreased significantly over recent years. The Club now wished to diversify and offer food and toilet facilities to non-members. He added that the Southern Upland Way route passed through the club grounds resulting in demand for the services offered.

**DECISION
GRANTED**

Caledonian Heritable Limited

**The Fleece
1 Etrick Terrace/7 Market Place
SELKIRK**

Amendments to operating plan, which include the following:-

- a change to the core On and Off Sale Hours on a Sunday –

Current On Sale Hours
12.30pm – 12 midnight

Proposed On Sale Hours
11.00am – 12 midnight

Current Off Sale Hours
12.30pm – 10.00pm

Proposed Off Sale Hours
11.00am – 10.00pm

- a change to the seasonal variation to read 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day open until 1.00am or within any other Licensing Board Policy';
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include bar meals; receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; indoor/outdoor sports; and televised sport, without the sale of alcohol;
- addition of dance facilities to the permitted activities referred to in question 5 (columns 2 and 3) of the Operating Plan;
- a change to the explanation as to 'Yes' in column 4 (outwith core hours); and
- a change to the terms and conditions of Children and Young Persons access at question 6 of the Operating Plan, to permit access until 10.00pm when dining (previously 8.00pm) and for the duration when attending a private pre-arranged function.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of the application and current and proposed operating plans. The Licensing Standards and Enforcement Officer advised that the variation requested was within policy and he had no concerns about the proposals. Ms Tracey Ward, Designated Premises Manager was present on behalf of the applicant and explained that food sales at The Fleece had increased by over 50% in the last two and a half years. The licence variation had been requested in order to attract more customers into the premises for food.

**DECISION
GRANTED**

Vale of Leithen Social Club

**Vale of Leithen Social Club
2 Leithen Crescent
Innerleithen**

Amendments to Operating Plan:-

- changes to the existing On Sale core hours:-

Current On Sale Hours

Sun to Wed 11.00am - 11.00pm

Thurs 11.00am - midnight

Fri & Sat 11.00am - 1.00am

Proposed On Sale Hours

Sun to Wed 11.00am – midnight

Thurs, Fri & Sat 11.00am 1.00am

- change terms of seasonal variation to read 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day open until 1.00am or within any other Licensing Board Policy';
- addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include Conference Facilities, Bar Meals, Theatre, Films, Indoor and Outdoor Sport, during and outwith core licensed hours;
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include Receptions, Recorded Music, Live Performance, Dance Facilities and Televised Sports, without the sale of alcohol;
- a change to the explanation as to 'Yes' in column 4 (outwith core hours);
- the inclusion of an explanation at 5(f) regarding Other Activities; and
- a change to the terms of Children and Young Persons Access.

Representations received:

Police Scotland - none.
Licensing Standards Officer - none.
Health - none.
Other - Innerleithen & District Community Council.

There had been circulated copies of the application and current and proposed operating plans. There had also been circulated copies of an email from Innerleithen Community Council objecting to the extension of hours applied for. The Licensing Standards and Enforcement Officer advised that the proposal was within policy and that the variation had been requested to bring the operating plan in alignment with demand for services. Club Chairman Mr Paul Graham and Club Steward Mr Angus McPherson were in attendance to speak in support of the application. It was explained that the variation had been requested to future-proof demand going forward, with the proposal to introduce food and functions in the long term. Local organisations who used part of the premises, for example for band practice, often wanted to bring children with them. Whilst noting the objection, Members referred to the Club as a well-used community asset and recognised that diversification was required to ensure its viability in the future.

**DECISION
GRANTED**

- 4.3 **Section 56: Application for Occasional Licence.** The Board considered the following application for an occasional Licence:-

Laurence Reid

**MacArts Centre
Bridge Street
Galashiels**

Sunday 2 September 2018
(7pm to midnight – On Sale)

Representations received:

Police Scotland - none.
Licensing Standards Officer - none.
Health - none.
Other – Mr & Mrs Aikman.

There had been circulated copies of the application for an Occasional Licence for a Heriot Watt Students Union fresher event. Also circulated was an objection from Mr & Mrs Aikman stating the opinion that there was no need for the licence to be later than 11 pm on a Sunday, bearing in mind the venue was in a residential street. The Licensing Standards and Enforcement Officer advised that the application was within policy and that he had no concerns. Speaking in support of his application, Mr Laurence Reid explained that the MacArts Centre was a non commercial organisation who tried to maintain a good relationship with neighbours. The students wanted to dress up for the event, which was part of the students' fresher week programme. Mr Reid pointed out that there were several other licensed premises in the vicinity that would be open until midnight and the Students Union did not believe there was any point in holding the event if it had to close an hour earlier than other venues.

**DECISION
GRANTED**

- 4.4 **Section 72: Application for Grant of Personal Licence.** The Board considered an application from Mr David Corrie for the grant of a Personal Licence. There had been circulated copies of the application and a letter from Police Scotland

confirming a conviction for a relevant offence. The Licensing Standards and Enforcement Officer advised that the applicant had undertaken and passed the required training. Inspector Hodges advised that the letter from Police Scotland was to clarify the conviction which Mr Corrie had declared on his application. Police were not bringing forward any other concerns. Mr Corrie was in attendance to support his application and emphasised sincere regret for his response to an incident which occurred outside licensed premises he had no link to, resulting in the fixed penalty fine. After discussion and consideration Members indicated their support for the application.

**DECISION
GRANTED**

The meeting concluded at 10.25 am

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