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SCOTTISH BORDERS LICENSING BOARD FRIDAY, 23RD AUGUST, 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, 23 AUGUST 2019 at 10.00 am

N. McKINLAY,
Clerk to the Licensing Board

15 August 2019

BUSINESS									
1.	Apologies for Absence								
2.	Order of Business								
3.	Declarations of Interest								
4.	Minute (Pages 3 - 8) Minute of Meeting held on 19 July 2019 to be approved and signed by the Convener. (Copy attached).								
5.	Licensing (Scotland) Act 2005: (Pages 9 - 18) (i) Section 20: Application for Premises Licence. Consider the following application for Provisional Grant of Premises Licence (applicant cited to attend.) (Copies attached). <table><tr><td>T. J. Morris (Scot) Ltd</td><td>Home Bargains (Former Home Base Store) Galalaw Business Park Hawick (Provisional)</td></tr></table> <table><tr><td>Licensed hours applied for:</td><td></td></tr><tr><td><u>On Sale</u></td><td><u>Off Sale</u></td></tr><tr><td>None</td><td>Sunday to Saturday 10.00am – 10.00pm</td></tr></table> <p><u>Representations received:</u> Police Scotland - none. Licensing Standards Officer - none. Health - none. Other - none.</p>	T. J. Morris (Scot) Ltd	Home Bargains (Former Home Base Store) Galalaw Business Park Hawick (Provisional)	Licensed hours applied for:		<u>On Sale</u>	<u>Off Sale</u>	None	Sunday to Saturday 10.00am – 10.00pm
T. J. Morris (Scot) Ltd	Home Bargains (Former Home Base Store) Galalaw Business Park Hawick (Provisional)								
Licensed hours applied for:									
<u>On Sale</u>	<u>Off Sale</u>								
None	Sunday to Saturday 10.00am – 10.00pm								

6.	<p>Items likely to be Taken in Private Before proceeding with the private business, the following motion should be approved:</p> <p>“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”</p>
7.	<p>Licensing Scotland Act 2005: Personal Licence Hearing (Pages 19 - 24) Section 72: Hearing to consider Grant application following confirmation from Police Scotland of conviction for a relevant offence. (Copy application and Police Scotland notification attached) (applicant cited to attend).</p>
8.	<p>Minute (Pages 25 - 26) Private Section of Minute of Meeting held on 19 July 2019 to be approved and signed by the Convener. (Copy attached).</p>
9.	<p>Any other items previously circulated</p>
10.	<p>Any other items which the Convener decides are Urgent</p>

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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

Please direct any enquiries to Eileen Graham Tele: 01835 826585
E-mail: ee Graham@scotborders.gov.uk

**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 19 July 2019 at 10.00 am

Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, G. Turnbull,

Apologies:- Councillors R. Tatler, E. Thornton-Nicol, T. Weatherston
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officers (I. Tunnah and M. Wynne), Chief Inspector S. Reid and PC T. Rae - Police Scotland, Susan Elliot, Alcohol & Drugs Partnership Co-ordinator (ADP, NHS Borders), Democratic Services Officer (F. Walling), Trainee Democratic Services Officer

1. **MINUTE**
The Minute of Meeting of 21 June 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 12 June 2019 to 8 July 2019.

**DECISION
NOTED.**

3. **CHIEF CONSTABLE'S ANNUAL REPORT**
There had been circulated copies of a report by the Chief Constable – Police Service of Scotland, Mr Iain Livingstone for the period 1 April 2018 to 31 March 2019 in accordance with Section 12(A) Licensing (Scotland) Act 2005. The report summarised the work undertaken throughout this period which included the introduction of the Minimum Unit Pricing of Alcohol in Scotland and the work that would be undertaken through the Evaluation Advisory Group to assess the impact of this legislation. The Scottish Borders Licensing Board area was policed by J Division and Chief Superintendent John McKenzie was the Local Police Commander who had responsibility for all day to day policing functions. The Local Area Commander Chief Inspector Stuart Reid, supported by Jackie McGuigan, were based at Galashiels and were responsible for performance management, community engagement, partnership working and the daily management of local personnel. The report outlined the local policing priorities, description of Board area and information on the operation of the Licensing (Scotland) Act 2005. In the Scottish Borders, there were 345 recorded incidents in licensed premises between this period which was an increase of 113 on the previous year. The ongoing joint Police Council initiative on the prevention of the sale or supply of alcohol to children and young people by advertising on the local SBC website and posters at larger events. The crackdown of fake driving licences by visits to local premises and the tackling of serious and organised crime. The report also summarised the proposed activity for the year ahead which included underage drinking in the Borders. Chief Inspector Reid advised that the report

fully acknowledged the many active local partnerships that provided continued support, to enable Police Scotland and partners to drive improvement in licensing.

**DECISION
NOTED.**

4. **STATEMENT OF GAMBLING PRINCIPLES 2019 – 2022**

With reference to paragraph 3 of Minute of 22 March 2019, there had been circulated copies of a report by the Clerk to the Licensing Board to advise Members of the responses received to the recent consultation on the draft Statement of Principles in terms of the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022. The report set out the proposed way forward which required licensing authorities to publish a Statement of Principles proposed to be applied by the Board in exercising its functions under the Act, for a three year period. Following consultation on the draft Statement, eight responses were received and these were detailed in the copy of the consultation which appeared at Appendix 1 to the report. The Managing Solicitor reported that taking the responses into account, the points raised were either already contained within the Board's draft Statement or were outwith the Board's control and therefore it was considered that no changes were required to the draft Statement of Principles which appeared at Appendix 2 to the report. The Board agreed to approve and adopt the report.

DECISION:

- (a) **APPROVED the draft Statement of Principles and adopt it as the Statement of Principles for the period 31 January 2019 to 30 January 2022; and**
- (b) **INSTRUCTED the Clerk to the Licensing Board to take all the necessary steps to publish the statement**

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

- (i) **Section 20: Application for Premises Licence.** Consider the following application for Provisional Grant of Premises Licence

(a) **Kelso Gin Company**

Harestanes Tower
Harestanes, Ancrum
Jedburgh
(Provisional)

Licensed hours applied for:

On Sale

None

Off Sale

Sunday to Saturday 10.00am –
10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for provisional premises licence, together with the operating plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to accommodate for the remote sale of alcohol dictated and dispatched from a licensed premises. To operate as a distribution point for online and telephone orders of predominantly own label gin based products with direct sales to the public accommodated at the premises on occasions. The premises were a small ground floor single room unit housing a micro distillery producing gin in various flavours and adjoined the Harestanes Visitor Centre. The Convener welcomed the applicant Mr Oliver Drake and representative Mr Andrew Crowe who advised that Kelso Gin was a small company and they looked for

Police and Health to the application and that the variation of the licence would bring the opening hours up to date within the policy.

**DECISION
GRANTED.**

(b) Mansefield Pubs (LIC) Ltd 1905 (former Red Lion)
Crawford Street
Kelso

Amendments to premises licence, operating plan and layout plan, to include the following:

- change to the core On Sale Hours:

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
11.00am – 12.00midnight Mon to Thurs	11.00am – 12.00midnight Sun to Wed
11.00am - 1.00am Fri & Sat	11.00am - 1.00am Thurs to Sat
12.00noon – 12.00midnight Sun	
- change to the core Off Sale Hours:

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
11.00am - 10.00pm Mon to Sat	11.00am - 10.00pm Sun to Sat
12.00noon - 10.00pm Sun	
- addition of the following wording to the current seasonal variation - 'In addition, any other general or occasional extension allowed in respect of the Board's Policy';
- addition to permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities, restaurant facilities, bar meals and films, both within and outwith core hours;
- addition to permitted activities referred to in question 5 (column 4) of the Operating Plan, to include receptions etc, club or other group meetings, recorded music, live performances and indoor/outdoor sports, outwith core hours;
- change to terms/explanation at question 5(e) of the Operating Plan relating to the list of permitted activities;
- change to terms/explanation at question 5(f) of the Operating Plan relating to any other activities;
- change to terms and conditions of the Children and Young Persons access at question 6 of the Operating Plan;
- change to internal layout of premises including seating area and kitchen facility in the area previously used as a games room and reduction in size of bar dispensing area in the public bar; and
- change to description of premises to read 'Public House occupying the ground floor of a two storey building in a mixed domestic and commercial area near the town centre consisting of bar and lounge/restaurant areas'.

Representations received:

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

There had been circulated copies of an application for provisional premises licence, together with a proposed operating plan and letters of objections were received from the Licensing Standards Officer and Interim Director of Public Health. Mr Tunnah, Licensing Standards and Enforcement Officer explained that the premises were previously known as The Red Lion and had over many years been regarded as an adult drinking establishment. If the current operator's plans were to change the dynamic of the premises into being a food led pub/restaurant, it was likely that the

purpose for being within during the later hours would still primarily be the consumption of alcohol. The proposed operating plan submitted with the variation had no time constraint for the access of children and young people. Mr Tunnah advised that suggestions were given to the applicant to amend the proposed operating plan to make it more appropriate and to meet the licensing objectives and the Boards policy. A letter had also been submitted from the Director of Public Health which made several observations to be considered by the Board prior to granting the licence. It had been noted that the variation would allow access to the premises for children up to 12 midnight, Monday to Wednesday and Sundays, and to 1.00am Thursday to Saturday and recommendation had been made to ensure clarity on the hours of access. Mr Tunnah advised that an amended copy of the time constraints in the operating plan had been received to state that children and young person's access only when attending a private or pre-arranged function within the designated area for that function. After a full discussion Members granted the amended version of the operating plan.

**DECISION
GRANTED.**

6. PRIVATE BUSINESS

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.”

7. MINUTE

The private Minute of Meeting of 21 June 2019 had been circulated.

**DECISION
APPROVED.**

8. LICENSING SCOTLAND ACT 2005: SECTION 72 - APPLICATIONS FOR GRANT/RENEWAL OF PERSONAL LICENCE

(i) The Board agreed that the application for a Personal Licence submitted by H. Rowe be deferred to the next meeting.

(ii) The Board granted an application for a Personal Licence submitted by P. Allan.

9. URGENT BUSINESS

The Committee considered an urgent item of private business.

The meeting concluded at 10:45 am

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19/10/2011/PROGRAM



SCOTTISH BORDERS LICENSING BOARD

APPLICATION FOR ~~PREMISES LICENCE~~ / PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Question 1

Name, address and postcode of premises to be licensed.

HOME BARGAINS
 (FORMER HOMEBASE STORE)
 GALALAW BUSINESS PARK
 HAWICK
 TD9 8PZ

Question 2

Particulars of applicant

(a) Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.

(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

(c) Where applicant is a company, please provide name, registered office and company registration number.

T.J. MORRIS (SCOT) LTD
 AXIS BUSINESS PARK
 PORTAL WAY
 GILLMOSS
 LIVERPOOL L11 0JA COMPANY NO; 11794417

(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

T.J. MORRIS (SCOT) LTD T/A HOME BARGAINS
SEE ATTACHED

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3

Previous applications

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? ~~YES~~ NO*

If YES – provide full details

Question 4

Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/NO*
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*If YES – provide full details

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

Description of premises (where application is submitted by a members' club, please also complete question 6)

SUPERMARKET SELLING A WIDE RANGE OF GROCERIES, NON-FOOD ITEMS AND OTHER HOUSEHOLD GOODS.
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Question 6

To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
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*delete as appropriate

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this Application are true to the best of my knowledge and belief.

Signature Gosschalks * (see note below)

Date 3 MAY 2019

Capacity Solicitors ~~APPLICANT~~/AGENT (delete as appropriate)

Telephone number and email address of signatory 01482 324252 rjt@gosschalks.co.uk

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

HOME BARGAINS

T.J. MORRIS (SCOT) LTD

DIRECTOR AS AT FEBRUARY 2019

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
Stuart Norman Morris			

Operating plan

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

Statement regarding alcohol being sold on premises/off premises or both

- 1(a) Will alcohol be sold for consumption solely ON the premises? Yes No
- 1(b) Will alcohol be sold for consumption solely OFF the premises? Yes No
- 1(c) Will alcohol be sold for consumption both ON and OFF the premises? Yes No

Question 2

Statement of core times when alcohol will be sold for consumption on premises

Day	On Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Question 3

Statement of core times when alcohol will be sold for consumption off premises

Day	Off Consumption	
	Opening time	Terminal hour
Monday	10.00	22.00
Tuesday	10.00	22.00
Wednesday	10.00	22.00
Thursday	10.00	22.00
Friday	10.00	22.00
Saturday	10.00	22.00
Sunday	10.00	22.00

Question 4

Seasonal variations
Does the applicant intend to operate according to seasonal demand? Yes No

*If yes – provide details

Question 5

Please indicate the other activities or services that will be provided on the premises in

addition to supply of alcohol.

Col. 1 5(a) Activity	Col. 2 Please confirm yes/no	Col. 3 To be provided during core licensed hours – please confirm yes/no	Col. 4 Where activities are also to be provided outwith core licensed hours please confirm yes/no
Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	NO	NO	NO
Bar meals	NO	NO	NO
5(b) Activity Social functions including:	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Receptions including weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO
5(c) Activity Entertainment including:	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO
5(d) Activity	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Outdoor drinking facilities	NO	NO	NO
5(e) Activity	Please confirm yes/no	To be provided during core licensed hours – please confirm yes/no	Where activities are also to be provided outwith core licensed hours please confirm yes/no
Adult entertainment	NO	NO	NO

Where you have answered **yes** in respect of any entry in column 4 above, please provide further details below.

BACKGROUND MUSIC MAY BE PLAYED THROUGHOUT THE STORE BOTH DURING AND OUTWITH LICENSED HOURS.

5(f) Any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

THE SALE OF GROCERIES, NON-FOOD ITEMS AND OTHER HOUSEHOLD GOODS WITHIN AND OUTWITH CORE HOURS

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? Yes No

When fully occupied, are there likely to be more customers standing than seated? Yes No

Question 6 (On-sales only)

Children and young persons

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry Yes No

6(b) Where the answer to 6(a) is **yes** provide statement of the terms under which they will be allowed entry

N/A

6(c) Provide statement regarding the ages of children or young persons to be allowed entry

N/A

6(d) Provide statement regarding the times during which children and young persons will be allowed entry

N/A

6(e) Provide statement regarding the parts of the premises to which children and young persons will be allowed entry

N/A

Question 7

Capacity of premises

What is the proposed capacity of the premises to which this application relates?

28.49M²

Question 8

Premises manager (note: not required where application is for grant of provisional premises licence)
Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

Declaration by applicant or agent on behalf of applicant
If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature	* (see note)	Croschaecker	
Date		3 Nov 2019	
Capacity (delete as appropriate)		Applicant	Agent

Telephone number and email address of signatory	01482 324252 rjt@gosschalks.co.uk
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Name, address and telephone number of agent (if applicable)

Gosschalks Solicitors Queens Gardens Hull HU1 3DZ
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* Data Protection Act 1998

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