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LOCAL LICENSING FORUM TUESDAY, 22 OCTOBER 2019

A MEETING of the LOCAL LICENSING FORUM will be held in COMMITTEE ROOM 1,
SCOTTISH BORDERS COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on TUESDAY,
22 OCTOBER 2019 at 4.00 pm

J. J. WILKINSON,
Clerk to the Council,

15 October 2019

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 11 June 2019 to be noted (copy attached).	2 mins
5.	Matters arising	10 mins
6.	National Update and Learning and Development Needs Aiden Collins, Alcohol Focus Scotland.	20 mins
7.	Licensing Standards Officers - Update	10 mins
8.	Police Update	10 mins
9.	Chief Constable's Annual Report to the Licensing Board 2018-2019 (Pages 7 - 18) Report attached for information.	5 mins
10.	Scottish Borders Licensing Board Minutes (Pages 19 - 38) Copies attached of Minutes of:- 31 May 2019 21 June 2019 19 July 2019 23 August 2019 20 September 2019	5 mins

	Note dates of future meetings of Scottish Borders Licensing Board:- 25 October 2019 22 November 2019 20 December 2019	
11.	Date of Joint Meeting with Licensing Board Note date of annual joint meeting of Scottish Borders Licensing Board and Local Licensing Forum – Wednesday 4 December at 4 pm in the Council Chamber, Council Headquarters.	
12.	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 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”.	
13.	Minute (Pages 39 - 40) Private Minute of meeting of the Local Licensing Forum of 11 June 2019 to be noted.	2 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.**

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 Tuesday, 11 June 2019 at 4.00 pm

Present:- W. Hay (Convener), S. Bell, G. Campbell, S. Mabon, A. Maybury, PC Ray (Police Scotland), I. Tunnah and M. Wynne.

Apologies:- S. Elliot, S. Dalrymple, G. Todd, R. MacKay, Licensing Board Member Councillor G. Turnbull.

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

WELCOME AND INTRODUCTIONS

The Convener welcomed everyone to the meeting and gave a particular welcome to new Forum members Graham Campbell and Stewart Mabon. A round of introductions followed.

1. **MINUTE**

The Minute of the meeting held on 19 March 2019 had been circulated.

DECISION

APPROVED the Minute

2. **MATTERS ARISING**

Mr Tunnah gave an update on matters included in the minute.

2.1 The update of the Alcohol Profile was well underway with data being passed for collation to Susan Elliot and Erin Murray. The draft would be brought to the Forum for viewing before being issued to the Licensing Board and made available for publication. Mr Tunnah explained that the Alcohol Profile was produced by the Local Licensing Forum and used as a reference to assist the Licensing Board and to inform other decision makers about the impact of alcohol consumption in the community. Scottish Borders had led the way in the production of the Profile and was referenced within Alcohol Focus Scotland's toolkit as good practice

2.2 The Alcohol in Public Places consultation was ongoing. There had been a good on-line response to the consultation so far. Presentations were being taken to all Area Partnership meetings to explain why the consultation had been initiated and to encourage participation from Community Councils and the public.

2.3 In terms of training for the Local Licensing Forum, Mr Tunnah explained that a national review of guidance to assist members of Licensing Boards was currently taking place. Once this was finalised by Scottish Government, it was planned to organise joint training for the members of the Scottish Borders Licensing Board and Licensing Forum based on the new guidance.

**DECISION
NOTED**

3. **LICENSING STANDARDS OFFICERS - UPDATE**

3.1 Mr Wynne reported that he and Mr Tunnah had been busy over recent weeks in connection with the Rugby 7s events, where organisers had been happy to take on the process of using coloured wristbands as identification of different age groups. This system was effective in preventing underage consumption of alcohol and would be continued in future years. The larger events proceeded well this year. Some of the smaller 7s events were becoming more problematic in terms of associated drinking in the town centres. It was thought this could be due to a perception that these smaller events were not under the spotlight so the LSOs planned to give these areas more attention next year.

3.2 As in previous years there had been a large number of applications for occasional licences in connection with Common Riding festivals. LSOs would be visiting the larger events. The 'don't buy it don't supply it' campaign against underage drinking was being given a high profile by Police Scotland at the Common Riding festivals and appeared to be effective. PC Ray advised that two persons had been charged in connection with proxy purchase of alcohol at a recent event.

3.3 Plans were in place for LSOs to give advisory presentations, on request, to Village Hall committees and other organisations, about the application process for occasional liquor licences and public entertainment licences. This would include information about event planning and the preparation of risk assessments.

DECISION

NOTED the update

4. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 22 February 2019, 22 March 2019 and 19 April 2019. Members were encouraged to attend meetings of the Licensing Board as observers. Dates of future meetings were noted as follows:-

21 June 2019

19 July 2019

23 August 2019

20 September 2019

All meetings are held at Council Headquarters and start at 10 am unless otherwise advised on the agenda.

DECISION

NOTED the minutes.

5. **OTHER BUSINESS**

5.1 **Minimum Unit Pricing**

With reference to paragraph 5 of the minute of 19 March 2019 regarding the ongoing evaluation of the first year of operation of the MUP strategy, the following link to the Alcohol Focus site had been provided with the agenda for information: <https://www.alcohol-focus-scotland.org.uk/campaigns-policy/minimum-pricing/>. The first anniversary of the implementation of MUP in Scotland was on 1 May 2019. It was noted that it was too early to conclude that the introduction of MUP had reduced alcohol consumption in Scotland. The key question on sales was whether the number of units of alcohol sold had decreased. This was difficult to establish as data was based on volume sold rather than units. The Alcohol Focus site provided some clarification about many myths and anecdotal evidence about MUP which were currently circulating in the media. In a discussion of any effects of MUP noticed in the trade, Mr Campbell said it appeared to be beneficial to the smaller off-licence shops as people appeared to be shopping locally

now that there were no promotions in supermarkets and now that the price of previously lower priced products had increased.

**DECISION
NOTED**

5.2 Occasional Licence fee – consultation

Mr Tunnah drew attention to a current Scottish Government consultation on reviewing the fee for occasional licences and considering a limit on the number and duration of occasional licences. Concerns had been raised that the current fee of £10 did not cover Councils' administration costs and also that some applicants had sought to use the occasional licence process to apply for consecutive occasional licences as an alternative to a full premises licence. Members agreed that Mr Tunnah should send in a consultation response on behalf of the Local Licensing Forum and went on to discuss the questions asked. With regard to an increase in the fee it was felt that £10 was too low and that an increase to £50 would be reasonable and should not deter people from applying. With regard to the number of applications that could be made, the unanimous view was that this should not be limited. It was pointed out that for a genuine business or organisation that was holding events to raise money, for example a small catering business or a Village Hall committee, it would be unreasonable to place a restriction on the number of occasional licence applications made and thereby limit potential income from events.

DECISION

AGREED that Mr Tunnah send in a response to the above consultation on behalf of the Licensing Forum based on the views of members as expressed in the discussion.

5.3 Personal Licence Holder Renewal

With reference to paragraph 4 of the Minute of 23 October 2019, regarding the first batch of personal licences due for renewal on 1 September 2019, Mr Tunnah reported that there were a considerable number of personal licence holders from which renewal applications had not yet been received. If these were surrendered in theory any re-application would need to go to the Licensing Board for a decision. The potential, nationally, for a backlog of applications to be dealt with by Licensing Boards was being discussed by SOLAR (Society of Local Authority Lawyers and Administrators in Scotland). Mr Campbell referred to inconsistencies between Licensing Authorities in the way the renewals were managed and the date of the renewed licence in terms of whether this was the date of application or date of refresher training. Mr Tunnah advised that Scottish Borders were not issuing renewed licences until the renewal date in September. However he hoped for clarity from SOLAR.

**DECISION
NOTED**

6. 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

7. MINUTE

The private section of the Minute of 19 March 2019 was approved.

8. POLICE REPORT

8.1 PC Ray gave a verbal update report.

The meeting moved back into public business.

- 8.2 Following the Police Report there was a discussion and serious concerns expressed about the increasing availability of drugs at Scottish Borders events. Drugs, including cocaine, appeared to be easily obtained and were often cheaper than alcohol. It was pointed out that in supplying alcohol to underage young people who were attending these events, adults may be unwittingly increasing the risk of them being exposed to an environment where drugs were easily available and being used. PC Ray advised that Police Scotland would be using sniffer dogs at more events in the future. Mr Tunnah added that the Council as Licensing Authority would be looking for organisers of larger events to include drug policies as part of their event planning.

The meeting concluded at 5.35 pm



POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
SCOTTISH BORDERS LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2018 to 31ST MARCH 2019

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM
Chief Constable
Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2018/2019, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The Scottish Borders local authority area is policed by J Division. Chief Superintendent John McKenzie is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Stuart Reid is based at Galashiels. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Reid is supported by Inspector Jaqueline McGuigan who is based at Galashiels. The Scottish Borders Licensing Boards are predominantly attended by Inspector McGuigan.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Jocelyn O'Connor and Sergeant Colleen Hope.

The local Licensing Department is based at Melrose Police Station, one police officer supplemented by administration staff based at Dalkeith Police Station controls the day-to-day function.

Local Policing Priorities

Following our public consultation process, the policing priorities for Scottish Borders, as set out in our Local Policing Plan are as follows;

- Domestic Abuse (*incorporating all aspects of sexual offences*)
- Road Safety (*incorporating prevention, road user behaviour, road casualties*)
- Violent Crime (*incorporating assaults, serious and organised crime groups (SOCG) and counter terrorism*)
- Anti – Social Behaviour (*incorporating on line crime and hate crime*)
- Drug and Alcohol abuse (*incorporating serious and organised crime groups SOCG*)
- Protecting People (*incorporating child protection, child sexual exploitation CSE, adults at risk and missing persons*)
- Acquisitive Crime (*incorporating rural crime and doorstep crime, housebreakings and thefts*).

Description of Board Area

The Command area of the Scottish Borders serves, as of 30th June 2018 a population of 115,270 people covering an area of 473,614 hectares (1,827 square miles) and is located in the South East of Scotland. Edinburgh and the Lothians lie to the North, Northumberland to the South and Dumfries and Galloway to the West. 30% of the population reside in the settlements of 500 people or less.

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There are currently 52 'on sales' and 116 'off sales' premises and 323 combination premises in the Scottish Borders.

The provisional Statement of Licensing Policy has been released.

There are significant demands on police resources placed in the Scottish Borders area by the Common Riding and Rugby 7's tournaments. There are currently 4 premises trading until 3am at the weekends, with annual occasional extensions for some Common Riding Town Balls extending to 5am.

In the Alcohol Outlet Availability and Harm report (April 2018) published by Alcohol Focus Scotland, Scottish Borders is ranked 15th out of 30 local authority areas for alcohol outlet availability in Scotland (11th for on-sales and 27th for off-sales outlets) this is lower than Scotland as a whole. Other key findings for Scottish Borders include;

- Crime rates in the neighbourhoods with the most alcohol outlets were 4.4 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The most deprived neighbourhoods had 2.5 times the number of alcohol outlets than the least deprived neighbourhoods.
- The total number of alcohol outlets in Scottish Borders increased by 9 (2%) from 453 in 2012 to 462 in 2016.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In the Scottish Borders there were 345 recorded incidents in licensed premises between 1st April 2018 and 31st March 2019, this is an increase of 113 on the previous year. There has been a notable increase (101) in thefts of alcohol from 'off sales' premises over the reporting year, this may be due to the introduction of minimum pricing.

Police Scotland carried out 911 recorded inspections of licensed premises in the Borders during the reporting year.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

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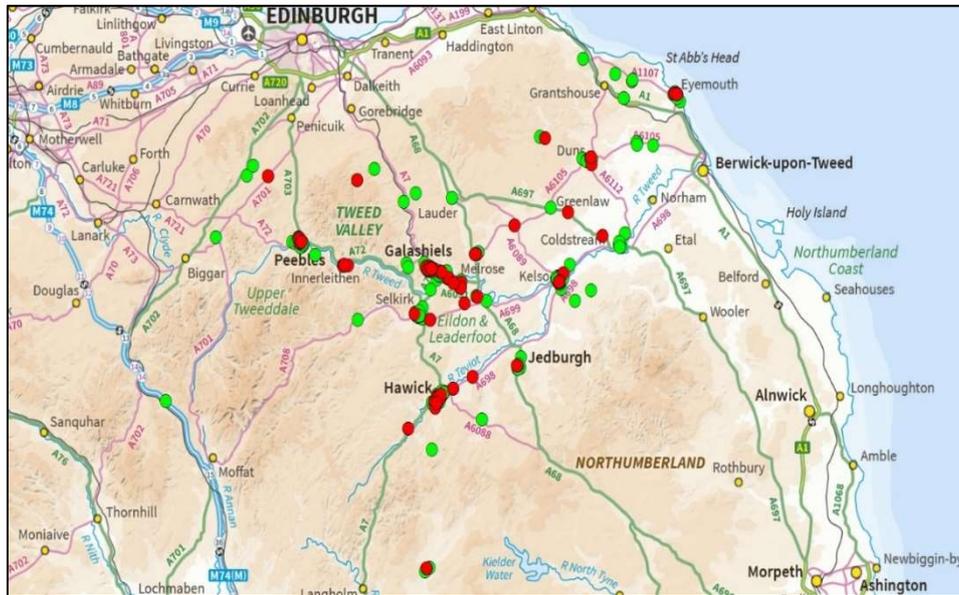
The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

Violence and ASB Data Where Alcohol Is A Factor

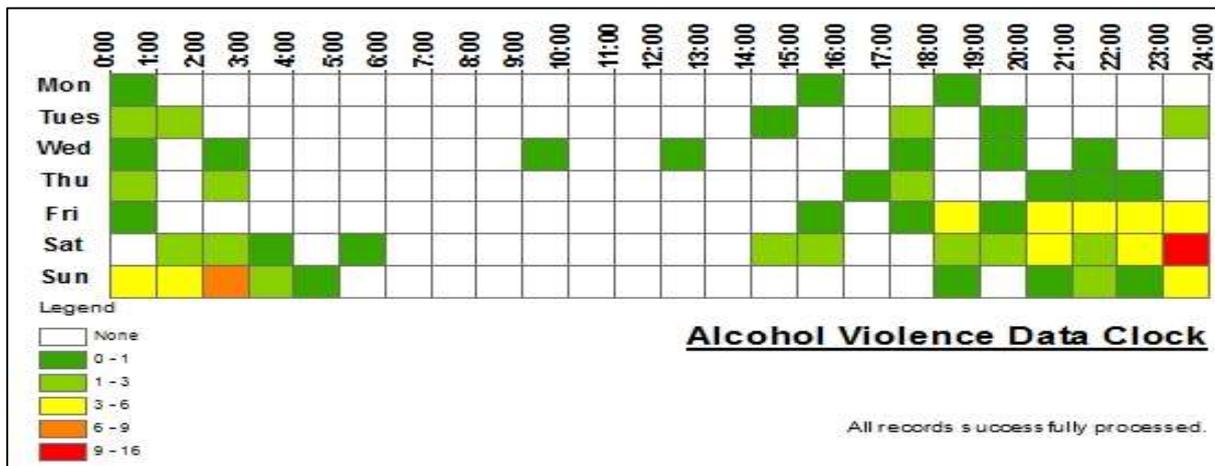
Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 948 recorded crimes of violence for the 2018-19 period, a total of 228 had the alcohol marker attached to the crime report. Of that total 96 were in residential locations leaving 132 acts of violence in a public space where alcohol featured.

The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added.

The areas showing as high for alcohol crimes are the towns of Galashiels, Hawick, Kelso and Peebles as expected.



The alcohol data clock is replicate below. The late evening into early morning for the weekend is showing as the most prominent.



Partnerships

Licensing Standards Officer (LSO)

The local Police Licensing Officer works regularly with a number of partner agencies including the Local Authority. She continues to work alongside the LSO to maintain effective information sharing procedures and establish good partnership working. This unified approach has resulted in a number of successful resolutions in the Scottish Borders.

Scottish Borders Licensing Forum

The police licensing officer is an active member of the Scottish Borders Licensing Forum and over the last year there has been a lot of work carried out around the Statement of Licensing Policy as well as consultation and feedback on other licensing policy and guidance.

Best Bar None (BBN)

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.
- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year there were 18 premises that took part in the BBN scheme, with 12 premises gaining 'Gold' award, 4 premises gaining 'Silver' award and 2 premises gaining 'Bronze' award.

BBN Scheme is something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

Pub Watch

Pub Watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local Community Police Officers.

The Pub Watch schemes operating in Scottish Borders are all working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers. Police Scotland fully supports these schemes

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and would encourage all licensees to become members of a scheme operating in their area.

Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign. The scheme is supported by Rape Crisis Scotland, Police Scotland, Scottish Borders Council, National Pub Watch and Best Bar None.

It is designed to reduce sexual abuse in the night time economy. The idea of the scheme is that if someone is on a date, or a night out, and someone makes them feel uncomfortable, they can ask a member of licensed premises staff for 'Angela'. Staff will immediately understand the situation and call for a taxi or help the customer to leave discreetly and safely, with little fuss. It is a fantastic, simple approach designed to make people feel safer and a great tool for staff to support customers who find themselves in a difficult situation. The scheme has been very well received and we have had it used successfully in Scottish Borders. A great example of staff showing social responsibility and a duty of care for their patrons.

We also continue to run the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can have on two lives – the victim and the attacker. The hope is to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour.

Posters for both these campaigns were handed into several licensed premises within Scottish Borders area and were well received.

Problem Solving

The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established interventions process. Incidents connected to premises are identified by licensing officers who evaluate the licensing objectives to determine if any have been compromised.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Intervention Categories	
Red	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises

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	licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.
Green	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.
No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Summary

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. As the Licensing (Scotland) Act 2005 is well bedded into everyday working practices.

The Police Local Area Commander has a proactive Weekend Policing Plan to deal with the night-time economy at the busiest times. Included in that plan are officers tasked with pro-active visits to licensed premises.

Section 22 - Applications

Over the course of the reporting year there has been no Premises Licences granted, however there were ten applications received and granted by the Board for Provisional Premises Licences, with seven applications received for confirmation of the licence.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a Premises Licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

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In this reporting year there were a number of applications submitted by Police Scotland, although there is one review application pending, awaiting a court hearing, before submission to the Board. This is due to a serious crime committed on the premises and other matters of concern.

Section 63 – Sale or Supply out with licensed hours

Officers in Scottish Borders monitor the sale or supply of alcohol out-with licensed hours closely. Local Officers continue to make pro-active visits to licensed premises particularly at weekends, to ensure premises are being managed appropriately.

The Police Innkeeper IT system can be accessed by both Police control room staff and officers 24 hours a day / seven days a week. This system provides essential information on licensing hours etc. out with the normal office hours of the Licensing Department.

Section 72 – Personal Licence Applications

There were 166 applications made for personal licences during this reporting year in Scottish Borders. These were a combination of new applications and applications to renew personal Licences. The year 2019 has been the renewal year for many personal licence holders who were issued with licences in the initial licensing period of the 2005 Act having to renew their licences within the 'ten year' licence period.

The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board.

Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of Personal Licence Holders. In particular, there have been occasions when the holders of a personal licence have failed to report conviction(s) for relevant offence(s) to the Court and/or the Licensing Board. Again, the amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives. There were a number of Personal Licence Reviews requested by Police Scotland in this reporting year.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction' and can exclude a person from specific licensed premises for between 3 months and up to 2 years. The Police Licensing Officer proactively drives the use of

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Exclusion Orders whenever appropriate. The use of Exclusion Orders is fully supported by the licensed operators in Scottish Borders.

Section 97 – Closure Orders

There were no closure orders used within Scottish Borders during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 111 (drunk persons within licensed premises)	1
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM drunk whilst on duty)	0
Section 115 (disorderly conduct within licensed premises)	2
Section 116 (refusal to leave licensed premises)	8

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. We are committed to keeping people safe and improving the quality of life for residents in Scottish Borders.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Within the Scottish Borders in the past year a joint Police Council initiative has been ongoing with both advertising in the local SBC website and large posters erected at large events in the Borders reminding the public of the offences in relation to the sale and supply of alcohol to young people. This has also included a crackdown of fake driving licences by way of visits to local premises, resulting in persons being reported to the local PF.

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	2
Section 103 (allowing the sale of alcohol to a child or young person)	2

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Section 104A (supply of alcohol to a child)	1
Section 104B (supply of alcohol to a young person)	2
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B is a relatively new addition following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very useful weapon in the fight against 'agent purchase' or 'proxy purchasing' and will continue to be used by local officers whilst out on patrol.

TACKLING SERIOUS AND ORGANISED CRIME

The checks carried out into new premises applications serve to give a picture of who are applying for the licences and who are running them. This can also provide evidence of associations which provides the background information to allow informed decisions to be made when making objections or representations.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

In the year ahead we propose to further the efforts that are being made in relation to focusing on underage drinking in the Borders.

A consultation is currently underway to look at the potential introduction of local Bylaws for the area as currently the area is not covered by any and may be the only area in Scotland that holds no local byelaws prohibiting carrying and/or drinking from open containers. The consultation has been devised to look at both the perceived issues and the general feeling of where these rules should apply.

We continue to have a close relationship with the council LSO's and aim to preserve this with regular joint meetings and consultations in all matters licensing.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.

**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

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 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 21 June 2019 at 10.00 am

Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, R. Tatler, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillors S. Scott, G. Turnbull
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (I. Tunnah), Inspector J. Scott - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **MINUTE**

The Minute of Meeting of 31 May 2019 had been circulated.

**DECISION
APPROVED.**

3. **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 16 May 2019 to 11 June 2019.

**DECISION
NOTED.**

4. **ANNUAL FINANCIAL AND FUNCTIONS REPORT 2018/19**

There had been circulated copies of a report by the Clerk to the Licensing Board to seek approval from the Board on the Annual Functions Report and Annual Financial Reports for 2018/19. The Managing Solicitor (Property and Licensing), Mr Kirk advised Members that Licensing Boards were required to provide an Annual Functions Report which must include a statement explaining how the Board has had regard to the licensing objectives and the Policy Statement in the exercise of its functions in terms of Section 9A of the Licensing (Scotland) Act 2005 as well as a summary of decisions made by the Board and information on the number of licenses (including occasional licences) held in the Board's area. Mr Kirk advised that the Annual Financial Report included a statement on the amount of relevant income received by the Board; the amount of relevant expenditure incurred and an explanation on how the amounts in the statement were calculated. Members were asked to note that the Board's income would not be guaranteed in any financial year, expenditure would fluctuate and additional costs incurred in this financial year was 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 Licenses. The Board's income and expenditure would be kept under review on a regular basis.

**DECISION
AGREED:-**

- (a) **the annual Functions Report and Annual Financial Report; and**
- (b) **to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report**

**5. ANY OTHER ITEMS WHICH THE CONVENER DECIDED WERE URGENT
SCOTTISH GOVERNMENT CONSULTATION PAPER ON OCCASIONAL LICENCES**

- 5.1 There had been circulated copies of a briefing note by the Managing Solicitor (Property and Licensing), to brief Members with regard to the ongoing Scottish Government consultation on Occasional Licences and the nature of the response which Licensing Officers proposed to make on behalf of the Board. The consultation was due to close on 16 July 2019. There had also been circulated a copy of the consultation paper which broadly formed a series of questions which was broken down into two parts: namely, the level of fee to be charged for an Occasional License Application and whether a limit should be placed on the number and duration of Occasional Licences which could be applied for by holders of a Premises Licence or a Personal Licence. Members were asked to endorse the proposed response to the consultation on behalf of the Board.
- 5.2 Mr Kirk advised Members that the current fee payable for an Occasional Licence was £10 and that this fee had been in place for a considerable period of time. The consultation asked if the Board agreed that this fee should be increased and invited suggestions for a suitable fee level. Licensing Officers recommendation, as outlined in the Briefing Note, was an increased fee of £30 for voluntary organisations applications and an increased fee of £75 for applications made by the holders of a Premises or Personal licence. Members discussed the options and it was suggested that the officers' recommendation of an increased fee for the holders of a Premises or Personal licence was perhaps too high.

Motion:

Councillor Weatherston, seconded by Councillor Richards moved that an increase be made to £50 with a cost of £30 for voluntary organisations.

Councillor Tatler recommended an increase be made to £30 and £10 for voluntary organisation but no seconder was received.

- 5.3 Mr Kirk explained that the second part of the consultation related to the possibility of placing a limit on the number and duration of occasional licence applications which could be made by holders of premises and personal licences as currently there was no limit on the number of applications which could be made by the holders of such licences. Mr Kirk advised that there were already restrictions on the number of applications a voluntary organisation/members club could make, in any period of 12 months, and proposed that there were no justifiable reason for imposing any such limit on premises licences and personal licence holders. Members agreed to respond to the ongoing Scottish Government Consultation as set out in this paragraph and paragraph 5.2 above.

DECISION

AGREED to respond to the Scottish Government Consultation Paper on Occasional Licences as follows:-

- (a) **consideration should be given to increasing the Occasional Licence application fee for premises licences and personal licence holders to £50 and the fee for Occasional Licence by voluntary organisations to £30; and**
- (b) **that there should be no limit on the number of applications that could be made over a period of 12 months**

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. **LICENSING (SCOTLAND) ACT 2005: SECTION 72 - APPLICATIONS FOR GRANT OF PERSONAL LICENCE**

- (i) Hearing held to consider an application following confirmation from Police Scotland of conviction for a relevant offence
- (ii) Further hearing held to consider another application following confirmation from Police Scotland of conviction(s) for relevant offence(s).

The meeting concluded at 10.40am

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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 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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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 23 August 2019 at 10.00 am

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

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (M. Wynne), Inspector J. McGuigan, Sergeant J. Fortune - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **MINUTE**

The Minute of Meeting of 19 July 2019 had been circulated.

**DECISION
APPROVED.**

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

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

T. J. Morris (Scot) Ltd

Home Bargains
(Former Home Base Store)
Galalaw Business Park
Hawick
(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 supporting operating and layout plans. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was to accommodate the applicant's general retail business including the provision of an alcohol sales aisle forming a small percentage of the overall floor area of the premises. Mr Richard Taylor, Gosschalks was present as the legal representative for TJ Morris (Scot) Ltd along with the Area Manager for the Hawick based Home Bargains Store. Mr Taylor explained that the new store would be open on 24 August 2019 with the creation of 60 new jobs within the store. Occasional licences had been granted to allow the store to operate until all outstanding matters had been finalised. He estimated there

were over 600 retail bays available and there would be a limited range of beer, wine and cider with only 13 bays being used for alcohol sales. He advised that a range of measures would be in place to address the licensing objectives including CCTV systems, electronic till control prompts and a refusals system, Challenge 25, in house test purchasing exercises. Staff training had been carried out on 5 August 2019 and any staff under the age of 18 would not be on the checkouts. Five staff members held Personal Licences and in house refresher training would be carried out every 6 months. Members welcomed the opening of this new store and approved the application.

**DECISION
GRANTED.**

3. **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.”

DECLARATION OF INTEREST

Councillor Weatherston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4. **LICENSING SCOTLAND ACT 2005: PERSONAL LICENCE HEARING**

Section 72: Hearing to consider application for Grant of Personal Licence following confirmation from Police Scotland of the applicant’s conviction for a relevant offence.

After hearing from Police Scotland and the applicant, the Board refused an application for Grant of a Personal Licence on the grounds that having regard to the licensing objectives, the applicant was not a fit and proper person to hold a licence.

5. **MINUTE**

The private Minute of Meeting of 19 July 2019 had been circulated.

**DECISION
APPROVED.**

The meeting concluded at 10:20 am

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 20 September 2019 at 10.00 am

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

Apologies:- Councillors G. Turnbull, T. Weatherston

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officers (I Tunnah, M. Wynne), Inspector J. McGuigan, PC J. Fortune - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **MINUTE**
The Minute of Meeting of 23 August 2019 had been circulated.

**DECISION
APPROVED.**

2. **LICENSES 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 9 July 2019 to 3 September 2019.

**DECISION
NOTED.**

DECLARATION OF INTEREST

Councillor Richards declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

3. **Licensing (Scotland) Act 2005:**
Section 29: Application for Variation of Premises Licence. Considered the following application for variation of Premises Licence:

(i) Peter Tyler	Denholm Meet Westside Denholm
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Amendments to licence and operating plan, which include the following:

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
12.30pm – 11.00pm Sun	11.00am – 12 midnight Sun to Thurs
11.00am – 11.00pm Mon to Sat	11.00am – 1.00am Fri & Sat

- the addition of core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
None	10.00am – 10.00pm Sun to Sat
- the addition of a seasonal variation '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';
- the addition to the permitted activities referred to in question 5 (Yes in column 4 – outwith core hours) of the Operating Plan, to include restaurant facilities, receptions (including weddings, funerals, birthdays, retirements etc), club or other group meetings etc, recorded music, live performances, dance facilities and outdoor drinking facilities;
- the addition of appropriate explanation/terms at question 5(e) of the Operating Plan relating to the list of permitted activities (as to 'Yes' in column 4); and
- the addition of appropriate explanation/terms at question 5(f) of the Operating Plan relating to any other activities.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of existing Premises Licence, together with current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to update the existing operating plan to include off sale hours to accommodate patrons who purchased wine when having a meal to take any open bottle home. The premises would operate as a Café/Restaurant/Bistro with alcohol, generally but not exclusively, being sold to accompany food. The Convener welcomed the applicant, Mr Tyler who explained that the change to the plan would give customers the opportunity to purchase a bottle of wine with their meal and take away any unfinished wine or to buy a bottle of wine to take away. There were no representations and the application was granted.

**DECISION
GRANTED.**

(ii) Buccleuch Recreational Enterprises Ltd Bowhill
 Selkirk

Amendment to operating plan and layout plan:

- Change core hours to commence at 11.00am Sunday for on sale (currently 12.00noon); and 10.00am on Sunday for off sale (currently 12.00 noon).
- Change terminal core hours for on sale to 12.00midnight Sunday to Wednesday and 1.00am Thursday to Saturday (currently 11.00pm each evening).
- Change the terms of the seasonal variation in line with the Board's policy over the festive period.
- Change question 5 listed activities outwith core hours to include conference facilities, restaurant facilities, club or other group meetings, live performance, dance facilities, theatre, films, indoor and outdoor sports, and outdoor drinking facilities.
- Change question 5 listed activities to include both within and outwith core hours receptions etc, recorded music and televised sport.
- Change question 5 listed activities to include gaming within core hours.
- Change the explanation of activities outwith core hours and amend the statement under any other activities at question 5(f)
- Change the children and young person's access statement to permit children

for the purposes of using any of the facilities for the duration of their visit whilst accompanied by an adult and young persons for the same reasons without the need to be accompanied.

- Amended layout plan showing re-arranged and re-located shop premises, etc.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with current and proposed Operating and Layout Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to update the existing operating and layout plans including the relocation of shop premises. The premises operates as a visitor centre with café/restaurant, gift shop and includes a small theatre. The Convener welcomed Mr Rory Powell, the Designated Premises Manager who confirmed that the application was to update the current Operating Plan in line with the Board's policy statement and incorporate the relocation of the gift shop within the layout plan. There were no representations and the application was granted.

**DECISION
GRANTED.**

(iii) St Boswells Rugby Football Club

Jenny Moores Road
St Boswells

Amendment to operating plan:

- Amend explanation at question 5(f) as to other activities to include use as a pre and after school club and remove specified day and times for use as a youth club.
- Amend the statement of children and young persons terms of entry and times when they will be permitted on the premises at question 6 (in addition to those currently stated in relation to sporting events and radio broadcasts) as follows:
 - Children and young persons when attending any youth club until 9.00pm;
 - Children attending any pre or after school club until 6.30pm.

Representations received:

Police Scotland – copy circulated.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to include a statement of any other activities to allow the premises to be used for youth activities such as pre and after schools clubs and youth clubs prior to core hours and amend the children and young persons statement to reflect the ages, times and terms of access. Police Scotland had submitted a letter of representation dated 9 September 2019 and Inspector McGuigan advised that whilst there was no police objection to the proposal, they wished the Board to consider attaching the following conditions:-

- The bar must be shuttered, and entry door closed and locked at all times when the premises was being used for youth activities; and
- Alcohol would be stored securely within the bar area at all times when the

premises was being used for youth activities

The Convener welcomed Mr Elliot who addressed the Board as the representative for the Club. He advised that the Operating Plan already stated that the bar would always be shuttered and closed off when the premises were being used for the after school clubs and accepted the conditions stipulated by the Police. He further highlighted that Live Borders was the third party with responsibility for the youth activities and would not have access to the bar area and another room in the club would be used for these activities. No other representations had been received.

DECISION

GRANTED subject to the additional conditions requested by Police Scotland.

(iv) Iceland Foods Limited

33/43 High Street
Galashiels

- Amendment to layout plan - increase capacity to 4.55m² (previously 4.4m²)

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with the proposed Operating and Layout Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to incorporate a minor increase in the alcohol display area as a result of reconfiguration of shelving. The Convener welcomed Niall Hazard of TLT, Solicitors in alcohol display shelving. There were no representations and the application was representing the applicant who confirmed the application reflected a minor increase granted.

DECISION

GRANTED.

4. 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.”

5. LICENSING SCOTLAND ACT 2005: PERSONAL LICENCE HEARING

Section 84A: Hearing to consider review of Personal Licence on report of conduct inconsistent with licensing objectives received from Police Scotland.

In the absence of the applicant, the Board unanimously agreed to defer this item to the next meeting.

DECISION

DEFERRED to a future meeting.

6. MINUTE

The private Minute of Meeting of 23 August 2019 had been circulated.

DECISION

APPROVED.

The meeting concluded at 10:18 am

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