

# Public Document Pack



## SCOTTISH BORDERS LICENSING BOARD FRIDAY, 23RD APRIL, 2021

A MEETING of the SCOTTISH BORDERS LICENSING BOARD will be held on FRIDAY, 23 APRIL 2021 at 10.00 am. The Convener has directed that this meeting will be conducted in accordance with the Licensing (Scotland) Act 2005 and will be accessed remotely via Microsoft Teams. The meeting will be live streamed to the public and a link will be on the Council Website

N McKINLAY  
Clerk to the Licensing Board

16 April 2021

<b>BUSINESS</b>					
1.	<b>Apologies for Absence</b>				
2.	<b>Order of Business</b>				
3.	<b>Declarations of Interest</b>				
4.	<b>Minute</b> (Pages 5 - 10)  Minute of Meeting of 26 April 2021 for approval. (Copy attached.)				
5.	<b>Licences dealt with under Delegated Powers</b> (Pages 11 - 12) (Copy attached.)				
6.	<b>Licensing (Scotland) Act 2005:</b>				
	<p>(a) <b>Section 20: Application for Premises Licence</b> (Pages 13 - 36) Consider the following applications for Grant/Provisional Grant of Premises Licence (applicants cited to attend.)(Copies attached.)</p> <p style="margin-left: 40px;">(i) <b>Cockburnspath Community Enterprise Limited</b> <span style="float: right;">Cockburnspath Community Shop Callender Place Cockburnspath TD13 5XY</span></p> <p style="margin-left: 40px;"><b>Provisional</b></p> <p style="margin-left: 40px;">Self-contained single storey lock up shop unit.</p> <p style="margin-left: 40px;">Licensed hours applied for:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Off Sale</td> <td style="width: 40%; text-align: right;"><u>On Sale</u></td> </tr> <tr> <td>Monday to Sunday 10.00am – 10.00pm</td> <td style="text-align: right;">None</td> </tr> </table>	Off Sale	<u>On Sale</u>	Monday to Sunday 10.00am – 10.00pm	None
Off Sale	<u>On Sale</u>				
Monday to Sunday 10.00am – 10.00pm	None				

Representations received:  
Police Scotland - none  
Licensing Standards Officer - none  
Health - none  
Other - none

(i) **James Henderson**

18 Ferniehill Court  
Kelso  
TD5 7LA  
**Provisional**

The premise is a single room office on the upper floor within a two storey dwelling. The proposal is to use the room as a distribution / dispatch point for remote sales (online and telephone orders) of the Company's alcohol products. Sales to be on an Off-Sales basis only, with no public access to the dwelling.

Licensed hours applied for:

<u>Off Sale</u>	<u>On Sale</u>
Monday to Sunday 10.00am – 10.00pm	None

Representations received:  
Police Scotland - none  
Licensing Standards Officer - none  
Health - none  
Other - none

(b) **Section 29: Application for Variation of Premises Licence**

(Pages 37 - 56)

Consider applications for Variation of Premises Licence (applicants cited to attend.)  
(Copies attached.)

**Section 29: Applications for Variation of Premises Licence.** Consider the following application for Variation of Premises Licence (applicant cited to attend.)  
(Copies attached).

(i) **Anthony Al Khoury**

Night Safe Bistro  
12 High Street  
Hawick

Amendment to licence and operating plan:-

- a change to the core On Sale Hours –

Current On Sale Hours

12.00 noon – 12 midnight Sun  
11.00am – 11.00pm Mon to Wed  
11.00am – 12 midnight Thurs  
11.00am – 1.00am Fri & Sat

Proposed On Sale Hours

11.00am – 12 midnight Sun  
11.00am – 11.00pm Mon to Wed  
11.00am – 1.00am Thurs, Fri & Sat

- a change to the core Off Sale Hours –

Current Off Sale Hours

None

Proposed Off Sale Hours

11.00am – 10.00pm Mon to Sat

- the addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include live performance, both within and outwith core hours.

	<p><u>Representations received:</u>  Police Scotland - none.  Licensing Standards Officer - none.  Health - none.  Other – Ms. D Shaw.</p>
7.	<p><b>Items likely to be Taken in Private</b>  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>
8.	<p><b>Minute (Pages 57 - 58)</b></p> <p>Private Section of Minute of meeting of 26 March 2021 to be approved and signed by the Convener. (Copy attached.)</p>
9.	<p><b>Section 34: Application for Transfer of Premises Licence (Pages 59 - 68)</b>  Consider the following application for Transfer of Premises Licence and supporting letter from Melrose Porteous, Solicitors (applicant cited to attend) (Copies attached).</p> <p><b>Donald Moffat</b> <span style="float: right;">Eildon Centre Victoria Street Coldstream</span></p> <p><u>Representations received:</u>  Police Scotland - none.  Licensing Standards Officer - none.  Other - none.</p>
10.	<p><b>Any other items previously circulated</b></p>
11.	<p><b>Any other items which the Convener decides are Urgent</b></p>

**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

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Please direct any enquiries to Fiona Henderson Tele: 01835 826502  
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**SCOTTISH BORDERS COUNCIL  
SCOTTISH BORDERS LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held via Microsoft Teams on 26 March 2021 at 10.00 am

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

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

**CONVENER**

The Convener opened the meeting and welcomed Members of the Licensing Board and members of the public to Scottish Borders Licensing Board's open on-line meeting. He explained the meeting was being held remotely in order to adhere to guidance on public meetings and social distancing currently in place due to the Covic-19 pandemic.

1.0 **MINUTE**  
The Minute of Meeting of 19 February 2021.

**DECISION  
APPROVED.**

2.0 **LICENCES DEALT WITH UNDER DELEGATED POWERS**  
For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 10 February 2021 to 16 March 2021.

**DECISION  
NOTED.**

**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.

3.0 **LICENSING (SCOTLAND) ACT 2005:**  
**Section 20: Application for Provisional Grant/Grant of Premises Licence.** Consider the following applications for Provisional Grant/Grant of Premises Licence (applicants cited to attend.) (Copies attached).

(a) **Simon Rutherford** Chestnut Lodge (Office)  
Chirnside Station  
Chirnside  
Duns  
**Provisional**

The premises is a single room office/unit in the garden ground of Chestnut Lodge. The proposal was to use the office/unit as a distribution and storage point for online and telephone orders relating to the small-scale production of compounded Craft Spirits, mainly naturally flavoured gins.

Licensed hours applied for:

On Sale

None

Off Sale

Mon to Sun 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 the provisional grant of a premises licence together with the proposed Operating Plan and layout plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the office, which was to be used as a distribution and storage point was situated within the garden of the applicant's home address. The distribution point was to be used for online and telephone orders relating to the small scale production of compounded Craft Spirits and required to be licensed. No objections had been raised.

The Convener welcomed Mr Rutherford, Applicant to the meeting via Microsoft Teams. Mr Rutherford re-iterated what Mr Tunnah had advised.

**DECISION  
GRANTED.**

(b) **John Faichney**

Apples for Jam  
High Street  
Earlston  
**Provisional**

Ground floor café/ bistro premises located in Earlston town centre.  
Licensed hours applied for:

On Sale

Mon to Sun 11.00am to midnight

Off Sale

Mon to Sun 10.00am - 10.00pm

Representations received:

Police Scotland – none.

Licensing Standards Officer - none.

Health - none.

Other - neighbour representation.

There had been circulated copies of an application for the provisional grant of a premises licence together with the proposed Operating Plan and layout plan. Representations had been received from a neighbour and these had been circulated. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the premises was an established business having previously operated as a café and was situated next to the chip shop on Earlston High Street. The application was to allow beers and wines to be served with light lunches and in order to operate

as a bistro on specified evenings during the week. The core hours applied for 11 a.m. – 12 midnight were to allow flexibility in the operating of the café. The Applicant had initially requested a licence for bring your own bottle, however Mr Tunnah advised that the applicant would have more control with specified hours. Police Scotland had no objections. Mr Tunnah further explained that there had been one objection from a neighbour whose house was situated above and to the side of the café premises.

The Convener welcomed Mr and Mrs Faichney, Applicants and Miss Claire Falconer, Objector to the meeting via Microsoft Teams. Mr Faichney advised that the café in Earlston was one of two businesses they operated within the Borders, the other in Melrose. The proposal was to serve wines and beers with open sandwiches and Bistro food to enhance what was available in the local area mainly to their core customers and holiday makers. The café would open as a Bistro for two nights per week in the summer only and it was expected to run until 9.30 p.m. and the core hours were for flexibility only, there was no intention to open every evening. Mr Faichney stressed that this was a Café and not a drinking Den.

Miss Falconer advised that the basis for her objection was that her house was situated beside and above the café/bistro. She raised concerns about no sound/fire proofing in the walls or ceiling, intoxicated customers and the potential for anti-social behaviour, inconsiderate parking and the noise and odours from the Café. Miss Falconer advised that from within her house she could hear the fan which was very noisy and there appeared only to be a stud wall between the properties where there was originally a door and claimed that she could hear word for word conversations which take place in the cafe on the other side of the wall/ceiling. She also claimed that there was not one room in the house which was not affected by the noise, however her bedroom above the café, hall and sitting room were the worst affected and this happened during their normal opening hours (8am-4pm) 7 days per week, which didn't include opening and closing of the premises and the hours applied for (11am to midnight) significantly extended these hours and therefore the potential for disturbance. Miss Falconer raised concerns about the introduction of alcohol onto the premises and the potential for intoxicated customers and inappropriate behaviour having a negative impact on her home life as she felt that it was unrealistic to expect that customers, especially after a few drinks to be respectful of the neighbours or local community. She estimated that the longer the period of alcohol was available, the higher the risk of antisocial behaviour. She was not convinced that customers would exit the premises quietly or leave right away. In terms of odour from cooking Miss Falconer claimed that smells travelled throughout her house and garden even with the windows and doors closed.

Mr Faichney acknowledged the concerns raised by Miss Falconer, however some of these were not related to the licensing application. Mr Faichney confirmed that they would not be trading until 9.30 p.m. every night or on 7 days per week. The proposal was for the Bistro opening was Friday and Saturday evenings until 9.30 p.m. in the summer only. Mr Faichney highlighted that Miss Falconer had purchased the property with the existing business and confirmed that the Fire Service had inspected the premises and were satisfied with the fire resistance. He stressed that he wanted to work with his neighbours and would be kind and considerate to make it work for everyone.

The members thereafter discussed both the application and the objections prior to reaching the decision to grant.

**DECISION  
GRANTED.**

4.0 **Section 29: Application for Variation of Premises Licence.** Consider the following application for Variation of Premises Licence (applicant cited to attend.) (Copies attached)

(a) **Naureen Ashiq**

Keystore Lauder  
4/6 Market Place  
Lauder

Amendment to operating and layout plans:-

- Increase in alcohol display capacity from 10.018 metres square to 15.45 metres square.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for the variation of premises licence. Mr Tunnah, Licensing Standards and Enforcement Officer explained that the variation was a result of a refurbishment of the premises and extension of the alcohol display. There were no objections.

The Convener welcomed Mr Ashiq and his representative Mr Millar to the meeting via Microsoft Teams. Mr Millar confirmed that there had been extensive re-furbishment of the premises to modernise and accommodate changes in demand with increased the chiller cabinets and alcohol display.

**DECISION  
GRANTED.**

**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.”**

#### **SUMMARY OF PRIVATE BUSINESS**

**5.0 LICENSING SCOTLAND ACT 2005: Section 33**

**Transfer of Premises Licence**

The Board considered information from Police Scotland in respect of the transfer of the Premises Licence. The licence holder was present via Microsoft Teams. After hearing both parties, the Board agreed that the transfer be granted.

**6.0 LICENSING SCOTLAND ACT 2005: Section 36(4)**

**Review of Premises Licence**



The Board considered a request from Mr Tunnah, Licensing Standards and Enforcement Officer to review premises licences under Terms of Section 14 of the Licensing Scotland Act 2005. After consideration the Committee agreed action to be taken in respect of each Premises.

*The meeting concluded at 11.10 a.m.*

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

**17 March 2021 - 12 April 2021**

NAME OF APPLICANT	LICENCE TYPE	LICENCE DETAILS	VENUE
JD Wetherspoon PLC	SEC29	Variation of Premises Licence (Minor) - Alteration to Layout Plan	Hunters Hall, Galashiels
Butterfield Bank (Guernsey) Ltd	SEC33	Transfer of Premises Licence - Darwin (Rosetta) Ltd	Hayloft Bar and Restaurant, Peebles
Partnership of Roy & Barbara Maltby	SEC33	Transfer of Premises Licence - Yetholm Community Shop Ltd	Shop, High Street, Town Yetholm
George MacDonald	SEC33	Transfer of Premises Licence - RSN Retail Ltd	Premier Store, Havelock Street, Hawick
RSN Retail Ltd	SUBDPM	Substitution of Designated Premises Manager	Premier Store, Havelock Street, Hawick
Drumlanrig Bar Partnership	SUBDPM	Substitution of Designated Premises Manager	Drumlanrig Bar, Hawick
Tesco Stores Ltd	SUBDPM	Substitution of Designated Premises Manager	Tesco Store, Peebles
M&S Simply Foods Ltd	SUBDPM	Substitution of Designated Premises Manager	Marks & Spencer, Galashiels
Deborah Knaggs	PERLIC	Personal Licence - Grant	n/a
Amanda McKay	PERLIC	Personal Licence - Grant	n/a
Graeme Cannon	PERLIC	Personal Licence - Grant	n/a
Bradley Baddams	PERLIC	Personal Licence - Grant	n/a
Tasha McCree-Cox	OCCPLH	Occasional Licence - Market Stall - Sale of Gin Products Saturday 3 April 2021 10.00am - 1.00pm	West Linton Primary School , West Linton
Bobbie McShane	OCCPLH	Occasional Licence - Pop-up Shop selling Alcoholic Beverages Thursday 25 March to Wednesday 7 April 2021 10.00am - 7.00pm	Mr Neep, New Shed , Cockburnspath
Bobbie McShane	OCCPLH	Occasional Licence - Pop-up Shop selling Alcoholic Beverages Thursday 8 April to Wednesday 21 April 2021 10.00am - 7.00pm	Mr Neep, New Shed , Cockburnspath
Bobbie McShane	OCCPLH	Occasional Licence - Pop-up Shop selling Alcoholic Beverages Thursday 22 April to Wednesday 5 May 2021 10.00am - 7.00pm	Mr Neep, New Shed , Cockburnspath
Bobbie McShane	OCCPLH	Occasional Licence - Pop-up Shop selling Alcoholic Beverages Thursday 6 May to Wednesday 19 May 2021 10.00am - 7.00pm	Mr Neep, New Shed , Cockburnspath
Simon Rutherford	OCCPLH	Occasional Licence - Market Stall - Sale and Sampling of Craft Gin Saturday 27 March 2021 10.00am - 1.30pm	Town Square, Kelso
Angelena Johnson	OCCPLH	Occasional Licence - sale of goods and provisions associated with a Convenience Store Thursday 8 April to Wednesday 21 April 2021 10.00am - 10.00pm daily	One Stop Shop , 53 High Street, Hawick
Angelena Johnson	OCCPLH	Occasional Licence - sale of goods and provisions associated with a Convenience Store Thursday 22 April to Wednesday 5 May 2021 10.00am - 10.00pm daily	One Stop Shop , 53 High Street, Hawick

Agenda Item 5

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Regulatory Services

22 MAR 2021

Legal & Licensing

**SCOTTISH BORDERS LICENSING BOARD**

**APPLICATION FOR 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.*

**Cockburnspath Community Shop'  
Callender Place  
Cockburnspath  
Berwickshire,  
TD13 5XY**

**Question 2**

*Particulars of applicant*

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

**N/A**

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

**N/A**

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

**N/A**

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

**"Cockburnspath Community Enterprise Limited", Community Benefit Society Registered Number 8465,**

(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.\*

<b>Co-Chair</b>	: Richard William Copland ,	[REDACTED]
<b>Co-Chair</b>	: Marion Helen Lauder,	[REDACTED]
<b>Treasurer</b>	: Elizabeth Renwick Gray,	[REDACTED]
<b>Secretary</b>	: Elspeth Mary Paget,	[REDACTED]
<b>Member</b>	: Stuart McLean Wilson,	[REDACTED]
<b>Member</b>	: Alan James Pearman,	[REDACTED]
<b>Member</b>	: Kenneth Alexander Cockerell,	[REDACTED]

\* 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? **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)	<b>NO</b>
--	-----------

\*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)

Self Contained single story lock up shop unit.

**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\*

\*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 ..... \* (see note below)

Date ..... 18/3/21 .....

Capacity ~~TALVISSE~~ ..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory .....

**I have enclosed the relevant documents with this application – please tick the relevant boxes**

Operating plan

✓

Layout plan

✓

Planning certificate

✓

Building standards certificate

Food hygiene certificate

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

**For use by the Licensing Board only**

**Application checklist**

<b>Date received</b>	
<b>Fee amount</b>	
<b>Receipt number</b>	
<b>Received by (INITIALS)</b>	
<b>Consideration date</b>	
<b>Last date for consideration</b>	
<b>Date of initial hearing</b>	
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

<b>For use by the Licensing Board only</b>	
<b>If application is for a premises licence - Documents required</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	
<b>Planning certificate</b>	
<b>Building standards certificate</b>	
<b>Food hygiene certificate</b>	
<b>If application is for a provisional premises licence - Documents required</b>	
<b>Provisional planning certificate</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	



**OPERATING PLAN**

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

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

(a) Will alcohol be sold for consumption solely ON the premises?	<b>NO</b>
(b) Will alcohol be sold for consumption solely OFF the premises?	<b>YES</b>
(c) Will alcohol be sold for consumption both ON and OFF the premises?	<b>NO</b>

\*delete as appropriate

**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 am	10.00 pm
Tuesday	10.00 am	10.00 pm
Wednesday	10.00 am	10.00 pm
Thursday	10.00 am	10.00 pm
Friday	10.00 am	10.00 pm
Saturday	10.00 am	10.00 pm
Sunday	10.00 am	10.00 pm

**Question 4**

**SEASONAL VARIATIONS**

Does the applicant intend to operate according to seasonal demand	<b>NO</b>
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\*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 (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	N/A	N/A	N/A
Conference facilities	N/A	N/A	N/A
Restaurant facilities	N/A	N/A	N/A
Bar meals	N/A	N/A	N/A
(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.	N/A	N/A	N/A

<i>Club or other group meetings etc.</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>(c) Activity</b> <b>Entertainment including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Recorded music –see 5(g)</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Live performance – see 5(g)</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Dance facilities</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Theatre</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Films</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Gaming</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Indoor/outdoor sports</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<i>Televised sport</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>(d) Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>(e) Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

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

**(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 food and non-food items and other ancillary services, both within and outwith core hours.**

**(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?	N/A
---	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
--	-----

*\*delete as appropriate*

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
--	-----

*\*delete as appropriate*

(b) Where the answer to 6(a) is YES provide statement of the <b>TERMS</b> under which they will be allowed entry
--

N/A
-----

(c) Provide statement regarding the <b>AGES</b> of children or young persons to be allowed entry
--

N/A
-----

(d) Provide statement regarding the <b>TIMES</b> during which children and young persons will be allowed entry
--

N/A
-----

(e) Provide statement regarding the <b>PARTS</b> 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?

Alcohol display area - 5.8 m2
-------------------------------

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

*Personal details*

(a) Name

(b) Date of birth

(c) Contact address

(d) Telephone number and e-mail address

(e) Personal licence

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

**\* Data Protection Act 1998** The information on this form may be held on an electronic public register which may be available to members of the public on request.

**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 below)

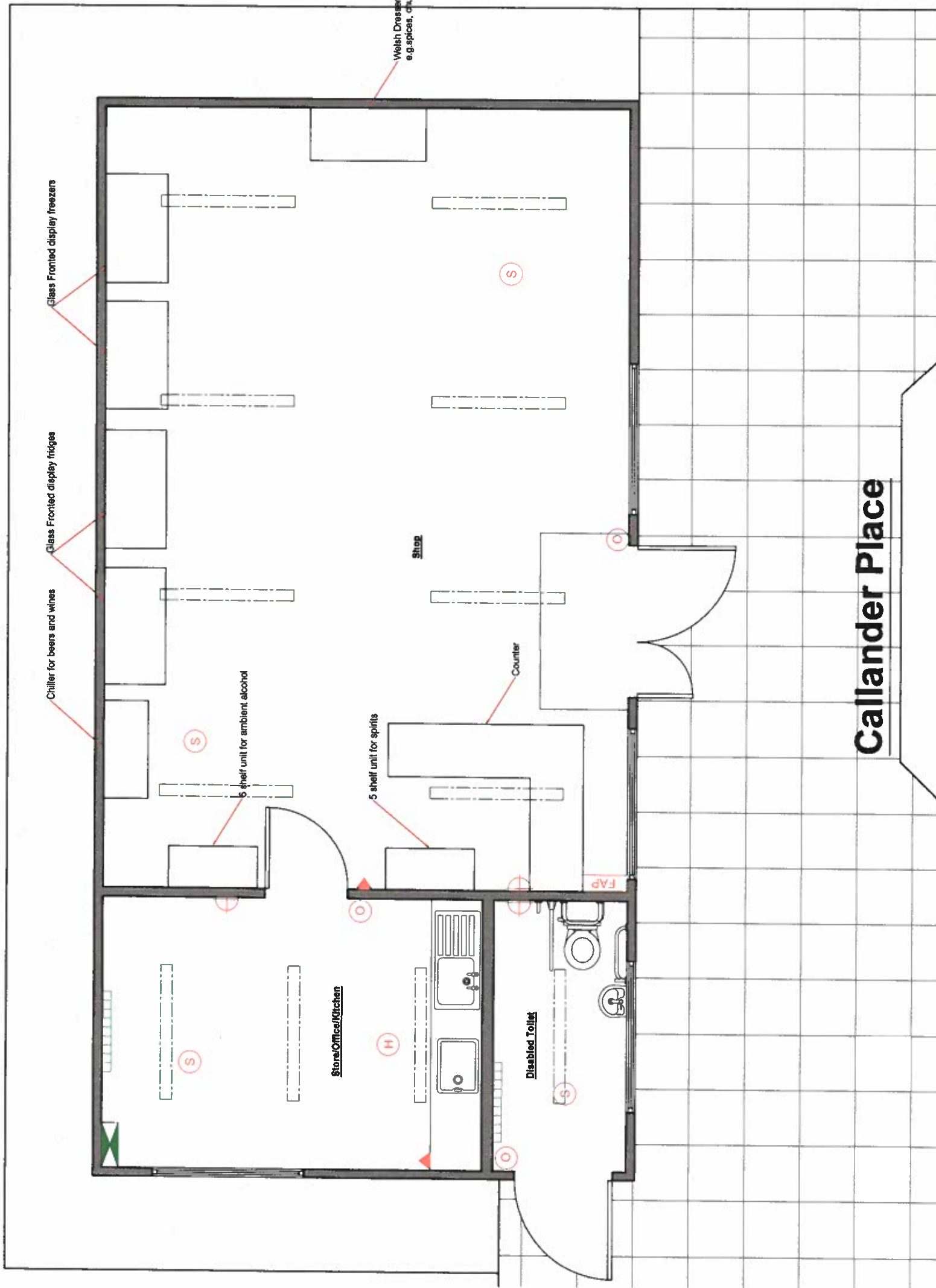
Date ..... 18/3/21 .....

Capacity .. ~~T.A. vs x.c.~~ ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory . 

**\* Data Protection Act 1998** The information on this form may be held on an electronic public register which may be available to members of the public on request.



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**Electrical Symbol Key.**

-  1.5 LED Light
-  Electrical consumer unit and meter.

**Fire Detection Symbol Key.**

-  Smoke Detector.
-  Heat Detector.
-  Break Glass
-  Sounder/Flashing Beacon
-  Fire Alarm Panel
-  Dry Powder Fire Extinguisher

**Heating Symbol Key.**

-  Radiator.

<b>Richard Amos Ltd.</b>			
<b>Chartered Architectural and Building Surveying Services</b>			
2 Golden Square, Duns, Berwickshire, TD11 3AW, X Tel: (01361) 882599, Fax: (01361) 882577, E-Mail: ra@richardamosltd.co.uk			
Registered Office 2 Golden Square, Duns, Berwickshire, TD11 3AW. Registered in Scotland, Company No. 240332 V.A.T. Reg. No. 502 4656 71			
CLIENT: Cockburnspath Community Shop			
PROJECT: Cockburnspath Community Shop, Callander Place, Cockburnspath.			
DRAWN: TD	SCALE: 1:50	DATE: 18/03/2021	A3
TITLE: Floor Plan		DRAWING NO: 21/B838/EX01	
DO NOT SCALE FROM THIS DRAWING. These drawings are subject to copyright laws © Richard Amos Ltd		This drawing is for Sketch Purposes Only	

**Floor Plan**  
Scale: 1:50



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**SCOTTISH BORDERS LICENSING BOARD**

**APPLICATION FOR 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.*

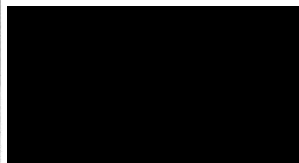
**Bars4you gifts  
18 Ferniehill Court  
Kelso  
TD5 7LA**

**Question 2**

*Particulars of applicant*

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

**James Henderson** 



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

**n/a**

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

n/a

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

n/a

(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.\*

n/a

\* 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*
--	---------

\*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)*

A single upper floor room contained within a two storey semi-detached dwelling where alcohol hampers will be dispatched from

**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?*

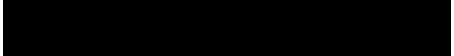
YES/NO\*

*\*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: 

(see note below)

Date: 24.2.21

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

Telephone number and email address of signatory:



***I have enclosed the relevant documents with this application – please tick the relevant boxes***

*Operating plan*

/

*Layout plan*

/

*Planning certificate*

*Building standards certificate*

*Food hygiene certificate*

The information on this form may be held on an electronic public register which may be available to members of the public on request.

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**SCOTTISH BORDERS LICENSING BOARD**

**OPERATING PLAN**

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

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO

\*delete as appropriate

**Question 2**

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	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 A.M	10.00 PM
Tuesday	10.00 A.M	10.00 PM
Wednesday	10.00 A.M	10.00 PM
Thursday	10.00 A.M	10.00 PM
Friday	10.00 A.M	10.00 PM
Saturday	10.00 A.M	10.00 PM
Sunday	10.00 A.M	10.00 PM

**Question 4**

**SEASONAL VARIATIONS**

Does the applicant intend to operate according to seasonal demand	/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**

COLUMN 1 (a) Activity	COLUMN 2 Please confirm YES/NO	COLUMN 3 To be provided during core licensed hours – please confirm YES/NO	COLUMN 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO		
Conference facilities	NO		
Restaurant facilities	NO		
Bar meals	NO		
(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, birthdays, retirements etc. including funerals,	NO		

<i>Club or other group meetings etc</i>	NO		
<b>(c) Activity</b> <i>Entertainment including:</i>	<i>Please confirm</i> 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
<i>Recorded music – see 5(g)</i>	NO		
<i>Live performance – see 5(g)</i>	NO		
<i>Dance facilities</i>	NO		
<i>Theatre</i>	NO		
<i>Films</i>	NO		
<i>Gaming</i>	NO		
<i>Indoor/outdoor sports</i>	NO		
<i>Televised sport</i>	NO		
<b>(d) Activity</b>	<i>Please confirm</i> 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
<i>Outdoor drinking facilities</i>	NO		
<b>(e) Activity</b>	<i>Please confirm</i> 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
<i>Adult entertainment</i>	NO		

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

N/A

(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 premises will be used as a dispatch point for remote sales (ie internet and telephone) of the company's alcohol products.

(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	YES/NO*
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*

\*delete as appropriate

### **Question 6 (On-sales only)**

#### **CHILDREN AND YOUNG PERSONS**

(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
-----	--	---------

\*delete as appropriate

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

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

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

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

**Question 7**

**CAPACITY OF PREMISES**

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

N/A.

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

(a) Name

James Henderson



(b) *Date of birth*

(c) *Contact address*

(d) *Telephone number and e-mail address*

(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference number of personal licence</i>
31/8/2019	Scottish Borders	SB/LIQ/3806

**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.

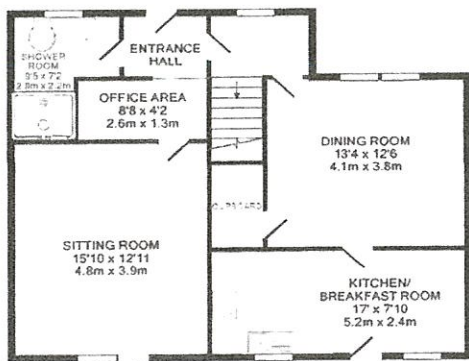
Signature:

Date: 24.2.21

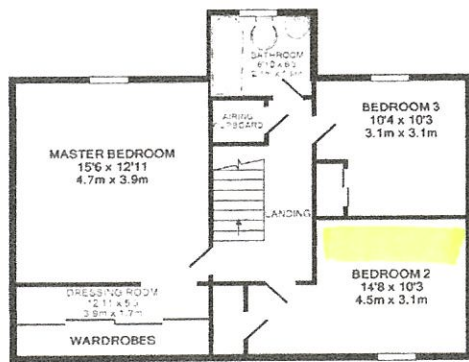
Capacity: APPLICANT

Telephone number and email address of signatory:

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GROUND FLOOR



\* DESIGNATED ROOM

1ST FLOOR

Architectural drawing showing floor plans for the ground and first floors. The drawing includes room names and dimensions in both feet/inches and meters. A handwritten note indicates that Bedroom 2 is a designated room. The drawing is dated 2017.

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**SCOTTISH BORDERS LICENSING BOARD**

**Licensing (Scotland) Act 2005, Section 29**  
**APPLICATION FOR VARIATION OF PREMISES LICENCE**

*If you are completing this form by hand, please write legibly in block capitals using ink*

**Question 1**

*Please provide the name, address, postcode, date and place of birth, and contact telephone number of the current Licensee.*

**Anthony Al Khoury,** [REDACTED]  
 [REDACTED]

**Question 2**

*Please provide full name, address, postcode and \*licence number of the premises (\*if known)*

**Night Safe Bistro, 12 High Street, Hawick TD9 9EH**  
**SB/PREM/505**

**Question 3**

*Do you propose to vary any of the information contained in the operating plan contained in the licence application?*

**YES**

**Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations.**

*(if YES, please give details of the proposed variation below) (continue on a separate sheet if necessary)*

**Change Core Hours (On Sales) to commence at 11 a.m. on Sunday (currently 12 noon) and to terminate 1 a.m. on Thursday (Currently 12 midnight)**  
**Include Off Sales with Core hours 11 a.m. to 10 p.m. seven days a week.**  
**In Listed activities include live performance in Column two, three and four.**

**Question 4**

*Do you propose a variation to the layout plan contained in the licence?*

**NO**

**Where the proposed variation affects the current layout plan, please submit 5 sets of plans showing the proposed new layout of the premises.**

*(if YES, please give details of the proposed variation below) (continue on a separate sheet if necessary)*

**N/A**

**Question 5**

Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

**YES**

*(if YES, please give details of the proposed variation below) (continue on a separate sheet if necessary)*

**Licensing Hours as in Q. 3**

**VARIATION TO SUBSTITUTE NEW PREMISES MANAGER**

**Question 6**

Please provide details below of the name, address and personal licence number of the EXISTING Premises Manager.

**N/A**

**Proposed Premises Manager**

Name and telephone number

Date and place of birth

Contact address, including postcode

Email address

**Personal licence**

Date of issue	Name of Licensing Board issuing	Reference number of personal licence

Is the variation in respect of Question 6 to take effect during the application period?

**YES/NO\***

If the answer to the above question is NO, please provide below the date from which the variation is to take effect.

If the answer to the above question is NO, please provide below the date from which the variation is to take effect.

[ ]

**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 [Redacted] \* (see note below)

Date 09/05/21

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

Telephone number and email address of signatory [Redacted]

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
Premises Licence	<input type="checkbox"/>
Operating Plan**	<input type="checkbox"/>
Layout plans**	<input type="checkbox"/>
Planning certificate	<input type="checkbox"/>
Building standards certificate	<input type="checkbox"/>
Food hygiene certificate	<input type="checkbox"/>

\*\* Where the proposed variation affects the current layout plan, please submit 7 sets of plans showing the proposed new layout of the premises. Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations.

Variations involving structural alterations should submit the relevant Section 50 certificates with their application.

For use by the Licensing Board only	
Application checklist	
Date received	Documents
Fee amount	Premises Licence
Receipt number	Operating Plan

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**SCOTTISH BORDERS LICENSING BOARD**

**OPERATING PLAN – SB/PREM/505**

**Night Safe Bistro, 12 High Street, Hawick**

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

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

(a) Will alcohol be sold for consumption solely ON the premises?	<b>YES</b>
(b) Will alcohol be sold for consumption solely OFF the premises?	<b>NO</b>
(c) Will alcohol be sold for consumption both ON and OFF the premises?	<b>NO</b>

\*delete as appropriate

**Question 2**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	<b>11.00am</b>	<b>11.00pm</b>
<i>Tuesday</i>	<b>11.00am</b>	<b>11.00pm</b>
<i>Wednesday</i>	<b>11.00am</b>	<b>11.00pm</b>
<i>Thursday</i>	<b>11.00am</b>	<b>12.00 midnight</b>
<i>Friday</i>	<b>11.00am</b>	<b>1.00am</b>
<i>Saturday</i>	<b>11.00am</b>	<b>1.00am</b>
<i>Sunday</i>	<b>12.00 noon</b>	<b>12.00 midnight</b>

**Question 3**STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF 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 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	<b>YES</b>
---	------------

\*If YES – provide details

<b>Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day open until 1.00am or within any other Licensing Board Policy.</b>
--

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 (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	NO	NO
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	YES
Bar meals	NO	NO	NO

<b>(b) Activity</b> <b>Social functions including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Receptions including weddings, funerals, birthdays, retirements etc.</i>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<i>Club or other group meetings etc.</i>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>(c) Activity</b> <b>Entertainment including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Recorded music –see 5(g)</i>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<i>Live performance – see 5(g)</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Dance facilities</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Theatre</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Films</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Gaming</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Indoor/outdoor sports</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Televised sport</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>(d) Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>(e) Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>

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

**Activities may commence prior to core hours, but not beyond without the benefit of an Extended Hours Licence and not before 9.00am.**

(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 premises will operate as a Restaurant with alcohol sold predominantly, but not exclusively to accompany food.**

(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?

**N/A**

When fully occupied, are there likely to be more customers standing than seated?

**N/A**

\*delete as appropriate

### **Question 6 (On-sales only)**

#### **CHILDREN AND YOUNG PERSONS**

(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry

**YES**

\*delete as appropriate

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

**Children and Young Persons will be permitted access to the premises when accompanied by an appropriate adult, for the purpose of dining or attending a pre-arranged function.**

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

**Children 0 -15 years**

**Young Persons – 16 and 17 years**

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

**Children and Young Persons permitted access for the duration of core hours when dining or attending a pre-arranged function.**

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

**All public areas, but not in the immediate area of the bar counter/servery.**

**Question 7**

**CAPACITY OF PREMISES**

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

<b>34</b>
-----------

**Question 8**

**PREMISES MANAGER** (*NOTE: not required where application is for grant of provisional premises licence*)

*Personal details*

(a) *Name*

<b>Anthony Al Khoury</b>
--------------------------

(b) *Date of birth*

<b>[REDACTED]</b>
-------------------

(c) *Contact address*

<b>[REDACTED]</b>
-------------------

(d) *Telephone number and e-mail address*

<b>[REDACTED]</b>
-------------------

(e) *Personal licence*

<b>Date of issue</b>	<b>Name of Licensing Board issuing</b>	<b>Reference no. of personal licence</b>
<b>12/11/2020</b>	<b>Scottish Borders Licensing Board</b>	<b>SB/LIQ/12955</b>

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## SCOTTISH BORDERS LICENSING BOARD

### OPERATING PLAN

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

##### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

(a) Will alcohol be sold for consumption solely ON the premises?	NO
(b) Will alcohol be sold for consumption solely OFF the premises?	NO
(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES

\*delete as appropriate

##### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00am	11.00pm
Tuesday	11.00am	11.00pm
Wednesday	11.00am	11.00pm
Thursday	11.00am	1.00am
Friday	11.00am	1.00am
Saturday	11.00am	1.00am
Sunday	11.00am	12.00 midnight

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00 am	10.00 pm
Tuesday	11.00 am	10.00 pm
Wednesday	11.00 am	10.00 pm
Thursday	11.00 am	10.00 pm
Friday	11.00 am	10.00 pm
Saturday	11.00 am	10.00 pm
Sunday	11.00 am	10.00 pm

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
---	-----

\*If YES – provide details

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.
---

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 (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	NO	NO
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	YES
Bar meals	NO	NO	NO



<b>(b) Activity</b> <b>Social including:</b>	<b>functions</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm</b> <b>YES/NO</b>
Receptions including weddings, birthdays, etc.	including funerals, retirements etc.	YES	YES	YES
Club or other group meetings etc.		YES	YES	YES
<b>(c) Activity</b> <b>Entertainment including:</b>		<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm</b> <b>YES/NO</b>
Recorded music – see 5(g)		YES	YES	YES
Live performance – see 5(g)		YES	YES	YES
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
<b>(d) Activity</b>		<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm</b> <b>YES/NO</b>
Outdoor drinking facilities		NO	NO	NO
<b>(e) Activity</b>		<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm</b> <b>YES/NO</b>
Adult entertainment		NO	NO	NO

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

Activities may commence prior to core hours, but not beyond without the benefit of an Extended Hours Licence and not before 9.00am.

(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 premises will operate as a Restaurant, with alcohol sold predominantly but not exclusively to accompany food.

(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?

N/A

When fully occupied, are there likely to be more customers standing than seated?

N/A

\*delete as appropriate

### **Question 6 (On-sales only)**

#### **CHILDREN AND YOUNG PERSONS**

(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry

**YES**

\*delete as appropriate

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

**Children and Young Persons will be permitted access to the premises when accompanied by an appropriate adult, for the purpose of dining or attending a pre-arranged function.**

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

**Children 0 -15 years**

**Young Persons – 16 and 17 years**

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

**Children and Young Persons will be permitted access for the duration of core hours when dining or attending a pre-arranged function.**

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

**All public areas, but not in the immediate area of the bar counter/servery.**

**Question 7**

**CAPACITY OF PREMISES**

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

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**Question 8**

**PREMISES MANAGER** (NOTE: not required where application is for grant of provisional premises licence)

*Personal details*

(a) *Name*

Anthony Al Khoury

(b) *Date of birth*

[REDACTED]

(c) *Contact address*

[REDACTED]

(d) *Telephone number and e-mail address*

[REDACTED]


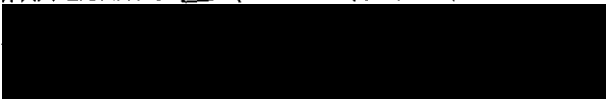
(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
12/11/2020	Scottish Borders Licensing Board	SB/LIQ/12955

**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 below)  
Date ..... 09/03/21 .....  
Capacity ..... APPLICANT/AGENT (delete as appropriate).  
Telephone number and email address of signatory . 

*\* Data Protection Act 1998 The information on this form may be held on an electronic public register which may be available to members of the public on request.*

LICENSING (SCOTLAND) ACT 2005

NOTICE OF OBJECTIONS/REPRESENTATIONS



**SCOTTISH BORDERS LICENSING BOARD**  
Licensing Unit, Council Headquarters, Newtown St Boswells TD6 0SA

Name and Address of Premises

NIGHT SAFE BISTRO, 12 HIGH ST  
HAWICK TQ9 9EH

Name and Address of Objector

DONNA SHAW

Nature of Objections/Representations

MY OBJECTION RELATES TO THE PERMITTED ACTIVITIES REFERRED TO IN QUESTION 5 (COLUMNS 2,3+4) OF THE OPERATING PLAN, TO INCLUDE LIVE PERFORMANCES BOTH WITHIN AND OUTWITH CORE HOURS.

12 HIGH HIGH ST IS A PROPERTY SPLIT INTO TWO PARTS, OWNED BY TWO SEPERATE PEOPLE MYSELF WHO OWNS 78% OF THE BUILDING AND MR ANTHONY AL KHURY WHO OWNS THE REMAINING 22% WHICH IS THE NIGHT SAFE / NIGHT SAFE BISTRO. SINCE THE NIGHT SAFE OPENED SEVERAL YEARS AGO I HAVE HAD ISSUES WHICH ARE IN THE HANDS OF SBC

ENVIROMENTAL HEALTH DEPARTMENT AND ARE STILL ON GOING AND UNRESOLVED. THESE ISSUES RELATE TO ODOUR AND NOISE. SINCE THE NEW OWNERS BOUGHT THE NIGHT SAFE THESE PROBLEMS STILL REMAIN. CONT:-

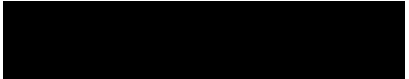
MR A A KHURY HAS TOTALLY RENOVATED THE NIGHT  
SAFE, DURING THE RENOVATION THE RESTURANNT CEILING  
WAS TAKEN DOWN AND RAISED. THE ORIGINAL CEILING  
BECAUSE OF THE CAVITY DID OFFER SOME NOISE BARRIER  
BUT WE COULD STILL HEAR MUSIC AND CUSTOMERS AND  
STAFF. THERE IS NOW NOTHING BETWEEN THE NEW CEILING  
(OTHER THAN PLASTER BOARD) AND MY WOODEN FLOOR BOARDS.  
NO SOUND PROOFING HAS BEEN INSTALLED. WE CAN NOW  
VERY CLEARLY HEAR CONVERSATIONS BETWEEN STAFF, LAUGHING,  
ETC AND ON SEVERAL OCCASIONS I HAVE HAD TO ASK  
FOR MUSIC TO BE LOWERED WHICH A MEMBER OF MR  
KHURY'S STAFF HAS DONE. BECAUSE OF LOCK DOWN WE  
HAVE NOT AS YET BEEN ABLE TO HEAR WHAT THE  
NOISE LEVELS ARE GOING TO BE WHEN THE RESTURANNT IS  
FULL. I AM NOT LOOKING FORWARD TO THIS PROSPECT.

THE BUILDING IS TOTALLY UNSUITABLE TO HAVE LIVE PERFORMANCES  
IT IS BAD ENOUGH WHEN COOPERS BAR HAVE THEIR DISCO  
NIGHTS AND BANDS PLAYING, AND THEY ARE APPROX 50 METRES  
AWAY. YOUR DEPARTMENT IS AWARE OF THE COMPLAINTS I  
HAVE HAD TO MAKE IN THE PAST, AS I HAVE SUBMITTED  
POLICE CRIME NUMBERS TO YOU FOR THE TIME WHEN THE  
NOISE IS SO LOUD, I COULDN'T HEAR MY OWN TV PLAYING.

I LIVE AT [REDACTED] I DON'T LEAVE MY PROPERTY  
AT THE END OF A WORKING DAY, UNLESS I AM ON HOLIDAY  
I AM HERE 24/7. THE PROPERTY WAS BUILT IN 1857  
AND IS (B)LISTED, AS SUCH WE <sup>Page 54</sup> STILL HAVE THE ORIGINAL

CONT :-

SINGLE GLAZED WINDOWS WHICH OFFER NO NOISE BARRIER  
TO OUTSIDE SOUNDS. IF ANYONE FROM YOUR DEPARTMENT  
WOULD LIKE TO VISIT MY PROPERTY TO WITNESS THE NOISE  
FROM THE RESTAURANTS KITCHEN / BAR AREA, YOU ARE MOST  
WELCOME. TO ARRANGE A VISIT TO MY PROPERTY DURING THE  
RESTURANT OPENING TIMES PLEASE CONTACT ME ON



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