

# Public Document Pack



## LOCAL LICENSING FORUM TUESDAY, 20 OCTOBER 2020

A MEETING of the LOCAL LICENSING FORUM will be held on TUESDAY, 20 OCTOBER 2020 at 4.00 pm. This meeting will be accessed remotely via Microsoft Teams and live streamed to the public via a link on the Council website.

J. J. WILKINSON,  
Clerk to the Council,

13 October 2020

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Minute</b> (Pages 3 - 6)  Minute of meeting of the Local Licensing Forum of 21 January 2020 to be noted (copy attached).	2 mins
5.	<b>Matters arising from the Minute</b>	5 mins
6.	<b>Coronavirus Regulations/Guidance</b>  Update on joint work of Licensing Officers/Environmental Health Officers and the Licensed Trade.	20 mins
7.	<b>Effects/Implications of Coronavirus outbreak on Licensed Trade</b>  Discussion	10 mins
8.	<b>Scottish Borders Licensing Board</b>  Update on how the Board is operating and any changes with regard to process in the light of the Coronavirus outbreak.	10 mins
9.	<b>Scottish Borders Licensing Board Minutes</b> (Pages 7 - 20)  Licensing Board Minutes of the following meetings attached for information: 20 December 2019 21 February 2020 31 July 2020  Note dates of future meetings of Scottish Borders Licensing Board:-	2 mins

	23 October 2020 20 November 2020 18 December 2020	
10.	<b>Police Update</b>	10 mins
11.	<b>Joint Licensing Board/Licensing Forum meeting</b>  2 December 2020 at 4 pm (via MS Teams)	5 mins
12.	<b>Any Other Business</b>	

**NOTES**

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

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Please direct any enquiries to Fiona Walling 01835 826504  
Email: [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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**SCOTTISH BORDERS COUNCIL  
LOCAL LICENSING FORUM**

MINUTE of Meeting of the LOCAL LICENSING FORUM held in the Council Chamber, Scottish Borders Council Headquarters, Newtown St Boswells, on Tuesday, 21 January 2020 at 4.00 pm

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Present:- S. Bell, G. Campbell, S Elliot, S Dalrymple, R Mackay,  
S. Mabon, G Todd, M. Wynne and PC Sharon Lackenby.

Apologies:- M. Hay and I. Tunnah

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

**CONVENER**

In the absence of Mark Hay the meeting was chaired by Mike Wynne, who welcomed everyone to the meeting and in particular gave a welcome to the new Police Scotland representative PC Sharon Lackenby. A round of introductions followed.

1. **MINUTE**

The Minute of the meeting held on 22 October 2019 had been circulated.

**DECISION**

**APPROVED the Minute.**

2. **MATTERS ARISING**

With reference to paragraph 9 of the Minute Mr Wynne confirmed that the annual joint meeting of Scottish Borders Licensing Board and the Local Licensing Forum, scheduled for 4 December 2019, had been postponed due to the UK General Election. He anticipated this being re-arranged for a date in February 2020.

**DECISION**

**NOTED.**

3. **AFS ANNUAL FUNCTIONS REPORT BRIEFING**

With reference to paragraph 4 of the Minute of 22 October 2019 regarding the Alcohol Focus Scotland review of Annual Functions reports for 2018-19, links to the report on the review were included on the agenda. Also circulated for reference was a copy of the Scottish Borders Annual Functions report. Ms Elliot explained that, in accordance with the duty of Licensing Boards under the Air Weapons and Licensing (Scotland) Act 2015, there should have been reports published in 2018 and 2019. The review looked at developments in the period of time between the two reports which should be fed back to Licensing Boards. Alcohol Focus Scotland had recommended that "Local Licensing Forums should use the Annual Functions Reports as a tool to help fulfil their statutory purpose of keeping under review the liquor licensing system and the functioning of licensing boards in their area." In a discussion of the review it was noted that five Licensing Boards within Scotland had chosen not to publish Annual Functions reports. The report on the review suggested that boards continued to interpret their legal reporting obligations differently. Ms Elliot advised that the Licensing Team would be developing their approach to the 2020 Scottish Borders Annual Functions Report and may ask for comments from the Forum to assist with that process.

**DECISION  
NOTED**

4. **PROVISIONS FOR LICENSING SEXUAL ENTERTAINMENT VENUES - UPDATE**

A link to the Scottish Government guidance on 'Provisions for licensing of sexual entertainment venues and changes to licensing of theatres' was circulated with the agenda to update members of the Forum. Mr Wynne explained that the provisions of the Air Weapons and Licensing (Scotland) Act 2015, which related to the licensing of sexual entertainment venues (SEV) came into force on 26 April 2019. However this was not a mandatory licensing regime and local authorities were now being asked to determine whether they wished to licence SEVs, whether to limit their numbers and whether to determine individual licence applications. When doing so local authorities would need to consider the implications, opportunities and risks of their decisions. There were no SEVs in the Scottish Borders area and as far as the Council was aware there were no plans to open one. There were SEV's in some of the cities or larger towns in Scotland. It was highlighted that the Act provided that current licensed premises where sexual entertainment was provided on no more than 4 occasions in a twelve month period were not to be treated as a SEV. A short life working group had been established to inform the Council of the change in legislation and as part of its work would carry out consultation with the public and stakeholders. As part of the consultation it was expected that the Local Licensing Forum would wish to respond. Mr Wynne added that Edinburgh City Council was likely to introduce licensing of SEVs with strict conditions. As the Scottish Borders was so close and accessible to Edinburgh this may have implications for the area should Scottish Borders Council choose not to licence.

**DECISION  
NOTED**

5. **OCCASIONAL LICENCE CONSULTATION RESPONSE**

With reference to paragraph 5.2 of the Local Licensing Forum Minute of 11 June 2019, a link to the responses to the consultation, published by Scottish Government, was included on the agenda. In the consultation replies to the Scottish Government there was particular concern that the current £10 fee did not cover the cost of processing the application and that the use of occasional licences by operators could be used as a long term solution where there were difficulties in obtaining a premises license. Although in the Scottish Borders the Licensing Standards Officers would pick up on such a case. The majority of responders thought the £10 fee should be increased and most considered an increase to £50 was fair. Edinburgh City Council believed that a differentiated fee scale was more appropriate. Scottish Borders Licensing Board considered that there should be a tiered fee structure whereby the fee for Occasional Licence applications made by holders or Premises or Personal Licences should be £50 with a lesser fee of £30 being charged for applications made by voluntary organisations. Scottish Borders Licensing Board did not consider there should be a limit on the number of Occasional Licence applications as in the Borders multiple Occasional Licences were from applicants whose businesses relied heavily or operated solely as outside caterers, often using unlicensed community venues for social gatherings and historical events. All comments were now with the Scottish Government for consideration. An update would be brought to the Forum in due course.

**DECISION  
NOTED**

6. **LICENSING STANDARDS OFFICERS - UPDATE**

- 6.1 Mr Wynne advised that preparations were now underway for the Rugby 7s and that Mr Tunnah had attended a SAG (Safety Advisory Group) meeting for Melrose 7s. Mr Wynne added that they would also be giving more attention this year to the smaller 7s events. The larger events tended to be heavily policed and last year the smaller events attracted a

large crowd of young people. He confirmed that school liaison officers were involved last year and hoped they would be there again in 2020 to view young people arriving at events.

- 6.2 Mr Tunnah was also dealing with renewals of Personal Licences. A few of those who did not renew in time were premises managers. Compliance notices had been sent and most cases were quickly resolved. There had been some processing delays but priority had been given to premises managers. Mr Wynne added that although license fees were due quarterly many did not pay until compliance notices were issued; he indicated that a stronger stance may be needed.

**DECISION  
NOTED.**

7. **POLICE UPDATE**

PC Lackenby explained that she was newly in post and planned to carry out visits to licensed premises. This would be an ideal way to introduce herself to managers and to get involved.

**DECISION  
NOTED.**

8. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

There had been circulated, for information, a copy of the Scottish Borders Licensing Board Minute of 25 October 2019. It was noted that the November meeting had been cancelled. Members were encouraged to attend meetings of the Licensing Board as observers. The date of the next meeting was at 10 am on 21 February 2020 at Council Headquarters.

**DECISION  
NOTED the minute.**

9. **ANY OTHER BUSINESS**

**Best Bar None (BBN)**

There was discussion about the promotion of the Best Bar None Scheme. BBN worked to reduce crime, improve safety, reward excellence and raise standards in licensed premises. Mr Mackay spoke in support of the scheme and commented on its positive value in terms of community safety. Ideas were needed about how to further promote the scheme and get more local premises involved. Ms Elliot suggested that it may be helpful to use testimonials from staff of premises already involved. Mr Mackay referred to the hype nationally within the Licensed Trade Association for the scheme and he hoped this enthusiasm could be reflected in the Borders. The Best Bar None Scotland's National Awards would be taking place on 19 March 2020 at Dunblane Hydro.

**DECISION  
NOTED**

*The meeting concluded at 4.50 pm*

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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 20 December 2019 at 10.00 am

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Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, G. Turnbull, S. Scott, 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, M. Wynne), Inspector J. McGuigan, PC J. Fortune - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **ORDER OF BUSINESS**

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

2. **MINUTE**

The Minute of Meeting of 25 October 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 10 October 2019 to 17 November 2019 and 18 November to 9 December 2019.

**DECISION  
NOTED.**

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

(a) **Section 20: Application for Premises Licence.** Consider the following applications for Grant/Provisional Grant of Premises Licence:

**Milestone Garden and Leisure Ltd**

Greenhouse Café  
6 Buccleuch Street  
Melrose  
(Provisional)

Proposed business activity - Ground floor café/restaurant premises adjacent to the main car park serving Melrose Abbey. Alcohol would be generally but not exclusively sold to accompany meals and snacks for consumption within the premises and outdoor seated area.

Licensed hours applied for:

On Sale

Mon to Wed 11.00am to midnight

Thurs to Sat 11.00am – 1.00am

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 - A Young.

There had been circulated copies of an application for provisional grant of premises licence, together with the proposed Operating Plan and layout plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to allow the premises to operate to serve alcoholic drinks and the core times applied for would allow flexibility for the sale of alcohol for occasional events. The new premises had been developed recently and was operating successfully and the application would permit the sale of alcohol with meals. There had been one representation received where the main concern was the proposed business trading hours until 1.00am. The Convener welcomed the applicant's representative Leanne Charlton who explained that the premises currently operated as a café/restaurant with a wide variety of meals and snacks available and alcohol would generally but not exclusively be served to accompany food. Ms Charlton went on to explain that it was not intended to operate outside the hours or change the way the café was currently operating on a regular basis, but it would allow the opportunity for provision of alcohol with a meal. On an occasional basis the premises would host events and the core hours applied for will allow flexibility. There was one representation received which registered very serious concerns to the application as it would result in more noise and activity of people and vehicles. The Convener welcomed Ms A. Young who stated that the area would be in real danger of losing its unique charm and appeal for residents and visitors. Ms Young advised that she had no objection to the sale of alcohol but had concerns with regard to the proposed late opening times which potentially would cause noise and disturbance in a relatively quiet area of the town in a residential part of the street. The applicant reiterated that it was not the intention to remain open late every day but only on an occasional basis for special events. After a full discussion by Members, the application was granted with no objections received from the Police or concerns received from other residents in the area.

**DECISION  
GRANTED.**

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

<b>Partnership of Luigi &amp; Paolo Crolla</b>	Bar Sport (formerly H2O and The Italian Restaurant) 88 Overhaugh Street Galashiels
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Amendment to operating plan:

- (a) Change question 5 existing listed activities – televised sport to take place outwith core hours.
- (b) Change question 5 listed activities to include gaming within core hours.
- (c) Change question 5 listed activities to include films and outdoor/indoor sports to take place both within and outwith core hours.
- (d) Change the explanation of activities outwith core hours and amend the statement under any other activities at question 5(f)
- (e) Change the children and young persons access statement to restrict children and young persons access to the ground floor lounge area only.

Representations received:

Police Scotland - none.



Licensing Standards Officer - none.  
Health - none.  
Other – N. Tait, A. Campbell

There had been circulated copies of an application for variation of premises licence, together with the current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was for a change in operation to allow the premises to operate as a sports bar with a lounge bar on the ground floor and a dedicated pool hall with ten pool tables, a bar servery and seating in the area on the top floor. Mr Tunnah advised that there had been noise complaints received and work had been carried out with the neighbours to set levels for music. It was noted that the Police had no objections. Members noted that two objections had been received as a result of the public consultation, both raising concerns regarding noise nuisance from the premises. The Convener welcomed Mr Crolla who advised that the issues of music levels had only occurred since August and he had been working with licensing and environmental health to set the sound system at an acceptable level. He advised that the bar was situated in a noisy area of the town with night clubs in the same vicinity. In the absence of the objectors, Members considered their representations and Mr Tunnah submitted that it was possible to install a noise limiter to sound system which would prevent the music being played over the set level. Following discussion, Members unanimously supported installation of a noise limiter.

#### **DECISION**

**GRANTED subject to the condition that a noise limiter be installed to a level agreed with environmental health officers.**

(c) **Section 56: Application for Occasional Licence.** Consider application for Occasional Licence:

#### **Berwickshire Hunt**

Manderston House, Duns  
1 Feb 2020 10.30pm - 2.30am  
Event - Hunt Ball

#### Representations received:

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

There had been circulated copies of an application for occasional licence. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to hold the Berwickshire Hunt Ball at Manderston House for approximately 260 people on Saturday 1 February 2020. The sale of alcohol consumption would be between 10.30pm to 2.30am. Activities held would be reels, disco, breakfast and casino. A letter submitted by Police Scotland dated 13 November 2020 stated that whilst there was no objection to the event for which the application applied, it was pertinent to be brought to the Board's attention that the terminal hour requested was outwith the Board's Policy which stated that the terminal hour for on-sales should not normally be extended beyond 0100hrs Thursday to Saturday and that applicants who had applied should state how any activity would be carried out on the premises was consistent with the licensing objectives. The Convener welcomed Neil Sanderson representing the applicant. He advised that it would be a private, ticket only event with doormen and security staff on duty at all times and further explained that there would be entertainment with a ceilidh band and disco with breakfast in the early hours. Therefore the sale of alcohol until 2.30am was required. Members considered the application and the Police submission and agreed to grant the application.

**DECISION**  
**GRANTED.**

**(d) Section 38: Review of Premises Licence.**

There had been circulated copies of an application for review of premises licences from the Licensing Standards and Enforcement Officer dated 11 December 2019. The application cited a breach of mandatory Condition 10 – non-payment of annual fee, and provided details of unpaid annual fees for 2019/20 as well as detailing premises whose licences had already been suspended for non-payment of the previous year's fees who had also failed to make payment of their 2019/20 fee. Mr Tunnah went on to explain that it was a condition of all premises licence that the annual fee was payable on 1 October 2019. The Board's staff had issued statutory reminders in September 2019 and as a result of the fee not being paid by the due date, Compliance Notices under Section 14 of the Act dated 29 November 2019 had been issued to the licence holders of all the premises. However a number remained outstanding and it was in respect of those premises that an application for a review of premises licences was now requested. There followed a lengthy discussion and in response to Members questions, process for payment of the annual fee was clarified, the steps taken on the Board's behalf by officers to collect payments and the sanctions which the Board could consider were explained. In the circumstances, Members agreed it was necessary to carry out review hearings in respect of the premises licences detailed as follows:

- (i) Plough Inn, Lilliesleaf  
The Licensing Standards and Enforcement Officer advised that the premises had ceased trading and was on the market for sale.

**DECISION**

**AGREED that the Premises Licence be suspended with immediate effect until licence fees were paid**

- (ii) Scots Pine, Eddleston  
The Licensing Standards and Enforcement Officer advised that the fee was still outstanding.

**DECISION**

**AGREED that the Premises Licence be suspended with immediate effect until licence fees were paid**

- (iii) Walkerburn Rugby Club  
The Licensing Standards and Enforcement Officer advised that the fee was still outstanding and to the best of his knowledge the premises was still operating.

**DECISION**

**AGREED that the Premises Licence be suspended with effect from 10 January 2020 until the licence fees were paid**

- (iv) Mandarin Garden Restaurant, Peebles  
The Licensing Standards and Enforcement Officer advised that the fee was still outstanding and the premises was still operating.

**DECISION**

**AGREED that the Premises Licence be suspended with immediate effect until the licence fees were paid**

- (v) Costcutter, Duns  
The Licensing Standards and Enforcement Officer advised that the fee was still outstanding and the premises had ceased trading.

**DECISION**

**AGREED that the Premises Licence be suspended with immediate effect.**

- (vi) Costcutter, Eyemouth  
The Licensing Standards and Enforcement Officer advised that the fee was still outstanding and the premises had ceased trading.

**DECISION**

**AGREED that the Premises Licence be suspended with immediate effect.**

- (vii) Selkirk Football Club  
The Licensing Standards and Enforcement Officer advised that the premises licence was already suspended for non-payment of the 2018/19 annual fee and no contact had been made in relation to the 2019/20 annual fee, therefore both are still outstanding and the premises is not operating.

**DECISION**

**AGREED that the Premises Licence be revoked.**

- (viii) Cross Keys, Greenlaw  
The Licensing Standards and Enforcement Officer advised that the premises licence was already suspended for non-payment of the 2018/19 annual fee and no contact had been made in relation to the 2019/20 annual fee, therefore both are still outstanding and the premises is not operating.

**DECISION**

**AGREED that the Premises Licence be revoked.**

- (ix) The Taste of Bengal  
The Licensing Standards and Enforcement Officer advised that the premises licence was already suspended for non-payment of the 2018/19 annual fee and no contact had been made in relation to the 2019/20 annual fee, therefore both are still outstanding and the premises is not operating.

**DECISION**

**AGREED that the Premises Licence be revoked.**

**5. 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.”**

**6. LICENSING SCOTLAND ACT 2005: Section 84A: Personal Licences**

- (a) In the absence of the licenceholder, the Board continued consideration of a report of conduct inconsistent with licensing objectives received from Police Scotland.
- (b) The Board considered a report of conduct inconsistent with licensing objectives received from Police Scotland and following a hearing endorsed the licenceholder's Personal Licence.

**7. MINUTE**

The private Minute of Meeting of 20 October 2019 had been circulated.

**DECISION**

**APPROVED.**

***The meeting concluded at 11:05am***

# 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 February 2020 at 10.00 am

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

Apologies:- Councillor J. Brown

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

1. **MINUTE**

The Minute of Meeting of 20 December 2019 had been circulated.

**DECISION  
APPROVED.**

2. **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 December 2019 to 14 January 2020 and 15 January 2020 to 5 February 2020.

**DECISION  
NOTED.**

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

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

**(a) Peebles Bowling Club**

Peebles Bowling Club  
Walkershaugh  
Peebles

Amendments to Operating Plan:

Change core hours:

On Sale –

11.00am - 12.00midnight Monday to Wednesday (currently 11.00am - 11.00pm);

11.00am - 1.00am Thursday to Saturday (currently 11.00am - 11.00pm Thursday and

11.00am - 12.00midnight Friday and Saturday);

11.00am - 12.00midnight Sunday (currently 12.00noon - 12.00midnight)

Off Sale –

11.00am - 10.00pm Sunday (currently 12.00noon - 10.00pm)

Change Seasonal Variation to Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day open until 1.00am or within any other Licensing Board policy.

Change Listed Activities to include the following within and outwith core licensed hours: restaurant facilities, recorded music, films and televised sport.

Include current Listed Activities in outwith core licensed hours column:

Receptions etc, club or other group meetings, live performance, dance facilities, indoor and outdoor sport and change explanation.

Change question 5(f) – further details to:

These activities may commence prior to core hours but would not extend beyond without the benefit of a late hours extension. No alcohol would be sold or consumed other than within core hours.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for a variation of premises licence together with the current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to extend the operating hours and increase the scope of activities. The Convener welcomed Mrs Brown, representative for the club who advised that the Bowling Club membership had expanded by 60% in the last few years and the changes to the licence would increase the social aspects and bring the club in line with other licensed premises in the town. In response to clarification sought on the introduction of non-members to the club, it was confirmed that it was four non-members at any one time. There were no representations and the application was granted.

**DECISION  
GRANTED.**

**4. JOINT BOARD/LOCAL LICENSING FORUM MEETING**

Members considered a date for the annual joint meeting following the postponement of the meeting previously scheduled for 4 December 2019. A discussion was held on a proposed date and it was agreed that the meeting would be held on Tuesday 31 March at 4pm.

**DECISION  
AGREED that a further meeting would be held on Tuesday 31 March at 4pm**

**5. 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.”**

**6. MINUTE**

The private Minute of Meeting of 20 December 2019 had been circulated.

**DECISION  
APPROVED.**

**7. ANY OTHER BUSINESS**

There was a discussion held on the proposal from Police Scotland, PC Lackenby, who had only recently joined the force, to carry out an exercise for Members and Officers to visit pubs and clubs during an evening as had been held in previous years. It was agreed that a further date, through liaison with Police, would be arranged at the end of April.

**DECISION**

**AGREED** that Members would carry out visits to licenced premises through liaison with the Police.

*The meeting concluded at 10:07am*

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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 31 July 2020 at 10.00 am

- Present:- Councillors J. Greenwell (Convener), J. Brown, N. Richards, S. Scott, G. Turnbull, E. Thornton-Nicol, T. Weatherston.
- Apologies:- Councillors D. Paterson, R. Tatler.
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (M. Wynne), Inspector J. McGuigan, Sergeant S. Granger, PC J Fortune - 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 Covid-19 pandemic.

### 1. MINUTE

The Minute of Meeting of 21 February 2020 had been circulated.

## DECISION APPROVED.

### 2. LICENSING (SCOTLAND) ACT 2005:

(a) **Section 20: Application for Variation of Premises Licence.** Consider the following application for Provisional Grant of Premises Licence (applicant cited to attend).

**Paolo Crolla**

**Paolo's Italian**  
11 Market Street  
Galashiels  
(Provisional)

Proposed business activity - Ground floor deli/restaurant premises in town centre location. Alcohol will be generally but not exclusively sold to accompany meals and snacks for consumption on the premises.

Licensed hours applied for:

On Sale

Thurs to Sat 11.00am – 1.00am

Mon to Sun 10.00am – 10.00pm

Off Sale

Mon to Wed 11.00am to midnight

Representations received:

Police Scotland – yes

Licensing Standards Officer – none

Health – none

Other - none

There had been circulated copies of an application for a provisional grant of a premises licence together with the proposed Operating Plan and letter of representation from Police Scotland dated 18 March 2020. Mr Wynne, Licensing Standards and Enforcement Officer advised that the applicant already operated a successful business within the Town and these premises were to operate as a café/restaurant with alcohol served mainly by table service and mainly but not exclusively ancillary to food. A carry out food service may also be offered. Mr Wynne further advised that the application was within policy and no objections had been received. There was a letter of representation dated 18 March 2020 from Police Scotland in terms of a previous conviction under the Civic Government (Scotland) Act 1982 section 7 in May 2017 which Mr Crolla had not disclosed. The Convener welcomed Mr Crolla, Applicant who joined via Microsoft Teams. Mr Crolla explained that he had not declared the conviction as it was part of his record and as such did not realise it would have to be completed on the application and he apologised for this error. Following discussion, Members unanimously agreed to grant the Licence.

**DECISION  
GRANTED.**

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

**(i) Co-operative Group Food Limited** Newtown Street  
Duns

(a) Change trading name of the premises to Co-op.

Amendment to Operating Plan:

- Change current wording at question 5(f) to read:  
The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provision of the Licensing (Scotland) Act 2005;

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application to vary the premises license, together with the current Operating plan and the proposed Operating plan. Mr Wynne, Licensing Standards Officer advised that the application included a change of trading name and the inclusion of alcohol in the home delivery service in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005. In conclusion, he advised that the application was within policy and no objections had been received. The Convener welcomed Eilidh McGuire, legal representative of TLT Licensing. Ms McGuire explained that the home delivery service including alcohol was operating in other stores across Scotland and was subject to a robust procedures and compliance with all legislation. All drivers received mandatory training.

**DECISION  
GRANTED.**

**(ii) Co-operative Group Food Limited** 30 – 40 Dixons Yard  
Eyemouth

- (b) Change trading name of the premises to Co-op.

Amendments to Operating Plan:

- Include provision of recorded music outwith core hours and amend explanation to read:  
Recorded background music may be played within and outwith core hours;
- Change current wording at question 5(f) to read:  
The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provision of the Licensing (Scotland) Act 2005;

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application to vary the premises license, together with the current Operating plan and the proposed Operating plan. Mr Wynne, Licensing Standards Officer advised that the application included a change of trading name, the inclusion of alcohol in the home delivery service in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005 and the introduction of recorded background music. The application was within policy and no objections had been received. The applicant's legal agent, Ms McGuire, explained that the application was as the previous application above with the addition of recorded music to bring it in line with other premises licences held by the Co-op.

**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.”**

**3. LICENSING SCOTLAND ACT 2005: Section 84A: Personal Licence**

The Board considered a report for revocation of Personal Licence on the grounds that the licenceholder's conduct was inconsistent with licensing objectives received from Police Scotland and following a hearing agreed to take no action in respect of the Personal Licence.

***The meeting concluded at***

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