

# Public Document Pack



## SCOTTISH BORDERS LICENSING BOARD FRIDAY, 17TH DECEMBER, 2021

A MEETING of the SCOTTISH BORDERS LICENSING BOARD will be held on FRIDAY, 17 DECEMBER 2021 at 10.00 am via Microsoft Teams. Arrangements are in place to stream the meeting for public viewing. A link will be provided on the Council's website before the meeting.

N McKINLAY  
Clerk to the Licensing Board

10 December 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 7 - 8) Minute of Meeting of held on 19 November 2021 for approval. (Copy attached.)
5.	<b>Licences dealt with under Delegated Powers</b> (Pages 9 - 14) (Copy attached.)
6.	<b>Annual Financial and Functions Report</b> (Pages 15 - 28) Reconsider report by the Clerk seeking approval of the Board's Financial and Functions Reports for 2020/21 for publication. (Copy attached.)
7.	<b>Licensing (Scotland) Act 2005:</b>
(a)	<b>Section 20: Application for Premises Licence</b> (Pages 29 - 40) Consider the following application for Grant/Provisional Grant of Premises Licence (applicants cited to attend.)(Copies attached.)  Kibrea Khan  Sultaans Contemporary Indian Restaurant 4 Station Buildings Dovemount Place Hawick TD9 7AA <b>Provisional</b>  Licensed hours applied for: <u>On Sale</u> Sun to Thurs 11.00am – 12.00midnight Fri & Sat 11.00am – 1.00am  <u>Off Sale</u> Mon to Sun 11.00am - 10.00pm  <u>Representations received:</u>

	<p>Police Scotland - none.  Licensing Standards Officer - none.  Health - none.  Other - none.</p>
	<p>(b) <b>Section 29: Application for Variation of Premises Licence</b>  (Pages 41 - 96)  Consider applications for Variation of Premises Licence (applicants cited to attend.)  (Copies attached.)</p> <p><b>(i) Sainsbury's SL Limited</b> <span style="float: right;">Sainsbury's Store  Commercial Road  Hawick  TD9 7AW</span></p> <p>Amendments to the Operating Plan to include the following:-</p> <ul style="list-style-type: none"> <li>• Q.5 - the addition to the permitted activities (columns 2, 3 &amp; 4) of the Operating Plan, to include restaurant facilities, recorded music and live performances both within and outwith core hours;</li> <li>• Q.5 – reference Column 4, the additional information box, add the following wording:-  'Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm'; and</li> <li>• Q.5(f) any other activities – be amended to read:-  'The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time.  The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.  Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.  The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners'.</li> </ul> <p><u>Representations received:</u>  Police Scotland - none  Licensing Standards Officer - none  Health - none  Other – none</p> <p><b>(ii) Sainsbury's SL Limited</b> <span style="float: right;">Sainsbury's Store  Pinnaclehill Industrial Estate  Kelso  TD5 8AW</span></p> <p>Amendments to the Operating Plan to include the following:-</p> <ul style="list-style-type: none"> <li>• Q.5 - the addition to the permitted activities (columns 2, 3 &amp; 4) of the Operating Plan, to include recorded music and live performances both within and outwith core hours;</li> <li>• Q.5 – reference Column 4, the additional information box, add the following</li> </ul>

wording:-

'Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm. The restaurant/café may open from 7am to provide breakfasts etc'; and

- Q.5(f) any other activities – be amended to read:-

'The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.

Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners'.

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other – none

**(iii) Sainsbury's SL Limited**

Sainsbury's Store  
38 Northgate  
Peebles  
EH45 8RS

Amendments to the Operating Plan to include the following:-

- Q.5 - the addition to the permitted activities (columns 2, 3 & 4) of the Operating Plan, to include recorded music and live performances both within and outwith core hours;

- Q.5 – reference Column 4, the additional information box, add the following wording:-

'Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm'; and

- Q.5(f) any other activities – be amended to read:-

'The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.

Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners'.

	<u>Representations received:</u> Police Scotland - none Licensing Standards Officer - none Health - none Other - none
8.	<b>Any other items previously circulated</b>
9.	<b>Any other items which the Convener decides are Urgent</b>

**NOTE**

**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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**Membership of Committee:-** Councillors J. Greenwell (Convener), J. Brown, J 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  
E-mail: fhenderson@scotborders.gov.uk

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**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH  
BORDERS LICENSING BOARD held via  
Microsoft Teams on 19 November 2021 at  
10.00 am

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Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol.  
Apologies:- Councillors G. Turnbull, T. Weatherston.  
In Attendance:- Managing Solicitor (Property and Licensing), Inspector P. Begley, PC S. Lackenby, Democratic Services Officers (D. Hall and 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**

There had been circulated copies of the Minute of the Meeting held on 22 October 2021.

**DECISION**

**APPROVED the minute for signature by the Convener.**

2. **LICENSES 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 15 October – 10 November 2021.

**DECISION**

**NOTED**

3. **ANNUAL FINANCIAL AND FUNCTIONS REPORT**

There had been circulated copies of a report by the Clerk to the Licensing Board to seek approval from the Board of the Annual Functions Report and Annual Financial Reports for 2020/21. The Managing Solicitor (Property and Licensing), Mr Kirk advised Members that Licensing Boards were required to provide an Annual Functions Report which must include a statement explaining how the Board has had regard to the licensing objectives and its Policy Statement in the exercise of its functions in terms of Section 9A of the Licensing (Scotland) Act 2005 as well as a summary of decisions made by the Board and information on the number of licenses (including occasional licences) held in the Board's area. Mr Kirk advised that the Annual Financial Report included a statement explaining how the Board has had regard to the licensing objectives and the Board's Policy Statement in the exercise of its functions under the Act as well the amount of relevant income received by the Board; the amount of relevant expenditure incurred and an explanation on how the amounts in the statement were calculated. Covid-19 had impacted on the revenue of the Board, which was reflected in the number of Occasional licenses granted being significantly lower than previous years. In response to a question, Mr Kirk clarified that the cost of postage listed in the report was due to the requirement that physical licenses were sent out via post to License Holders. In response to a question on Members fees, Mr Kirk indicated that the cost

likely represented payments made to Members for their work on the Board, but agreed to investigate and provide clarification.

**DECISION**

**(a) APPROVED:-**

- (i) the Annual Functions Report set out in Appendix 1 to the report; and**
- (ii) the Annual Financial Report set out in Appendix 2 to the report.**

**(b) AGREED to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report following clarification of Board Member fees.**

**4. PRIVATE BUSINESS  
DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

**Summary of Private Business**

**5. MINUTE**

The Board considered the Private Minute of the Meeting held on 22 October 2021.

***The meeting concluded at 10.15am.***

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

**11 November - 6 December 2021**

NAME OF APPLICANT	LICENCE TYPE	LICENCE DETAILS	VENUE
Eric Lavender	SEC33	Transfer of Premises Licence - Margaret Lavender	Post Office and Store, Walkerburn
HI Investments	SUBDPM	Substitution of Designated Premises Manager - Fiona Ingram	Gordon Arms, West Linton
Margaret Lavender	SUBDPM	Substitution of Designated Premises Manager - Margaret Lavender	Post Office and Store, Walkerburn
CJ Lang and Son Limited	SUBDPM	Substitution of Designated Premises Manager - Gary Kowbel	Spar Store, Galashiels
CJ Lang and Son Limited	SUBDPM	Substitution of Designated Premises Manager - Alan Jack	Spar Store, Jedburgh
Aranta Developments Limited	SUBDPM	Substitution of Designated Premises Manager - Caitlin Wood	Bridge Inn, Galashiels
Lydia Roberts	PERLIC	Personal Licence - Grant	n/a
George Maltman	PERLIC	Personal Licence - Grant	n/a
Kerry-Anne Ferguson	PERLIC	Personal Licence - Grant	n/a
Mohammed Nadeem	PERLIC	Personal Licence - Grant	n/a
Margaret Lavender	PERLIC	Personal Licence - Grant	n/a
Tempest Brewing Co Ltd	OCCEXT	Occasional Extention - Tempest Brewery Wednesday 1 December through to Friday 31 December 2021 10.00pm to 12.00midnight	Block 11 Units 1 & 2, Tweedbank Industrial Estate, Tweedbank
Buccleuch Bowling Club	OCCLIC	Occasional Licence - 50th Birthday Saturday 4 December 2021 6.00pm - 1.00am	Buccleuch Bowling Club, Hawick
Gala Rugby Football Club	OCCLIC	Occasional Licence - Dinner Friday 12 November 2021 - 7.00pm - 1.00am	Volunteer Hall, Galashiels
Melrose Rugby Football Club	OCCLIC	Occasional Licence - Melrose v Edinburgh Accies Saturday 27 November 2021 - 11.00am - 10.00pm	The Greenyards, Melrose
Portzim Limited	OCCLIC	Occasional Licence - Marquee, Lilliardsedge Holiday Park Saturday 4th December to Friday 17th December 2021 Sundays to Thursdays 12.00noon - 12midnight; Fridays and Saturdays 12noon to 1.00am	Lilliardsedge Holiday Park, Jedburgh
Portzim Limited	OCCLIC	Occasional Licence - Lilliardsedge Holiday Park Saturday 18th December to Friday 31st December 2021 Sunday to Thursday 12.00noon - 12midnight; Friday and Saturday 12noon to 1.00am	Lilliardsedge Holiday Park, Jedburgh
Selkirk Conservative Club	OCCLIC	Occasional Licence - Ex-Service Remembrance Lunch Sunday 14 November 2021 11.00am - 12.00 midnight	Conservative Club, Selkirk
St John Masonic Hall	OCCLIC	Occasional Licence - Social evening Friday 3 December 2021 - 7.00pm - 11.30pm	St Johns Lodge Of Freemasons, Coldstream
Verdant Leisure Limited	OCCLIC	Occasional Licence - Sale of Food, Alcoholic Beveridges and Soft Drinks Monday 22 November to Sunday 5 December 2021 11.00am - 10.00pm	Pease Bay Leisure Park, Cockburnspath
Aileen Dyer	OCCPLH	Occasional Licence - Peebles Christmas Light Switch On Sunday 28 November 2019 3.00pm - 7.00pm	High Street, Peebles
Allan Walker	OCCPLH	Occasional Licence - Sale of Artisan Spirits made by Selkirk Distillers Thursday 18 November to Wednesday 1 December 2021 - 10.00am - 10.00pm	6 High Street, Selkirk

Allan Walker	OCCPLH	Occasional Licence - Sale of Artisan Spirits made by Selkirk Distillers Thursday 2 December - Wednesday 15 December 2021 - 10.00am - 10.00pm	6 High Street, Selkirk
Allan Walker	OCCPLH	Occasional Licence - Sampling and Sale of Artisan Spirits Saturday 4 December 2021 10.00am - 1.00pm	Market Place, Selkirk
Allan Walker	OCCPLH	Occasional Licence - Sample and Sale of Artisan Spirits Sunday 28 November 2021 10.00am - 2.00pm	High Street, Jedburgh
Andrew Telfer	OCCPLH	Occasional Licence - Mosstroopers Ball Saturday 3 December 2021 6.00pm - 1.00am	Town Hall, Hawick
Angelena Johnson	OCCPLH	Occasional Licence - Sale of goods and provisions associated with a convenience store Thursday 18 November to Wednesday 1 December 2021 10.00am - 10.00pm	53 High Street, Hawick
Angelena Johnson	OCCPLH	Occasional Licence - Sale of goods and provisions associated with a convenience store Thursday 2 December to Wednesday 15 December 2021 10.00am - 10.00pm	53 High Street, Hawick
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Gin Products Saturday 20 November 2021 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Gin Products Saturday 27 November 2021 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Gin Products Saturday 4 December 2021 10.00am - 3.00pm	Eastgate, Peebles
Cecilia Benson	OCCPLH	Occasional Licence - Pop-up Suppers Thursday 18 November 2021 6.00pm - 11.00pm	Neidpath Castle, Peebles
David Hutchison	OCCPLH	Occasional Licence - 40th Birthday Saturday 4th December 2021 6.00pm - 11.30pm	Kinleith, 2 Springfield Drive, Duns
David Kinghorn	OCCPLH	Occasional Licence - Residential Corporate Training Event Sunday 21 November to Sunday 28 November 2021 11.00am - 12.00midnight (Sun to Wed) and 11.00am - 1.00am (Thurs to Sat)	Marchmont House, Greenlaw
James Henderson	OCCPLH	Occasional Licence - Wedding Reception Saturday, 4 December 2021 5.00pm - 1.00am	Springwood Park, Kelso
James Henderson	OCCPLH	Occasional Licence - Xmas Fayre Friday 3, Saturday 4 and Sunday 5 December 2021 10.00am - 4.00pm	Paxton House, Paxton
Jim McDevitt	OCCPLH	Occasional Licence - Two films showing Friday 12 November 2021 5.00pm - 11.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - AGM Heart for Duns Tuesday 16 November 2021 6.00pm - 9.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - Funeral Tea Tuesday 30 November 2021 2.00pm - 6.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - Duns Opera Wednesday 1 December - 4 December 2021 6.00pm - 10.30pm	Volunteer Hall, Duns
Kate Moss-Jones	OCCPLH	Occasional Licence - Exhibition Launch Party (Private Viewing) Thursday 11 November 2021 7.00pm - 10.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Silent Disco Saturday 13 November 2021 7.30pm - 12.00midnight	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Comedy Gig (Gary Meikle) Sunday 14 November 2021 7.00pm - 11.00pm	MacArts, Galashiels



Kate Moss-Jones	OCCPLH	Occasional Licence - Live Music - Grace Petrie/Folkpunk Monday 15 November 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Comedy Gig - Raymond Mearns Friday 19 November 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Semi Acoustic Music - Billy Liar / Withered Hand Thursday 18 November 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Music - Echo Machine and Earl of Hell Friday 26 November 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Comedy Gig - Gary Meikle Friday 26 November 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Semi Acoustic Music Thursday 2 December 2021 7.00pm - 11.00pm	MacArts, Galashiels
Kate Moss-Jones	OCCPLH	Occasional Licence - Live Music - The Police Tribute Band Saturday 4 December 2021 7.00pm - 11.00pm	MacArts, Galashiels
Keiran Scott	OCCPLH	Occasional Licence - Wedding Ceremony and Evening Reception Saturday 13 November 2021 2.00pm - 1.00am	Neidpath Castle, Peebles
Kenneth Maybury	OCCPLH	Occasional Licence - Tribute Concert - Madness Saturday 20 November 2021 6.30pm - 12.00midnight	Tait Hall, Kelso
Kenneth Maybury	OCCPLH	Occasional Licence - Country and Western Show Saturday 27 November 2021 6.30pm - 12.00midnight	Tait Hall, Kelso
Kibrea Khan	OCCPLH	Occasional Licence - Indian Restaurant Friday 19 November to Thursday 2 December 2021 Sunday to Wednesday 11.00am - 12.00midnight and Thursday to Saturday 11.00am - 1.00am	Sultaans Contemporary Indian Restaurant, Hawick
Kibrea Khan	OCCPLH	Occasional Licence - Indian Restaurant Friday 3 December to Thursday 16 December 2021 Sunday to Wednesday 11.00am - 12.00midnight and Thursday to Saturday 11.00am - 1.00am	Sultaans Contemporary Indian Restaurant, Hawick
Kibrea Khan	OCCPLH	Occasional Licence - Indian Restaurant Friday 17 December to Thursday 30 December 2021 Sunday to Wednesday 11.00am - 12.00midnight and Thursday to Saturday 11.00am - 1.00am	Sultaans Contemporary Indian Restaurant, Hawick
Kibrea Khan	OCCPLH	Occasional Licence - Indian Restaurant Friday 31 December to Thursday 13 January 2022 Sunday to Wednesday 11.00am - 12.00midnight and Thursday to Saturday 11.00am - 1.00am	Sultaans Contemporary Indian Restaurant, Hawick
L. Carol Shanley	OCCPLH	Occasional Licence - Wedding Friday 26th November 6.00pm - 12.00midnight and Saturday 27th November 2021 2.00pm - 12 midnight	Branxholme Castle, Hawick
L. Carol Shanley	OCCPLH	Occasional Licence - Provision of alcohol along with High Teas and Lunches during December Thursday 2, Friday 3 and Saturday 4 December 2021 11.00am - 8.00pm	Branxholme Castle, Hawick

Laura Tickner	OCCPLH	Occasional Licence - Wedding Reception Saturday 20 November 2021 - 12.00noon - 12.00midnight	Neidpath Castle, Peebles
Laura Tickner	OCCPLH	Occasional Licence - Wedding Reception Tuesday 23 November 2021 - 12.00noon - 12.00midnight	Neidpath Castle, Peebles
Laura Tickner	OCCPLH	Occasional Licence - Wedding Reception Saturday 27 November 2021 12.00noon - 12.00midnight	Neidpath Castle, Peebles
Leslie Mallin	OCCPLH	Occasional Licence - Folk Music Concert Saturday 20 November 2021 7.00pm - 12.00midnight	Victoria Halls, Selkirk
Margaret Henderson	OCCPLH	Occasional Licence - 40th Birthday Party Saturday 27 November 2021 12.00noon - 12.00midnight	Henry Ballantyne Memorial Club, Walkerburn
Moira Dalgliesh	OCCPLH	Occasional Licence - National Hunt Horse Racing Meeting Sunday 5 December 2021 11.00am - 5.00pm	Racecourse, Kelso
Moira Dalgliesh	OCCPLH	Occasional Licence - National Hunt Horse Racing Meeting Wednesday 29 December 2021 11.00am - 5.00pm	Racecourse, Kelso
Moira Dalgliesh	OCCPLH	Occasional Licence - Private Event for Floors Castle Estate Employees Friday 26 November 2021 - 6.00pm - 11.00pm	Springwood Park, Kelso
Peter Allan	OCCPLH	Occasional Licence - National Hunt Horse Race Meeting Sunday 5 December 2021 11.00am - 7.00pm	Racecourse, Kelso
Rory Steel	OCCPLH	Occasional Licence - Wedding Ceremony and Reception Sunday 20 November 2021 1.00pm - 12.00midnight	Aikwood Tower, Selkirk
Rory Steel	OCCPLH	Occasional Licence - Lauder Christmas Lights Switch On Saturday 4 December 2021 3.00pm - 10.00pm	Market Place, Lauder
Rosemary Cully	OCCPLH	Occasional Licence - Kelso Races Sunday 5 December 2021 11.00am - 7.00pm	Racecourse, Kelso
Scott Paterson	OCCPLH	Occasional Licence - 50th Birthday Party Saturday 13 November 2021	Village Hall, St Boswells
Simon Rutherford	OCCPLH	Occasional Licence - Kelso Farmers Market Saturday 27 November 2021 - 10.00am - 1.30pm	Town Square, Kelso
Simon Rutherford	OCCPLH	Occasional Licence - Sale of Craft Gin Products Saturday 4 December 2021 10.00am - 1.00pm	Kirk Wynd, Selkirk
Simon Rutherford	OCCPLH	Occasional Licence - Sale of Craft Gin Products Sunday 28 November 2021 11.00am - 2.00pm	High Street, Jedburgh
Stephen McKenzie	OCCPLH	Occasional Licence - Sampling and Sale of Bottles of Alcoholic Spirits Saturday 20 to Sunday 28 November 2021 10.00am - 8.00pm	Abbotsford House, Melrose
Tabatha McCree-Cox	OCCPLH	Occasional Licence - Sampling and Off Sales for Gin and Hand Sanitiser Products Thursday 25 November 2021 5.00pm - 9.00pm	Primary School, West Linton
Tabatha McCree-Cox	OCCPLH	Occasional Licence - Sampling and Off Sales for Gin and Hand Sanitiser Products Saturday 4 December 2021 10.00am - 1.00pm	Primary School, West Linton
Act I Youth Theatre Group	OCCVOL	Occasional Licence - Concerts Friday, 12 November and Saturday, 13 November 2021 6.30pm - 10.00pm	St Mary And St Davids Church, Hawick
Berwickshire Hunt Supporters Club	OCCVOL	Occasional Licence - Berwickshire Hunt Supporters Club Sunday Lunch Sunday 28 November 2021 11.00am - 4.00pm	Village Hall, Whitsome

Blainslie Village Hall	OCCVOL	Occasional Licence - Quiz Night Saturday 27 November 2021 - 7.30pm - 11.00pm	Village Hall, Blainslie
Cockburnspath Village Hall	OCCVOL	Occasional Licence - Quiz Night and Bar Friday 3 December 2021 - 6.30pm - 11.00pm	Village Hall, Cockburnspath
Coldstream Community Trust	OCCVOL	Occasional Licence - Meeting Santa Claus Sunday 28 November 2021 - 3.00pm - 6.00pm	Community Centre St Cuthberts, Coldstream
Gavinton Village Hall	OCCVOL	Occasional Licence - Film Night Friday 19 November 2021 - 7.00pm - 10.30pm	Village Hall, Gavinton
Kelso Football Club	OCCVOL	Occasional Licence - Football Match - South Cup Tie Saturday 20 November 2021 12.00noon - 8.00pm	Football Club, Kelso
Kelso Music Society	OCCVOL	Occasional Licence - Concert Sunday, 28 November 2021 - 7.00pm - 9.00pm	Old Parish Church, Kelso
MacFie Hall Committee	OCCVOL	Occasional Licence - Open Mic and Pub Night Friday 19 November 2021 7.00pm - 12.00midnight	Macfie Hall, Heriot
Oxton And Channelkirk Community Council	OCCVOL	Occasional Licence - Community Christmas Lights Switch On Event Sunday 5 December 2021 5.00pm - 8.00pm	Village Hall, Oxton
Reston Young Farmers	OCCVOL	Occasional Licence - Stock Judging Tuesday 30 November 2021 - 7.00pm - 10.00pm	Blackburn Mill Farm, Grantshouse
Scott's Selkirk	OCCVOL	Occasional Licence - Gazebo/ Stall at Selkirk Farmers / Christmas Market and Christmas Lights Switch-On Saturday 4 December 2021 - 4.00pm - 6.00pm	Market Place, Selkirk
Teviothead Village Hall	OCCVOL	Occasional Licence - Concert/Live Band Saturday, 20 November 2021 - 7.00pm - 11.30pm	Village Hall, Teviothead
The Abbotsford Trust	OCCVOL	Occasional Licence - Christmas Market Saturday 20 to Sunday 28 November 2021 - 11.00am - 10.00pm (every day)	Abbotsford House, Melrose
Wauchope Hall Trustees Town Yetholm	OCCVOL	Occasional Licence - Concert Saturday 20 November 2021 - 7.00pm - 10.00pm	Wauchope Hall, Town Yetholm

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## **SCOTTISH BORDERS LICENSING BOARD FUNCTIONS AND FINANCIAL REPORTS 2020/2021**

**Report by the Clerk to the Licensing Board**

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### **SCOTTISH BORDERS LICENSING BOARD**

**19 November 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval from the Licensing Board for the Annual Functions Report and Annual Financial Report.

#### **2 RECOMMENDATIONS**

**2.1 It is recommended that Members:**

- (a) approve the annual Functions Report set out in Appendix 1 to this report;**
- (b) approve the annual Financial Report set out in Appendix 2 to this report; and**
- (c) authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report.**

### 3 BACKGROUND

- 3.1 In terms of Section 9A of the Licensing (Scotland) Act 2005 (“the 2005 Act”) Licensing Boards are required to provide an Annual Functions Report. In addition, in terms of Section 9B of the 2005 Act, Licensing Boards are also required to produce and publish an Annual Financial Report. As a consequence, Licensing Boards have a statutory duty to publish these reports within three months of the end of each financial year. However, as a result of the Covid-19 outbreak, Schedule 5 Paragraph 4 of the Coronavirus (Scotland) Act 2020 extended the timeframe for the preparation and publishing of annual finance and functions reports and allowed Licensing Boards to prepare and publish their annual reports no later than 31 December 2021 due to the coronavirus pandemic.
- 3.2 The Board’s Annual Functions Report must include a statement explaining how the Board has had regard to the licensing objectives and the Board’s Policy Statement in the exercise of its functions under the Act as well as a summary of decisions made by the Board and information about the number of licences held in the Board’s area, including occasional licences.
- 3.3 The draft report at Appendix 1 hereto therefore provides all the required information as an accurate representation of the Board’s functions for the period 1 April 2020 to 31 March 2021.
- 3.4 The Financial Report must include:
- (a) a statement of:
    - (i) the amount of relevant income received by the Licensing Board during the financial year; and
    - (ii) the amount of relevant expenditure incurred in respect of the Board’s area during the year; and
  - (b) an explanation of how the amounts in the statement were calculated.
- 3.5 The draft report at Appendix 2 hereto therefore provides all required financial information and is an accurate representation of the Board’s financial position for the period 1 April 2020 to 31 March 2021.
- 3.6 Members are asked to note that the Licensing Board income cannot be guaranteed in any financial year, this being completely dependent on the number of licensed premises which continue to operate as the vast majority of Board income stems from annual Premises Licence fees. The ongoing Covid-19 pandemic has had a major impact on the Board’s income for the period as a number of premises surrendered their licences and the number of applications received during the financial year was greatly reduced all of which resulted in the Board’s income being significantly lower when compared to previous years.
- 3.7 It is also the case the Board income and expenditure is kept under review on a regular basis.

## **4 IMPLICATIONS**

### **4.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

### **4.2 Risk and Mitigations**

The information provided within these reports ensures transparency and helps to mitigate reputational risk to the Council by allowing ongoing scrutiny of the Licensing Boards functions and income and expenditure.

### **4.3 Integrated Impact Assessment**

There is no impact or relevance to the Equality Duty or the Fairer Scotland Duty for this report. This is a routine annual monitoring report as required by Section 9A and 9B of the Licensing (Scotland) Act 2005 which forms part of the governance of the management of the Licensing Board.

### **4.4 Sustainable Development Goals**

Whilst there are no economic, social or environmental effects arising from the proposals contained in this report there are through the activities reported upon positive impacts upon the economy and the community by the exercise of the Licensing objectives being preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children and young persons from harm. Consider each of the UN Sustainable Development Goals (complete the checklist) and decide whether your project/action plan/recommendations will make a difference to any of these.

### **4.5 Climate Change**

There are no effects on climate change arising from the proposals contained in this report.

### **4.6 Rural Proofing**

There are no effects on rural proofing arising from the proposals contained in this report.

### **4.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **4.8 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

## 5 CONSULTATION

- 5.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any comments received will be incorporated into the final report.

### Approved by

**Nuala McKinlay**

**Clerk, Scottish Borders Licensing Board Signature .....**

### Author(s)

Name	Designation and Contact Number
Ron Kirk	Managing Solicitor, Property and Licensing 0

**Background Papers:** None

**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ron Kirk can also give information on other language translations as well as providing additional copies.

Contact us at Ron Kirk, Scottish Borders Council, Council Headquarters, Newtown St Boswells. T: 01835 826764; F: 01835 826693; E: ron.kirk@scotborders.gov.uk  
Jackie Wilson, Scottish Borders Council, Council Headquarters, Newtown St Boswells. T: 01835 82826568; F: 01835 826693; E: jewilson@scotborders.gov.uk



**SCOTTISH BORDERS LICENSING BOARD**

**LICENSING (SCOTLAND) Act 2005  
SECTION 9A: ANNUAL FUNCTIONS REPORT  
1 APRIL 2020 - 31 MARCH 2021**

## **1 INTRODUCTION – SCOTTISH BORDERS LICENSING BOARD**

- 1.1 Scottish Borders Licensing Board (“the Board”) is the Licensing Authority for the local government area of the Scottish Borders for the purposes of the Act. The current Board which was formed in May 2017 comprises nine Members all of whom are elected members of Scottish Borders Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within the Scottish Borders.
- 1.2 The Council boundaries cover 4,742 square kilometres. The estimated population as identified by the 2011 Census is 113,870. The area is divided into ten Wards of three Councillors and one Ward of four Councillors totalling 34 Councillors of whom nine sit on the Board. All have completed the statutory training required under the Act.
- 1.3 The Licensing (Scotland) Act 2005 (as amended) (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold. The number of licensed premises within the Board’s area averaged 456 in number during the period.
- 1.4 Under the Act, Licensing Boards are responsible for considering applications for:
- Premises Licences
  - Occasional Licences
  - Provisional Licences
  - Temporary Licences
  - Personal Licences
  - Transfer of Premises Licences
  - Variation of Premises Licence
  - Extensions of licensing hours in respect of:
    - The sale of alcohol by retail, and
    - The sale of alcohol in members clubs

## **2 ANNUAL FUNCTIONS REPORT**

- 2.1 The Air Weapons and Licensing (Scotland) Act 2015 amended the Act to place a statutory duty on Licensing Boards to publish an Annual Functions within three months of the end of each financial year.
- However, as a result of the Covid-19 outbreak, Schedule 5 Paragraph

4 of the Coronavirus (Scotland) Act 2020 extended the timeframe for the preparation and publishing of annual functions reports and allowed Boards to prepare and publish their annual reports no later than 31 December 2021 due to the coronavirus pandemic.

2.2 In terms of Section 9A of the Air Weapons and Licensing (Scotland) Act 2015, the Board has the following key obligations:

To publish an Annual Functions Report within three months of the end of the relevant financial year and to include within the Annual Functions Report:

- a Statement explaining how the Board has had regard to the licensing objectives and its policy statement in the exercise of its functions;
- the Board's Policy Statement in exercise of its functions under the Act;
- a summary of decisions taken by each Board over the relevant financial year including decisions taken by officers under delegated powers;
- the number of licences held under the Act in the Board's area including the number of occasional licences issued during the financial year;
- other information as determined as necessary by the Licensing Board

### **3 LICENSING OBJECTIVES**

3.1 The Act sets out the following five Licensing Objectives ("the Licensing Objectives") as set out below:

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

3.2 The Licensing Objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a Premises Licence, an Occasional Licence or a Personal Licence. Breach of the objectives may provide grounds for reviewing a Premises Licence or a Personal Licence. Conditions attached to a Premises Licence or an Occasional Licence may be based on any one or more of the Licensing Objectives.

## **4 FUNCTIONS OF THE BOARD**

- 4.1 The functions of the Board are set out in Schedule 1 of the Act and are summarised below:
- Determining the Board's policy for the purposes of a Licensing Policy Statement or Supplementary Licensing Policy Statement;
  - Determining for the purposes of any such Statement whether there is overprovision of licensed premises or licensed premises or any particular description in any locality
  - Determining a Premises Licence application/ Provisional Premises Licence application.
  - Determining a Premises Licence Variation application where the variation sought is not a minor variation
  - Determining an application for the Transfer of a Premises Licence where the applicant has been convicted of a relevant offence or a foreign offence
  - Determining a Personal Licence application or a Personal Licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence
  - Conducting a hearing in respect of a Review of a Premises Licence
  - Conducting a hearing in respect of revoking, suspending or endorsing a Personal Licence
  - Making a Closure Order

## **5 HOW THE BOARD HAS REGARD TO THE LICENSING OBJECTIVES**

- 5.1 In exercising its functions under the Act, the Board is required to have regard to the Licensing Objectives as stated at paragraph 3.1.
- 5.2 Promotion of the Licensing Objectives is always at the forefront of the Board's consideration in determining its policies for the purposes of its policy statement.
- 5.3 When determining licence applications, the Board verifies that all applications are consistent with the Licensing Objectives and ensures that any potential issues are addressed through appropriate measures to safeguard full compliance with the Licensing Objectives. Such measures include attaching local and special conditions to licences if necessary.
- 5.4 The Board is confident that it has been able to pursue the crime and disorder objective by taking into account and recognising that certain

criminal activity or associated problems may take place or be taking place despite the best efforts of the licensee and the staff working at the premises. In such circumstances the Board will endeavour to take any steps it feels are appropriate to remedy the problem. The Board has strived to promote this objective in the interests of the wider community rather than determining the guilt or innocence of the individual which the Board recognises is a matter for the courts of law.

5.5 The Board is confident that it has been able to pursue the Public Safety and Public Nuisance objectives by endeavouring to take any necessary steps it feels are appropriate to address any such problems which may contravene these objectives. In doing so, the Board is mindful that it cannot take into account any issues that are dealt with by other legislation such as the Environmental Protection Act 1990.

5.6 The Board is confident that it has pursued the protecting Children and Young Persons from harm objective by applying appropriate conditions to licences with a view to ensuring that children and young persons are adequately protected within licensed premises or at licensed events. There have also been occasions when the Board has not been satisfied that an application sufficiently complies with this objective and on these occasions the Board has refused the applications accordingly.

5.7 The Board is confident that it has been able to pursue the Public Health objective to mitigate the public health risk when considering licensing applications. The Local Health Board is a statutory consultee who are invited to make representations with regard to each application which is considered by the Board. Whilst in most cases they have no comments to make, there are occasions when they do make representations and a representative is invited to attend the Board meeting and address the Board accordingly.

## **6 HOW THE BOARD HAS REGARD TO THEIR LICENSING POLICY STATEMENT**

6.1 The Board is aware that all applications before it are to be dealt with in an open and transparent manner in accordance with licensing legislation and the Board's policy documents.

6.2 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections.

6.3 The Board, when making their determinations, took into account their Policy Statement and any supplementary arrangements which it had agreed on extended hours for special events of local or national

significance and the Board policy hours.

6.4 The Board is aware of its quasi-judicial function and its obligation to objectively determine facts and draw conclusions from them. The Board always aims to follow best practice to ensure proportionate, accountable and consistent decision making by listening to all the information provided by applicants, any objectors and Licensing Standards Officers weighing up the relevant information, reviewing this against its policies and coming to an informed decision.

6.5 The Board is confident that its Statement of Licensing Policy is sufficiently robust to enable it to make appropriate decisions when the question of over-provision is a consideration. When reviewing its Statement of Licensing Policy, the Board took into account the work carried out by the Scottish Borders Licensing Forum who by way of a multi-agency data gathering public project produced the report "Scottish Borders Alcohol Profile". This Profile provides an invaluable evidence base which has been most useful to the Board in the review of its Policy and the Board has regard to it when determining applications

## 7

7.1 In the year from 1 April 2020 to 31 March 2021 the Board met 8 times to determine applications.

7.2 Each application for a new Premises Licence, Variation of a Premises Licence, Occasional licence or Extended hours was decided on its own merits.

7.3 In assessing applications, the Board used a number of different sources of information to enable them to reach determinations. As well as the statutory consultees these sources included others with an interest including Community Councils, local residents, the Licensing Standards Officers, Police Scotland, the local Health Board, application objectors and established licensing practitioners. As referred to in paragraph 6.5 above, the Board also took into account the information provided in the Scottish Borders Alcohol Profile provided by the Scottish Borders Licensing Forum as well as the Licensing Objectives and its Statement of Licensing Policy.

7.4 All objections received to any applications were taken into account in the decision making process.

## **8 NUMBER OF LICENCES HELD IN THE BOARD'S AREA**

- 8.1 The Board granted 1 new Premises License and 88 Occasional Licences were issued by the Board during the period. 2 of those Occasionals were granted to voluntary organisations whilst no applications by the holders of a Premises Licence for extended hours were received. The Board also considered 10 applications to vary Premises Licences. This included both major variations which must be determined by the Board and the applications which attracted objections or representations. In addition, 5 minor variations, 28 notifications of substitution of manager and 4 transfers were dealt with.
- 8.2 The Board arranged review hearings in respect of 2 premises during the period. Both were in relation to notices for failure of premises to make payment of the annual fee. This resulted in both licences being revoked.
- 8.3 The Board received 55 new Personal Licence applications and 24 Personal Licence renewal applications during the period, all of which were granted.

## **9 OTHER INFORMATION ABOUT THE EXERCISE OF THE LICENSING BOARD'S FUNCTIONS**

### **9.1 Licensing Forum**

The Licensing Forum continues to meet regularly throughout the year although the ongoing Covid 19 pandemic has meant that it has not been able to meet as regularly as it has in previous years. The Forum held its annual joint meeting with the Board on 20 December 2020. The Forum consists of a cross-section of members including Licensing Standards Officers, representatives from public health, the Police, the licensed trade and the general public. The Forum continues to work well with the Board and provided valuable input during the Board's review of its Statement of Licensing Policy.

### **9.2 Impact of Covid-19 Pandemic**

During the period, the impact of the Covid-19 pandemic had an adverse impact on the Board's business. A number of premises surrendered their licences and the number of applications received greatly reduced during the period which resulted in the Board's income being significantly lower when compared with previous years.

### **9.3 Licensing Team**

The Board is assisted by a unit of officers who sit within the Council's

Legal and Licensing Team. The unit consists of a Licensing Team Leader, two Licensing Standards and Civic Government Enforcement Officers, two Licensing Officers and a Licensing assistant with administrative support staff. They offer guidance and advice in the processing and issuing of licenses under delegated powers, provide support to the Clerk and make referrals to the Board. The Licensing Team as a unit ensure that the functions of the Board are fulfilled as efficiently as possible.

## **10 CONCLUSION**

The Board is pleased to report that licenced premises in the Scottish Borders have been well run and generally problem free during the period covered by this report. The Board is thankful to the licensed trade in its efforts of promoting and upholding the licensing objectives and complying with the Board's Policy and to the Local Licensing Forum for their continued role in reviewing and updating the Alcohol Profile in support of its Policy. The Board also acknowledges the hard work applied by and the achievements made by those licence holders who were recognised in the annual Best Bar None awards.



**Licensing (Scotland) Act 2005****Scottish Borders Licensing Board Financial Report****Financial Year: 2020/21**

The Scottish Borders Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within three months of the end of the relevant financial year.

As a result of the Covid-19 outbreak, Schedule 5 Paragraph 4 of the Coronavirus (Scotland) Act 2020 extended the timeframe for the preparation and publishing of annual functions reports and allowed Boards to prepare and publish their annual reports no later than 31 December 2021 due to the coronavirus pandemic. This report has been prepared using financial data taken for year ending 31 March 2021.

It should be noted that expenditure in the statement has been calculated based upon estimates of the direct time spent by legal and licensing service staff on licensing functions. The report excludes allocation of indirect central support costs properly incurred by Scottish Borders Council which would include a share of total costs associated with accommodation, ICT, financial services, catering, telephone calls, printing, stationery and equipment.

The report accordingly should not be relied on as an accurate statement of income and expenditure for the exercise of the Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<b>Income<sup>1</sup>:</b>	
Premises inc	£145,580
Annual Fees	£11,430
Extensions/Variations/Transfers/Personal Occasional Licences	£880
<b>Total</b>	<b>£157,890</b>
<b>Direct Staff Costs<sup>2</sup>:</b>	
Licensing Standards Enforcement Officers	£33,534
Licensing Services	£69,532
Legal Services	£65,516
<b>Total</b>	<b>£168,582</b>
<b>Other Direct Costs<sup>3</sup>:</b>	
Board Members	£3,164
Transport Costs, Members	£0
Transport Costs, Officers	£10
IT Software Licences	£2,981
Postages	£3,775
Committee Members	£687
<b>Total</b>	<b>£10,617</b>
<b>Indirect Costs<sup>4</sup>:</b>	
Apportionment of central admin costs	<b>£22,216</b>

**Notes:**

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council legal and licensing staff responsible for support to the Board under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function.
4. Figures exclude any apportionment of central costs such as accommodation, ICT, financial services, catering, telephone calls, printing, stationery and equipment, etc that are expended towards the Council's statutory duty to provide the Licensing Board function.

**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.*

**Sultaans Contemporary Indian Restaurant  
4 Station Buildings  
Dovemount Place  
Hawick TD9 7AA**

**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**

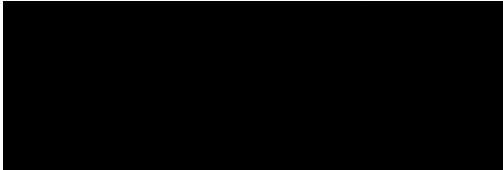
*(c) Where applicant is a company, please provide name, registered office and company registration number.*

**Sultaans Restaurant (Hawick) Limited  
Registered Address  
4 Station Buildings  
Dovemount Place  
Hawick TD9 7AA  
Co. No. 13001858**

(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.\*

Kibrea Khan  


\* 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) **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)

Restaurant premises located on the ground floor of a four storey building just off the town centre of Hawick. The premises consist of a dining area, kitchen and toilets on the ground floor with storage area in basement. The proposal being to sell alcohol on an On and Off-Sales basis

**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?

N/A

\*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:

[Redacted Signature]

(see note below)

Date: 21/10/21

Capacity: APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory:

[Redacted Contact Information]

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.

**For use by the Licensing Board only**

**Application checklist**

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Date received

[Redacted Date]

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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>	<b>NO</b>
<i>(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<b>NO</b>
<i>(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<b>YES</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>12 midnight</b>
<i>Tuesday</i>	<b>11.00am</b>	<b>12 midnight</b>
<i>Wednesday</i>	<b>11.00am</b>	<b>12 midnight</b>
<i>Thursday</i>	<b>11.00am</b>	<b>12 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>11.00am</b>	<b>12 midnight</b>

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

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

**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 until 1.00 am or within any 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	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	NO
Bar meals	NO	NO	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, funerals, retirements etc.	YES	YES	NO



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

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 premises will operate as a restaurant and will also provide a full carry out food service within core hours.**

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 allowed access when accompanied by an appropriate and responsible adult for the purpose of dining.**

**Note -**

**For the avoidance of doubt a responsible adult is a person who has the responsibility for the child/young person when attending the premises. The responsible adult should supervise the child/young person at all times while the child is within the licensed area.**

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

**Children - 0 to 15 years  
Young Persons - 16 and 17 years**

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

**During Core Hours.**

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

**All public areas, with the exception of any immediate bar area.**

**Question 7**

**CAPACITY OF PREMISES**

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

**34 (inclusive of staff)**

**QUESTION 9**

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

*Personal details*

(a) Name

**Kibrea Khan**

(b) Date of birth

[REDACTED]

(c) Contact address

[REDACTED]

(d) Telephone number and e-mail address

[REDACTED]

(e) Personal licence

<b>Date of issue</b>	<b>Name of Licensing Board issuing</b>	<b>Reference no. of personal licence</b>
[REDACTED]	<b>Scottish Borders</b>	[REDACTED]

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

Signature: [Redacted]

(see note below)

Date: 21/10/21

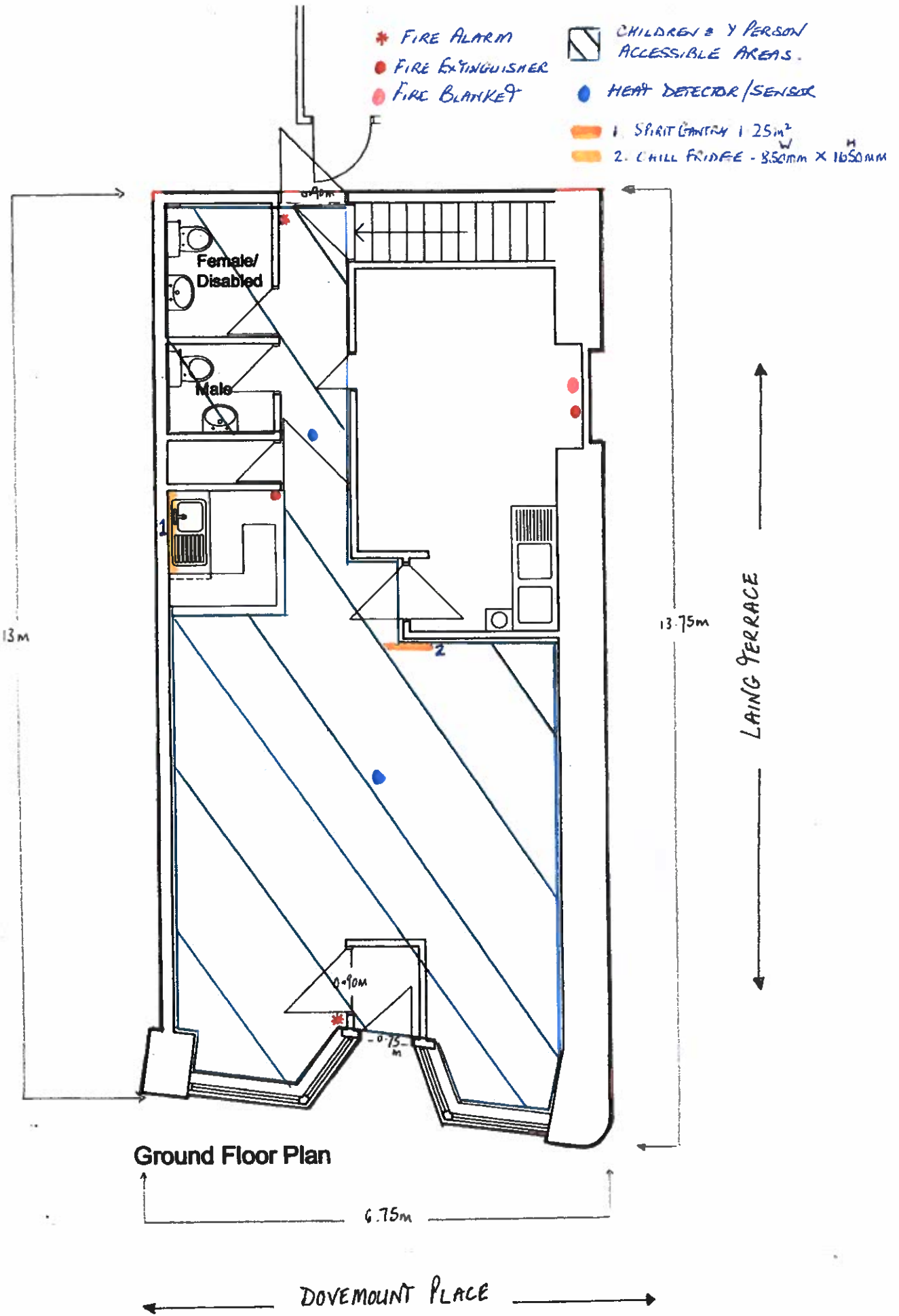
Capacity: APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory: [Redacted]

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

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

<b>For use by the Licensing Board only</b>	
<b>Application checklist</b>	
<b>Date received</b>	



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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.*

Sainsbury's SL Limited
33 Holborn London EC1N 2HT

**Question 2**

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

Sainsbury's Supermarket Commercial Road Hawick TD9 7AW Licence Number: SB/PREM/484
--

**Question 3**

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

YES / NO\*

**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)*

See separate sheet
--------------------

**Question 4**

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

**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 / NO\***

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

See separate sheet

**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.

**Proposed Premises Manager**

Name and telephone number



Date and place of birth

[Empty text box for date and place of birth]

Contact address, including postcode

[Empty text box for contact address]

Email address

[Empty text box for 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.

[Empty text box for date of variation]

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

Date ..... 13 July 2021 .....

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

Telephone number and email address of signatory

Tel: 0333 006 1203 Email: Stephen.McGowan@titsolicitors.com .....

**\* 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.

**Proposed variation – 2240 – Hawick, Scottish Borders – (SB/PREM/484)**

At Qu 5 – Addition of activities to include restaurant, recorded music and live performances both within and outwith core hours.

At Column 4, the additional information box, add the following wording:

*Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm.*

Amendment to Qu 5 to read:

*The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.*

*The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners.*

Amend description to read:

*Sainsbury's Supermarket is a large format grocer and general retail store on Commercial Road at Bath Street, offering a wide range of products and services including groceries, alcohol, newsagent, general retail (including clothing, home and electrical) and food to go. The store may also be a platform for innovations including parcel and click and collect services and it may house sections dedicated to brands within the Sainsbury's group.*

Amend premises name from Sainsbury's Store to Sainsbury's Supermarket

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

**\* 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.

\*\* 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.

<b>For use by the Licensing Board only Application checklist</b>	
<b>Date received</b>	<b>Documents</b>
<b>Fee amount</b>	<b>Premises Licence</b>
<b>Receipt number</b>	<b>Operating Plan</b>
<b>Received by (INITIALS)</b>	<b>Layout Plans</b>
<b>Consideration date</b>	<b>Planning Certificate</b>
<b>Last date for consideration</b>	<b>Building Standard Certificate</b>
<b>Date of initial hearing</b>	<b>Food Hygiene Certificate</b>
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

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**SCOTTISH BORDERS LICENSING BOARD**

**OPERATING PLAN – SB/PREM/484**

**Sainsbury Store, Commercial Road, 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>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>

**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>N/A</b>	<b>N/A</b>
<i>Tuesday</i>	<b>N/A</b>	<b>N/A</b>
<i>Wednesday</i>	<b>N/A</b>	<b>N/A</b>
<i>Thursday</i>	<b>N/A</b>	<b>N/A</b>
<i>Friday</i>	<b>N/A</b>	<b>N/A</b>
<i>Saturday</i>	<b>N/A</b>	<b>N/A</b>
<i>Sunday</i>	<b>N/A</b>	<b>N/A</b>

**Question 3**

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10.00AM	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	NO
---	----

\*If YES – provide details

--

**Question 5**

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

COL. 1 (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	NO	NO	NO
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</b> <b>core licensed hours –</b> <b>please confirm YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm YES/NO</b>
<i>Receptions including weddings, birthdays, retirements etc.</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Club or other group meetings etc.</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<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 YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm YES/NO</b>
<i>Recorded music –see 5(g)</i>	<b>NO</b>	<b>NO</b>	<b>NO</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</b> <b>core licensed hours –</b> <b>please confirm YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm 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</b> <b>core licensed hours –</b> <b>please confirm YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm 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.*

--

(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 a mixed range of food and non-food products with in-store bakery and various food counters (including a customer café) all during and outwith core hours together with the provision of ancillary customer services in addition to Off-Sales.**

**It is intended that the Premises will open Monday to Sunday 07:00 to 23:00, but opening and closing hours may fluctuate depending on demand.**

(g) Late night premises opening after 1.00am – **N/A**

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**

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

**CHILDREN AND YOUNG PERSONS – N/A**

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

**N/A**

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

**N/A**

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

**N/A**

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

**N/A**

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

**N/A**

### **Question 7**

**CAPACITY OF PREMISES**

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

**The display frontage area is 60 metres in length with a height of 1.8 metres giving a total capacity of 108 sq metres (see layout plan approved on 26 February 2010)**





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

### Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<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*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
--	----

*\*If YES – provide details*

N/A
-----

**Question 5**

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

<b>COL. 1</b> <i>5(a)</i> <b>Activity</b>	<b>COL. 2</b> <i>Please confirm</i> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity</b> <b>Social functions including:</b>	<i>Please confirm</i> <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>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<b>5(c) Activity</b> <b>Entertainment including:</b>	<i>Please confirm</i> <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>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO

<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<b>5(d)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b><i>YES/NO</i></b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b><i>YES/NO</i></b>
<i>Adult entertainment</i>	NO	NO	NO

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

Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7 am or after 11pm. .

5(f) any other activities

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

The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.

Parts of the premises may be operated by third party concessions eg dry-cleaner/shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/ tasting events and host community and charity events or events in conjunction with third party partners.

5(g) *Late night premises opening after 1.00am*

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	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*

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

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

N/A
-----

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

N/A
-----

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

N/A
-----

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

N/A
-----

**Question 7**

*CAPACITY OF PREMISES*

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

Off Sales – 108.00 m2

**Question 8**

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

*Personal details*

8(a) *Name*

Kirstyn Abbie Mitchell

8(b) *Date of birth*

██████████

8(c) *Contact address*

██████████  
██████████  
██████  
██████████

8(d) *Email address*

██

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2019	Fife Licensing Board	██████



**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: 13 July 2021

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

Telephone number and email address of signatory Tel: 0333 006 1203

Email: Stephen.Mcgowan@ttsolicitors.com

**\* 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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## 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.*

Sainsbury's SL Limited

33 Holborn  
London  
EC1N 2HT

#### Question 2

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

Sainsbury's Supermarket  
Pinnaclehill Industrial Estate  
Kelso  
TD5 8AW  
Licence Number: SB/PREM/466

#### Question 3

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

YES / NO\*

**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)*

See separate sheet

**Question 4**

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

**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 / NO\***

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

See separate sheet

**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.

***Proposed Premises Manager***

Name and telephone number

Date and place of birth

[Empty box for date and place of birth]

Contact address, including postcode

[Empty box for contact address]

Email address

[Empty box for 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.

[Empty box for date of variation]

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

Date 13 July 2021 .....

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

Telephone number and email address of signatory

Tel: 0333 006 1203 Email: Stephen.McGowan@ttsolicitors.com .....

**\* 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.

**Proposed variation – 2255 – Kelso, Scottish Borders – SB/PREM/466**

At Qu 5 – Addition of activities to include recorded music and live performances both within and outwith core hours.

At Column 4, the additional information box, add the following wording:

*Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm. The restaurant/café may open from 7am to provide breakfasts etc.*

Amendment to Qu 5 to read:

*The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.*

*The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners.*

Amend description to read:

*Sainsbury's Supermarket is a large format grocer and general retail store in the Pinnaclehill Industrial Estate at Maxwellheugh roundabout, offering a wide range of products and services including groceries, alcohol, newsagent, general retail (including clothing, home and electrical) and food to go. The store may also be a platform for innovations including parcel and click and collect services and it may house sections dedicated to brands within the Sainsbury's group.*

Amend premises name from Sainsbury's Store to Sainsbury's Supermarket

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

**\* 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.

\*\* 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.**

<b>For use by the Licensing Board only Application checklist</b>	
<b>Date received</b>	<b>Documents</b>
<b>Fee amount</b>	<b>Premises Licence</b>
<b>Receipt number</b>	<b>Operating Plan</b>
<b>Received by (INITIALS)</b>	<b>Layout Plans</b>
<b>Consideration date</b>	<b>Planning Certificate</b>
<b>Last date for consideration</b>	<b>Building Standard Certificate</b>
<b>Date of initial hearing</b>	<b>Food Hygiene Certificate</b>
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

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**SCOTTISH BORDERS LICENSING BOARD**

**OPERATING PLAN – SB/PREM/466**

**Sainsbury Store, Pinnaclehill Industrial Estate, Kelso**

**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

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
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	NO
---	----

\*If YES – provide details

--

**Question 5**

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

COL. 1 (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>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<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>	NO	NO	NO
<i>Live performance – see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<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>	NO	NO	NO
<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>	NO	NO	NO

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

**There is a shoppers' restaurant serving non-alcoholic drinks and snacks.**

(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 a mixed range of food and non-food products with in-store bakery and various food counters both during and outwith core hours together with the provision of ancillary customer services in addition to Off-Sales.**

**Opening and closing hours may fluctuate depending on demand.**

(g) Late night premises opening after 1.00am – **N/A**

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 – N/A**

(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 **TERMS** under which they will be allowed entry

**N/A**

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

**N/A**

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

**N/A**

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

**N/A**

**Question 7**

*CAPACITY OF PREMISES*

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

**117 sq metres (see layout plan approved on 06/01/2018)**

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

### Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<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*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
--	----

*\*If YES – provide details*

N/A
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**Question 5**

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

<b>COL. 1</b> <i>5(a)</i> <b>Activity</b>	<b>COL. 2</b> <i>Please confirm</i> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity</b> <b>Social functions including:</b>	<i>Please confirm</i> <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>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<b>5(c) Activity</b> <b>Entertainment including:</b>	<i>Please confirm</i> <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>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO

<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<b>5(d)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Adult entertainment</i>	NO	NO	NO

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

Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7 am or after 11pm. The restaurant/café may open from 7am to provide breakfasts etc.

*5(f) any other activities*

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

The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.

Parts of the premises may be operated by third party concessions eg dry-cleaner/shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/ tasting events and host community and charity events or events in conjunction with third party partners.

5(g) *Late night premises opening after 1.00am*

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	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*

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

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

N/A
-----

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

N/A
-----

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

N/A
-----

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

N/A
-----

**Question 7**

*CAPACITY OF PREMISES*

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

Off Sales – 117 m2

**Question 8**

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

*Personal details*

8(a) *Name*

Jamie O'Brien

8(b) *Date of birth*

██████████

8(c) *Contact address*

██████  
██████████  
██████████  
██████  
██████████  
██████████

8(d) *Email address*

[Manager.kelso@sainsburys.co.uk](mailto:Manager.kelso@sainsburys.co.uk)

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31 August 2013	Scottish Borders Licensing Board	██████████

**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: 13 July 2021

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

Telephone number and email address of signatory Tel: 0333 006 1203

Email: Stephen.Mcgowan@ttsolicitors.com

**\* 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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## 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.*

33 Holborn  
London  
EN1N 2HT

Sainsbury's SL Limited

#### Question 2

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

Sainsbury's Supermarket  
38 Northgate  
Peebles  
EH45 8RS  
Licence Number: SB/PREM/139

#### Question 3

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

YES / NO\*

**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)*

See separate sheet

**Question 4**

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

**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 / NO\***

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

See separate sheet

**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.

***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.

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

Date .....13 July 2021.....

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

Telephone number and email address of signatory

Tel: 0333 006 1203 Email: Stephen.McGowan@ttsolicitors.com.....

**\* 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.

**Proposed variation – 2139 – Peebles, Scottish Borders – SB/PREM/139**

At Qu 5 – Addition of activities to include recorded music and live performances both within and outwith core hours.

At Column 4, the additional information box, add the following wording:

*Recorded background and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm.*

Amendment to Qu 5 to read:

*The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be enforced from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by a third party concessions, eg dry cleaners, shoe repair facilities.*

*The premises may also, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners.*

Amend description to read:

*Sainsbury's Supermarket is a large format grocer and general retail store bounded by Northgate and Venlaw Road, offering a wide range of products and services including groceries, alcohol, newsagent, general retail (including clothing, home and electrical) and food to go. The store may also be a platform for innovations including parcel and click and collect services and it may house sections dedicated to brands within the Sainsbury's group.*

Amend premises name from Sainsbury Store to Sainsbury's Supermarket



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

**Question 2**

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	None	None
Tuesday	None	None
Wednesday	None	None
Thursday	None	None
Friday	None	None
Saturday	None	None
Sunday	None	none

**Question 3**

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

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

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
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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	No	No	No
Conference facilities	No	No	No
Restaurant facilities	No	No	No
Bar meals	No	No	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.	No	No	No
Club or other group meetings etc.	No	No	No

<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 YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm YES/NO</b>
<i>Recorded music –see 5(g)</i>	No	No	No
<i>Live performance – see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	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 YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm YES/NO</b>
<i>Outdoor drinking facilities</i>	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 YES/NO</b>	<b>Where activities are also to</b> <b>be provided outwith core</b> <b>licensed hours please</b> <b>confirm YES/NO</b>
<i>Adult entertainment</i>	No	No	No

*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 a mixed range of products with in-store bakery in addition to off sales, and ATM.

It is intended that the Premises will be open from 8.00am – 9.00pm Monday to Saturday and from 9.00am – 10.00pm on Sundays but opening and closing hours may fluctuate depending on demand.

See attached statement "Promotion of Licensing Objectives" in relation to the applicant's CCTV Policy.

*(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*

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

*CHILDREN AND YOUNG PERSONS*

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

*\*delete as appropriate*

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

--

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

--

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

--

<i>(e) Provide statement regarding the <b>PARTS</b> of the premises to which children and young persons will be allowed entry</i>
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**Question 7**

*CAPACITY OF PREMISES*

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

73.12 m <sup>2</sup>
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## 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>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>I(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<i>*Delete as appropriate</i>	

### Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<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*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
--	----

*\*If YES – provide details*

N/A
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**Question 5**

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

<b>COL. 1</b> <i>5(a)</i> <b>Activity</b>	<b>COL. 2</b> <i>Please confirm</i> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity</b> <b>Social functions including:</b>	<i>Please confirm</i> <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>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<b>5(c)</b> <b>Activity</b> <b>Entertainment including:</b>	<i>Please confirm</i> <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>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO

<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<b>5(d)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Adult entertainment</i>	NO	NO	NO

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

Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm.

*5(f) any other activities*

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

The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season.

Parts of the premises may be operated by third party concessions eg dry cleaners, shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/ tasting events and host community and charity events or events in conjunction with third party partners.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	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*

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

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

N/A
-----

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

N/A
-----

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

N/A
-----

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

N/A
-----

**Question 7**

*CAPACITY OF PREMISES*

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

Off Sales – 73.12 m2

**Question 8**

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

*Personal details*

8(a) *Name*

Richard Martin

8(b) *Date of birth*

██████████

8(c) *Contact address*

████████████████████  
██████████  
████████████████████  
██████████

8(d) *Email address*

██

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2019	Scottish Borders Licensing Board	██████████

**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: 13 July 2021

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

Telephone number and email address of signatory Tel: 0333 006 1203

Email: Stephen.Mcgowan@ttsolicitors.com

**\* 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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