

A MEETING of the SCOTTISH BORDERS LICENSING BOARD will be held on FRIDAY, 21 OCTOBER 2022 at 10.00 am. The meeting will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and will be a blended meeting in accordance with the Licensing (Scotland) Act 2005 and can be accessed remotely via Microsoft Teams.

**All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.**

J. J. WILKINSON,  
Clerk to the Council,

11 October 2022

<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 9 - 12) Minute of Meeting of 26 August 2022 for approval. (Copy attached.)
5.	<b>Licences dealt with under Delegated Powers</b> (Pages 13 - 26) (Copy attached.)
6.	<b>Licensing (Scotland) Act 2005:</b>
	<p>(a) <b>Section 20: Application for Premises Licence</b> (Pages 27 - 82)</p> <p>Consider the following applications for Grant/Provisional Grant of Premises Licence (applicants cited to attend.)(Copies attached.)</p> <p style="text-align: center;"><b>(i) Milne and Pickles Ltd</b></p> <p style="text-align: right;">Milne and Pickles 53 Northgate Peebles EH45 8BU</p>

**(Provisional)**

Proposed business activity - The premises are a retail terraced ground floor building. Retail properties neighbour on either side and residential flats above. The premises consist of ground floor delicatessen counter, display unit and a limited seating area. The basement consists of a staff toilet and storage area.

Licensed hours applied for:

ON SALE

Sunday to Saturday 11.00am – 10.00pm

OFF SALE

Sunday to Saturday 10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

**(ii) Tweedsmuir Community Company**

The Wee Crook

A701

TWEEDSMUIR

ML12 6QN

**(Provisional)**

Proposed Business Activity - The premises are a single floor detached steading adjacent to the former “Crook Inn” off the A701 between Edinburgh and Dumfries. The premises consist of small bar area, seated café/bistro and toilets. There is an external patio and garden area.

Licensed Hours applied for:

ON SALE

Sunday to Wednesday 11.00am – 12.00midnight

Thursday to Saturday 11.00am – 1.00am

OFF SALE

Sunday to Saturday 10.00am -

10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

**(iii) Mark Hailay**

Bird Gardens Scotland CIC

Oxton

Lauder

TD2 6RA

**(Provisional)**

Proposed Business Activity – The premises consist of the Visitor Centre for Bird Gardens Scotland and contains a café, toilets operations office and meeting room/classroom.

Licensed Hours applied for:

ON SALE

Monday to Sunday 11.00am – 12.00midnight

OFF SALE

Sunday to Saturday 10.00am – 10.00pm

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

**(iv) Durty Brewing Ltd**

5 Rodgers Road  
Riverside Industrial Estate  
Selkirk  
TD7 5DX  
**(Provisional)**

Proposed Business Activity – The premises is a small industrial warehouse and office unit within a larger secure yard. The ground floor area is used for storage space, with offices on the first floor. The ground floor area will be used in part as a despatch /distribution operation associated with the company brewing business, with the other part being used for storage associated with their other business. The proposal being to licence the unit as a despatch point to sell alcohol on an Off Sale basis only.

Licensed Hours applied for:

ON SALE

N/A

OFF SALE

Sunday to Saturday 10.00am – 10.00pm

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

**(b) Section 29: Application for Variation of Premises Licence**  
(Pages 83 - 134)

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

**(i) C J Lang & Son Limited**

Spar  
Lothian Road  
Jedburgh  
TD8 6L

Amendments to Operating Plan to include the following:-

- Q.5 – reference Column 4, be amended to read:-

‘The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. Gaming relates to National Lottery tickets/cards that can be purchased prior to core hours’.

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

‘The primary activity undertake in the premises is the general retail sale of the following:- groceries; confectionery; bread & cakes; crisps/snacks; non-foods; toiletries; frozen & chilled foods; fruit/vegetables/flowers; news & magazines; toys; tobacco & cigarettes; beers/ wines/spirits and other alcoholic products; non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click and collect. Home deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling and promotional activities’.

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

Health - none  
Other - none

**(ii) C J Lang & Son Limited**

Spar  
Marigold Bank  
Galashiels  
TD1

Amendments to Operating and Layout Plans to include the following:-

- Q.5 - the addition to the permitted activities (columns 2, 3 & 4) of the Operating Plan, to include gaming as an activity during and outwith core hours (to cover the use of the National Lottery outlet etc).
- Q.5 – reference Column 4, be amended to read:-  
'The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. Gaming relates to National Lottery tickets/cards that can be purchased prior to core hours'.
- Q.5(f) any other activities – be amended to read:-  
'The primary activity undertake in the premises is the general retail sale of the following:- groceries; confectionery; bread & cakes; crisps/snacks; non-foods; toiletries; frozen & chilled foods; fruit/vegetables/flowers; news & magazines; toys;tobacco & cigarettes; beers/ wines/spirits and other alcoholic products; non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click and collect. Home deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling and promotional activities'.
- Q.7 – an increase in the alcohol display area from 15.50<sup>m2</sup> to 21.40<sup>m2</sup>

Representations received:

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

**(iii) Yetholm Community Shop Ltd**

Yetholm Community Shop  
High Street  
Town Yetholm  
Kelso

Amendments to Licence, Operating and Layout Plans to include the following:-

- a change to the core Off Sale Hours –  

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
10.00am – 8.00pm Mon to Sun	10.00am – 10.00pm Mon to Sun
- a change to the internal layout of the premises following the shop refurbishment/refit, including an increase in the alcohol display area to 22.44<sup>m2</sup>

Representations received:

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

7.

**Festive Season Extended Hours Policy**

Consider festive season policy hours to be granted under delegated powers. (Copy report

	to follow).
8.	<b>Licensing Board - Review of Licensing Policy Statement</b> Consider appointment of Members to Working Group to review the Licensing Board's Statement of Licensing Policy.
9.	<b>Calendar of Meeting Days/Dates</b> Consider future meeting days and dates for the Licensing Board.
10.	<b>Any other items previously circulated</b>
11.	<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 M. Douglas (Convener), N. Richards, T. Weatherston, P. Brown, D. Parker, F. Sinclair, J. PatonDay, E. Small, and J. Cox

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Please direct any enquiries to Fiona Henderson Tele: 01835 826502  
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