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SCOTTISH BORDERS LICENSING BOARD FRIDAY, 18TH NOVEMBER, 2022

A MEETING of the SCOTTISH BORDERS LICENSING BOARD will be held on FRIDAY, 18 NOVEMBER 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.

N McKINLAY,
Clerk to the Licensing Board,

9 November 2022

BUSINESS	
1.	Apologies for Absence
2.	Order of Business
3.	Declarations of Interest
4.	Minute (Pages 5 - 12) Minute of Meeting of 21 October 2022 for approval. (Copy attached.)
5.	Licences dealt with under Delegated Powers (Pages 13 - 18) (Copy attached.)
6.	Annual Financial and Functions Report. (Pages 19 - 32) Consider report by the Clerk seeking approval of the Board's Financial and Functions Reports for 2021/22 for publication. (Copy attached.)
7.	Licensing (Scotland) Act 2005: (Pages 33 - 44) Section 29: Application for Variation of Premises Licence. Consider the following application for Variation of Premises Licence (applicants cited to attend.) (Copies attached)

(a) **Partnership of George & Mairi Maltman**

Fleet Bar
4 Masons Wynd
Eyemouth
TD14 5HG

Amendments to licence and operating plan, which include the following :-

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
12.30pm – 11.30pm Sun	11.00am – 12 midnight Sun to Wed
11.00am – 12 midnight Mon to Thurs	11.00am – 1.00am Thurs, Fri & Sat
11.00am – 1.00am Fri & Sat	
- a change to the core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
12.30pm – 10.00pm Sun	10.00am – 10.00pm Sun to Sat
11.00am – 10.00pm Mon to Sat	
- the addition of a seasonal variation at question 4 to read ‘Christmas Eve, Christmas Day, Boxing Day, New Year’s Eve and New Year’s Day open until 1.00am or within any other Licensing Board Policy’;
- the addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities, both within and outwith core hours;
- the addition to the permitted activities referred to in question 5 (column 4) of the Operating Plan, to include receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; recorded music; live performance; dance facilities; indoor/outdoor sports and televised sport, outwith core hours; and
- the addition of the terms/explanation at question 5(e) of the Operating Plan relating to the list of permitted activities (as to ‘Yes’ in column 4).

Representations received:

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

8. **Any other items previously circulated**

9. **Any other items which the Convener decides are Urgent**

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.

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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**SCOTTISH BORDERS COUNCIL
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the Council Chamber, Council HQ, Newtown St Boswells and via Microsoft Teams on 21 October 2022 at 10.00 am

- Present:- Councillors M. Douglas (Convener), J. Cox (from para 3.5), P. Brown, N. Richards, E. Small, F. Sinclair, T. Weatherston,
- Apologies:- Councillors D. Parker and J. PatonDay.
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officer - S. Lackenby, Sergeant R. Stark, Democratic Services Officer (F. Henderson).

1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 26 August 2022.

DECISION

APPROVED the minute for signature by the Convener.

2.0 LICENCES DEALT WITH UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 18 August – 6 October 2022.

DECISION

NOTED.

ORDER OF BUSINESS

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

DECLARATION OF INTEREST

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

3.0 LICENSING (SCOTLAND) ACT 2005:

- 3.1 Section 20: Application for Premises Licence.** Considered the following application for Grant/Provisional Grant of Premises Licence.

Mark Haillay

Bird Gardens Scotland CIC
Oxton
Lauder
TD2 6 RA
Provisional

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

There had been circulated copies of an application for the grant of a provisional premises licence together with the proposed Operating Plan and Layout Plan. Mr Michael Wynne, Licensing Standards and Enforcement Officer advised that the application referred to the Café/ Shop located on site. The proposal was to sell alcohol on an on sale basis in the café and an off sale basis in the shop. The applicant had been granted occasional licences in the past with no issues. The application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mr. Haillay, who joined the meeting in person. Mr Haillay explained that the while the licence was until midnight for on sale and 10 p.m. Off sales this would not be the case and the premises would be closed in the evenings.

DECISION

AGREED TO GRANT.

3.2 Milne and Pickles Ltd

Milne and Pickles
53 Northgate
Peebles
EH45 8BU
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 Officer - none.
Health - none.
Other - none.

There had been circulated copies of an application for the grant of a provisional premises licence together with the proposed Operating Plan and Layout Plan. Mr Michael Wynne, Licensing Standards and Enforcement Officer advised that the application referred to the

premises on Northgate, Peebles which was run as a delicatessen with limited seating area serving cheese boards and chacuterie. The proposal was to sell alcohol on an off sale and on sale basis. The applicant had been granted occasional licences in the past with no issues. The application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Julie McLean and Lorna Gould, who joined the meeting via Microsoft Teams. Julie McLean explained that the premises had been open for three months, had been busy and was working well.

**DECISION
AGREED TO GRANT.**

3.3 Tweedsmuir Community Company
The Wee Crook
A701
TWEEDSMUIR
M1126QN
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 consisted of small bar area, seated café/bistro and toilets. There was an external patio and garden area.

Licenced 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 – 10.00 p.m.

Representations received:

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

There had been circulated copies of an application for the grant of a provisional premises licence together with the proposed Operating Plan and Layout Plan. Mr Michael Wynne, Licensing Standards and Enforcement Officer advised that the application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mr Parker, who joined the meeting via Microsoft Teams. Mr Parker explained that the building was community owned and was about getting people in the community together.

**DECISION
AGREED TO GRANT.**

3.4 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

There had been circulated copies of an application for the grant of a provisional premises licence together with the proposed Operating Plan and Layout Plan. Mr Michael Wynne, Licensing Standards and Enforcement Officer advised that the proposal was to sell alcohol on an off sale basis. The application was within policy and no objections had been received. Police Scotland had no comments. In response to a question about restrictions, Mr Wynne confirmed that orders had to be received by 10 p.m.

The Convener welcomed Mr Paul McGreal, who joined the meeting via Microsoft Teams. Mr McGreal explained that the licence was required to dispatch beers via courier from the warehouse at Riverside Industrial Estate, Selkirk.

DECISION AGREED TO GRANT.

MEMBER

Councillor Cox joined the meeting.

3.5 Section 29: Application for a Variation of Premises Licence

Considered the following applications for Variation of Premises Licence:

(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 undertaken 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^{m²} to 21.40^{m²}

Representations received:

Police Scotland – none
Licensing Standards Enforcement Officer – none
Health – none.
Other - none.

There had been circulated copies of applications for the variation of premises licence together with current and proposed Operating Plan and the Members agreed to consider the applications together. Mr Wynne explained that the variations for each premises were detailed above and would bring the operating plans up to date. The variations were within policy and no objections had been received. Police Scotland had no comments.

The Convenor welcomed Lynne Simpson, TLT Solicitors representing the Applicant. Ms Simpson explained that following a business wide review, the display units had changed and therefore the amount of alcohol for sale had increased.

**DECISION
AGREED TO GRANT.**

3.6 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^m²

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other - none

There had been circulated copies of an application for the variation of premises licence together with current and proposed Operating Plan. Mr Wynne explained that the application sought to amend the operating hours to allow flexibility and allow for the increase in the alcohol display area following some refurbishment. The variations were within policy and no objections had been received. Police Scotland had no comments.

The Convenor welcomed Mr Thurst, Chairman of Management Committee to the meeting. Mr Thurst explained that the shop had undergone a community buyout and following some renovations to change the layout, the alcohol display area had been increased. Mr Thurst further explained that whilst the hours were to 10 p.m. there was no intention to open the shop until 10 p.m.

DECISION

AGREED TO GRANT.

4.0 FESTIVE SEASON EXTENDED HOURS POLICY

- 4.1 There had been circulated copies of a letter which detailed proposed extensions for festive season opening hours. Mr Wynne explained that most licenced premises include seasonal variations in the Operating Plans allowing a closing time up to 1.00am on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. The Festive season for 2022-23, Christmas Eve and New Year's Eve were on Saturdays, Christmas Day and New Years' Day being on a Sunday with Boxing Day being on a Monday. In relation to Christmas Eve, New Years' Eve and Boxing Day, as in previous years, it was proposed to allow the premises who do not have this seasonal variation, to apply for an extension to their core hours up to the same terminal hour (1am) on these days and for those applications to be dealt with under delegated powers where no other objections or representations were received. Where applications attract objections or representations, these would be referred to the Board for a decision as required by legislation. In addition, it was proposed that the same policy be applied to events being catered for in unlicensed premises by way of Occasional Licences.

4.2 As in previous years and with regard to consistency, it was proposed that nightclub premises be allowed to apply for extensions to their existing hours on Boxing Day allowing them to trade to their usual core weekend hours. This preserved the normal weekend time differential between specific late night venues and other licensed premises. Any extended hours applications for Boxing Day could be dealt with under delegated powers only where no objections or representations were received. In a case of an application attracting objections or representations, it would be referred to the Board for a decision as required by legislation. Any applications for a terminal hour other than for the days or late times stated above would be referred to the Board for a decision on their own individual merits.

DECISION

AGREED that:-

- (a) In relation to Boxing Day, premises who do not have the seasonal variation, be allowed to apply for an extension to their core hours up to the same terminal hour (1am) on this day;**
- (b) that the same policy be applied to events being catered for in unlicensed premises by way of Occasional Licences;**
- (c) Night Club premises be allowed to apply for extensions to their existing hours on Boxing Day allowing them to trade to their usual core weekend hours;**
- (d) Authority to grant the above Licence be delegated to Licensing Officers; and**
- (e) Any applications for a terminal hour other than for the days or late times stated above would be referred to the Board for a decision on their own individual merits.**

5.0 REVIEW OF STATEMENT OF LICENSING POLICY

The Clerk sought nominations for a short term Working Group to review the existing Statement of Licensing Policy. He explained it was a statutory requirement for a new Policy to be adopted within 18 months following the appointment of a new Licensing Board, including a three month public consultation period.

DECISION

AGREED that:-

- (i) a short term Working Group be established to include the following Members:-**

**Councillor Marshall
Councillor Weatherston
Councillor Brown**

- (ii) Working Group meeting dates will be confirmed at the next meeting**

6.0 CALENDAR OF MEETING DAYS/DATES

With reference to paragraph 11 of the Scottish Borders Council Minute of 22 September 2022, the Clerk advised that the proposal was to move the meetings of the Licensing Board

and Civic Government Committee meetings to Wednesday instead of Friday. However this would result in one Member being unavailable and a replacement requiring to be trained at a cost of £495. Following discussion, the Members unanimously agreed to continue to meet on Fridays.

DECISION

AGREED:-

(a) that the meetings of the Licensing Board and Civic Government Licensing Committee remain a Friday; and

(b) The meetings dates as follows:-

Friday, 18 November 2022

Friday, 16 December 2022

Friday, 27 January 2023

Friday, 24 February 2023

Friday, 31 March 2023

Friday, 28 April 2023

Friday, 26 May 2023

Friday, 23 June 2023

Friday, 21 July 2023

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision or to keep Members informed.

7.0 MEMBERSHIP OF LICENSING FORUM

Mr Wynne Licensing Standards and Enforcement Officers reported that it was a legal requirement to maintain a Licensing Forum and until recently Scottish Borders Council had a thriving Licensing Forum. Through COVID the numbers had dwindled for a number of reasons, although still quorate, the Forum was seeking new Members. Despite two media campaigns the recruitment had been unsuccessful. Mr Wynne was therefore seeking assistance from elected members to encourage suitable candidates to apply. It was suggested that advertisement through the Area Partnerships may be beneficial also.

DECISION

AGREED that Mr Wynne circulate to Elected Members and Area Partnerships information about the work of the Licensing Forum and becoming a member.

The meeting concluded at 10.37 a.m.

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

07 October 2022 - 01 November 2022

NAME OF APPLICANT	LICENCE TYPE	LICENCE DETAILS	VENUE
Tontine Operations Limited	SEC33	Transfer of Premises Licence	Tontine Hotel, Peebles
Tontine Operations Limited	SUBDPM	Substitution of Designated Premises Manager - Kirsten Van Wyk	Tontine Hotel, Peebles
J D Wetherspoon (Scot) Limited	SUBDPM	Substitution of Designated Premises Manager - Liam Bryce	Cross Keys Hotel , Peebles
Yvette Jelfs	PERLIC	Personal Licence - Grant	N/A
James Bell	PERLIC	Personal Licence - Grant	N/A
Owen James	PERLIC	Personal Licence - Grant	N/A
Susan Kerr	PERLIC	Personal Licence - Grant	N/A
Megan Smith	PERLIC	Personal Licence - Grant	N/A
Victoria Roberts	PERLIC	Personal Licence - Grant	N/A
Gordon McAulay	PERLIC	Personal Licence - Grant	N/A
Jennifer Cuthbert	PERLIC	Personal Licence - Grant	N/A
Gordon Donald	PERLIC	Personal Licence - Grant	N/A
Gala Rugby Football Club	OCCLIC	Occasional Licence - Gala RFC v Kelso - Outside Bar Facility Saturday, 15 October 2022 - 1.00pm - 9.00pm	Netherdale, Galashiels
Jedburgh Bowling Club	OCCLIC	Occasional Licence - Funeral Tea Friday 28 October 2022 2.30pm - 6.00pm	Allars Mill, Jedburgh
Lodge St Ronans No.856 Social Club	OCCLIC	Occasional Licence - Funeral Tea Wednesday 19 October 2022 12.30pm - 11.00pm	Masonic Hall , Innerleithen
Portzim Limited	OCCLIC	Occasional Licence - additional/extended area for Restaurant Facilities, Entertainment and Functions Friday 28 October 2022 - Thursday 11 November 2022 (Sundays to Thursdays 12:00 noon - 12midnight; Fridays and Saturdays 12:00 noon to 1.00am)	Lilliardsedge Holiday Park, Jedburgh
St John Masonic Hall	OCCLIC	Occasional Licence - Social evening Friday 2 December 2022 - 7.30pm - 11.30pm	Masonic Hall, Coldstream
Vivien McDonald	OCCLIC	Occasional Licence - Wedding Reception Live Band and Disco Friday 21st October 2022 12.00noon - 1.00am	Runningburn Farm , Stichill
Vivien McDonald	OCCLIC	Occasional Licence - Wedding Reception - Ceilidh/Disco Saturday, 22 October 2022 6.00pm - 1.00am	Corn Exchange , Melrose
Yetholm Community Shop Limited	OCCLIC	Occasional Licence - Yetholm Community Shop (temporary relocation of shop due to refurbishment) Monday 24th October to Sunday 6th November 2022 - 10.00am - 10.00pm	Yetholm Youth Hall , Town Yetholm
Yetholm Community Shop Limited	OCCLIC	Occasional Licence - Yetholm Community Shop (temporary relocation of shop due to refurbishment) Monday 7th November to Sunday 20th November 2022 - 10.00am - 10.00pm	Yetholm Youth Hall , Town Yetholm
Aileen Dyer	OCCLPH	Occasional Licence - Peebles Christmas Light Switch On Sunday 27 November 2022 3.00pm - 7.00pm	High Street, Peebles

Agenda Item 5

Alison King	OCCPLH	Occasional Licence - Wedding Saturday 22 October 2022 1:00pm - 1:00am	Paxton House, Paxton
Allan Walker	OCCPLH	Occasional Licence - Sale of Artisan Spirits made by Selkirk Distillers Saturday 5 November 2022 - 10.00am - 2.00pm	Market Stall, Selkirk
Andreas Joachim Scheib	OCCPLH	Occasional Licence - Pop up Bar Saturday 15 October 11:00am - 10:00pm	Broughton Place, Broughton
Andrew Anderson	OCCPLH	Occasional Licence - Entertainment - Disco Saturday 8 October 2022 - 7.00pm - 11.30pm	Community Centre, Chirnside
Angus MacPherson	OCCPLH	Occasional Licence - Celebration of Life Saturday, 29 October 2022 - 5.00pm - 12.30am	Memorial Hall, Innerleithen
Angus MacPherson	OCCPLH	Occasional Licence - Blondie Tribute Act Saturday 26 November 2022 - 5.00pm - 12.30am	Memorial Hall, Innerleithen
Angus MacPherson	OCCPLH	Occasional Licence - Wedding Reception and Disco Saturday, 10 December 2022 - 3.00pm - 1.00am	Memorial Hall, Innerleithen
Angus MacPherson	OCCPLH	Occasional Licence - Wedding Reception Saturday, 31 December 2022 - 6.00pm - 1.00am	Memorial Hall, Innerleithen
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 5 November 2022 10.00am - 12.30pm	Market Stall, West Linton
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Thursday 24 November 2022 5.30pm - 8.30pm	Market Stall, West Linton
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 26 November 2022 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Sunday 27 November 2022 3.00pm - 7.00pm	High Street, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 3 December 2022 10.00am - 12.30pm	Market Stall, West Linton
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 3 December 2022 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 10 December 2022 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 5 November 2022 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 12 November 2022 10.00am - 3.00pm	Eastgate, Peebles
Ben Glasgow	OCCPLH	Occasional Licence - Sale of Vodka and Gin Products Saturday 19 November 2022 10.00am - 3.00pm	Eastgate, Peebles
Christopher Harrison	OCCPLH	Occasional Licence - Craft Fair Thursday 20th, Friday 21st, Saturday, 22nd and Sunday 23rd October 2022 - 11.00am - 5.00pm every day	Village Hall, Newcastleton
Christopher Lightfoot	OCCPLH	Occasional Licence - National Hunt Horse Racing Meeting - After Race Meeting Party / Entertainment Saturday 22 October 2022 - 5.00pm - 11.00pm	Race Course, Kelso
Donald Moffat	OCCPLH	Occasional Licence - Wedding Saturday 8 October 2022 - 4.00pm - 12.00midnight	Paxton House, Paxton

Donna Wilkinson	OCCPLH	Occasional Licence - ABBA Tribute night Saturday, 29 October 2022 - 7.00pm - 1.00am	Volunteer Hall, Galashiels
Douglas McKechnie	OCCPLH	Occasional Licence - Wedding Monday, 31 October 2022 6.00pm - 12.00midnight	Kippielaw House, Melrose
Fabiano Furlan	OCCPLH	Occasional Licence - Cafe/Bistro - Creative Borders Friday 4 November to Thursday 17 November 2022 - 11.00am to 9.00pm	Creative Borders , Galashiels
Fabiano Furlan	OCCPLH	Occasional Licence - Cafe/Bistro - Creative Borders Friday 21 October to Thursday 3 November 2022 - 11.00am to 9.00pm	Creative Borders , Galashiels
Fraser Wright	OCCPLH	Occasional Licence - Tapas Days Friday 9 December and Saturday 10 December 2022 - 12.00noon - 12.00midnight	Maxwells , Duns
Graeme Cannon	OCCPLH	Occasional Licence - Wedding Friday 28th October 2022 - 1.00pm - 1.00am	Trowknowes Farm, Hawick
Graeme Cannon	OCCPLH	Occasional Licence - Fun Bingo Night and DJ Saturday, 29th October 2022 - 6.30pm - 1.00am	Town Hall, Hawick
James Henderson	OCCPLH	Occasional Licence - Bonfire Night Saturday 5 November 2022 - 5.00pm - 10.00pm	Springwood Park, Kelso
Jim McDevitt	OCCPLH	Occasional Licence - AHFD 10th Birthday Party Friday 14th October 2022 6:30pm - 10:00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Murder Mystery live interactive theatre Saturday 15th October 2022 6:30pm - 11.30pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Jazz in the Village Saturday 29 October 2022 - 7.00pm - 11.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Polwarth Kirk Plans, Public Meeting Tuesday 1st November 2022 - 5.30pm - 8.30pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - Community Cinema Evening Friday, 4 November 2022 7.00pm - 11.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Duns Players performance of Not About Heroes Wednesday, 9 November 2022 - Saturday 12 November 2022 2022 - 6.30pm - 11.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Berwickshire Civic Society AGM Tuesday 15 November 2022 - 6.30pm - 9.30pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - U3A Wine tasting evening Friday 18 November 2022 - 6.00pm - 10.00pm	Volunteer Hall, Duns
Jim McDevitt	OCCPLH	Occasional Licence - A Heart of Duns - Annual General Meeting (AGM) Monday 14 November 2022 - 6.00pm - 9.00pm	Volunteer Hall, Duns
Julie McLean	OCCPLH	Occasional Licence - Promotional Beauty Evening Tuesday 1 November 2022 - 6.00pm - 9.00pm	Milne and Pickles, Peebles
Julie McLean	OCCPLH	Occasional Licence - Two Sessions for Wine Tasting Event Thursday, 1 December 2022 - 5.00pm - 9.00pm	Milne and Pickles, Peebles
Lukasz Jaworski	OCCPLH	Occasional Licence - Grocery/Convenience Store Monday, 17 October 2022 - Sunday, 30 October 2022 Monday to Saturday - 10.00am to 7.00pm; and Sunday - 11.00am to 6.00pm	Continental Foods, Galashiels
Moira Dalglish	OCCPLH	Occasional Licence - National Hunt Horse Racing Meeting Saturday, 22 October 2022 11.00am - 6.15pm	Race Course, Kelso

Moira Dalglish	OCCPLH	Occasional Licence - National Hunt Horse Racing Meeting Saturday, 5 November 2022 11.00am - 5:00pm	Race Course, Kelso
Neil Clunie	OCCPLH	Occasional Licence - Birthday Party Saturday 5 November 2022 - 6.00pm - 12.30am	Newlands Community Centre, Newlands
Neil Clunie	OCCPLH	Occasional Licence - Hogmany Family Ceilidh Saturday 31 December 2022 - 6.00pm - 1.00am	Newlands Community Centre, Newlands
Nicholas Bullard	OCCPLH	Occasional Licence - Whisky Market stall Thursday, 24 November 2022 - 5.00pm - 9.00pm	Market Stall, West Linton
Nicholas Bullard	OCCPLH	Occasional Licence - Whisky Market stall Saturday, 3 December 2022 - 10.00am - 2.30pm	Market Stall, West Linton
Paul McGreal	OCCPLH	Occasional Licence - Online Orders / Canned Beer Dispatch Operation Monday 10 October 2022 - Sunday 23 October 2022 10.00am - 10.00pm	Durty Brewing, Selkirk
Paul McGreal	OCCPLH	Occasional Licence - Online Orders / Canned Beer Dispatch Operation Monday 24 October 2022 - Sunday 6 November 2022 10.00am - 10.00pm	Durty Brewing, Selkirk
Paul McGreal	OCCPLH	Occasional Licence - Online Orders / Canned Beer Dispatch Operation Monday 7 November 2022 - Sunday 20 November 2022 10.00am - 10.00pm	Durty Brewing, Selkirk
Pauline Drysdale	OCCPLH	Occasional Licence - Farm Shop Wednesday 5 October - Tuesday 18 October 2022 10:00am - 5:00pm	Mr Neep, Cockburnspath
Pauline Drysdale	OCCPLH	Occasional Licence - Farm Shop Wednesday 04 November - Tuesday 17 November 2022 10:00am - 5:00pm	Mr Neep, Cockburnspath
Pauline Drysdale	OCCPLH	Occasional Licence - Farm Shop Wednesday 19 October - Tuesday 03 November 2022 10:00am - 5:00pm	Mr Neep, Cockburnspath
Peter Allan	OCCPLH	Occasional Licence - National Hunt Horse Race Meeting Saturday 22 October 2022 11.00am - 8.00pm	Race Course, Kelso
Peter Allan	OCCPLH	Occasional Licence - National Hunt Horse Race Meeting Saturday 5 November 2022 11.00am - 7.00pm	Race Course, Kelso
Rebecca Waldie	OCCPLH	Occasional Licence - Live Music Event (Scotland On Tour Initiative) Saturday, 29 October 2022 - 7.00pm - 11.00pm	Town Hall, Jedburgh
Simon Rutherford	OCCPLH	Occasional Licence - Wedding Monday 31 October 2022 10.00am - 1.00pm	Neidpath Castle, Peebles
Tabatha McCree-Cox	OCCPLH	Occasional Licence - Sampling and Off Sales for Gin and Hand Sanitiser Products Saturday 5 November 2022 10.00am - 1.00pm	Market Stall, West Linton
Yvonne Sinclair	OCCPLH	Occasional Licence - Tap Day Saturday 5th Novemeber 2022 12:00noon - 10.00pm	Aye Been Brewing Company , Eyemouth
Selkirk Musical Theatre Company	OCCVOL	Occasional Licence - Selection of Musical numbers performed by company members Friday 21st and Saturday 22 October 2022 6.30pm - 10.30pm	Victoria Halls, Selkirk
Ashkirk Village Hall	OCCVOL	Occasional Licence - Jazz evening with amplified music Friday 28 October 2022 5.30pm - 11.30pm	Village Hall, Ashkirk
Border Federation Of Young Farmers	OCCVOL	Occasional Licence - Halloween Party Friday 28 October 2022 - 7.00pm - 12.30am	Village Hall, Westruther
Gavinton Village Hall	OCCVOL	Occasional Licence - Community Cinema - Petite Maman Friday 28 October 2022 - 6.30pm - 10.30pm	Village Hall, Gavinton
Lauderdale Hunt Supporters Club	OCCVOL	Occasional Licence - Talk Thursday 20 October 2022 -6.30pm - 9.30pm	Village Hall, Fountainhall

Blainslie Village Hall	OCCVOL	Occasional Licence - Community Quiz Night Saturday 22 October 2022 - 6.30pm - 11.00pm	Village Hall, Blainslie
Gattonside Village Hall Committee	OCCVOL	Occasional Licence - Bonfire/Halloween Event with Fireworks Saturday, 29 October 2022 - 6.00pm - 9.00pm	Village Hall, Gattonside
Redpath Village Hall	OCCVOL	Occasional Licence - Fundraising event Friday 28 October 2022 - 7.30pm - 11.00pm	Village Hall, Redpath
Fountainhall Village Hall Committee	OCCVOL	Occasional Licence - Halloween Celebrations with Bar Saturday 29 October 2022 7:00 - 12:00midnight	Village Hall, Fountainhall
Yetholm And District Community Council	OCCVOL	Occasional Licence - Town Fair Saturday, 22 October 2022 12.00noon - 8.00pm	Village Green, Town Yetholm
Denholm Folk Festival	OCCVOL	Occasional Licence - Folk Music Concert Performances Friday, 4th November and Saturday, 5th November 2022 - 7.00pm - 1.00am	Village Hall, Denholm
Cheviot Churches	OCCVOL	Occasional Licence - Male Voice Choir Concert Saturday 29 October 2022 7.00pm - 10.00pm	Yetholm Parish Church, Kirk Yetholm
MacFie Hall Committee	OCCVOL	Occasional Licence - Jazz Evening with live band Saturday 26 November 2022 7.00pm - 10.00pm	Macfie Hall, Heriot
Kelso Music Society	OCCVOL	Occasional Licence - Pianist Sunday, 30 October 2022- 8.00pm - 10.00pm	Kelso Old Parish Church, Kelso
Buccleuch Supporters Club	OCCVOL	Occasional Licence - Live Band with Dancing Saturday 5 November 2022 - 8.00pm - 12.00midnight	Currie Memorial Hall, Lilliesleaf
Kirkhope Parish Hall Committee	OCCVOL	Occasional Licence - Ian Lowthian Concert and Ceilidh Saturday, 12 November 2022 7.30pm - 11.00pm	Village Hall, Kirkhope
Teviotdale Young Farmers Club	OCCVOL	Occasional Licence - Teviotdale Young Farmers Quiz Night Friday 11 November 2022 7.00pm - 12.00midnight	Laidlaw Memorial Hall, Bonchester Bridge

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SCOTTISH BORDERS LICENSING BOARD FUNCTIONS AND FINANCIAL REPORTS 2021/2022

Report by the Clerk to the Licensing Board

SCOTTISH BORDERS LICENSING BOARD

18 NOVEMBER 2022

1 PURPOSE AND SUMMARY

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 2021 to 31 March 2022.
- 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 2021 to 31 March 2022.
- 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 impact of the Covid-19 pandemic which in the previous year had had a major impact on the Board’s income abated slightly during the year as the Licensed trade began to recover. In particular, the number of Occasional Licence applications received greatly increased during the period from the previous year.
- 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 Implications

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 further scrutiny of its income and expenditure.

4.3 **Equalities Impact Assessment**

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religious belief arising from the proposals contained in this report.

4.4 **Sustainable Development Goals**

There are no sustainable development goals arising from the proposals contained in this report.

4.5 **Climate Change**

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

4.6 **Rural Proofing**

There are no rural proofing impacts 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**

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the recommendations in this report

5 **CONSULTATION**

- 5.1 The Director (Finance and Corporate Governance), the Monitoring Officer/ Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People, Performance and Change), the Clerk to the Council and Corporate Communications have been consulted and any comments received have been 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. 01835 826764

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

Scottish Borders Licensing Board – 18 November 2022

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 2021 - 31 MARCH 2022**

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 or 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 2021 to 31 March 2022 the Board met 11 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 10 new Premises License and 765 Occasional Licences were issued by the Board during the period. 121 of the Occasional licences were granted to voluntary organisations. The Board also considered 13 applications to vary Premises Licences. This included both major variations which must be determined by the Board and applications which attracted objections or representations. In addition, 7 minor variation applications, 14 Section 33 transfer applications and 2 Section 34 transfer applications were dealt with.
- 8.2 The Board arranged a review hearing in respect of 1 premises licence during the period. This was in connection with a review request received from the Council's Environmental Health section relating to noise issues and seeking a variation to the premises licence to add a noise related condition. Following the review hearing the Board decided that no action was required.
- 8.3 The Board received 117 new Personal Licence applications and 12 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

Unfortunately due to Covid restrictions and the resignation of three forum members, the Licensing Forum had not been able to meet during the year. A recruitment drive was carried out in January 2022 but had proven to be unsuccessful. Further consideration is currently being given as to how new members can be recruited. Despite this, the Forum held its annual joint meeting with the Board on 30 November 2021. 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.

9.2 Impact of Covid-19 Pandemic

During the period, the impact of the Covid-19 pandemic began to lessen on the Licensed trade and as a result the number of applications received began to increase during the period. In particular the number of Occasional Licence applications received increased from 88 to 765.

9.3 Licensing Team

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

Legal and Licensing Team. During the period, partly due to retirement and partly due to a resignation, three experienced officers left their posts. The unit currently consists of, three Licensing Standards and Enforcement Officers and two Licensing Officers 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. 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: 2021/22**

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 2022 due to the coronavirus pandemic. This report has been prepared using financial data taken for year ending 31 March 2022.

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:

Income¹:	
Premises inc	
Annual Fees	£140,810
Extensions/Variations/Transfers/Personal	£7490
Occasional Licences	£7650
Total	£155,950
Direct Staff Costs²:	
Licensing Standards Enforcement Officers	£30,832
Licensing Services	£43,395
Legal Services	£66,332
Total	£140,559
Other Direct Costs³:	
Board Members	£3,363
Transport Costs, Members	£0
Transport Costs, Officers	£0
IT Software Licences	£2,981
Postages	£3,775
Committee Members	£705
Total	£10,824
Indirect Costs⁴:	
Apportionment of central admin costs	£21,201

Net Income – Expenditure**- £16,634**

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

**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.

Partnership of George Maltman & Mairi Maltman, [REDACTED]
[REDACTED]

Question 2

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

Fleet Bar
4 Masons Wynd
Eyemouth

TD14 5HG
22
SB/PREM/[REDACTED]

Question 3

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

YES

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

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

Question 2
Change on Sales hours – Thursday 11.00am till 12 Midnight to 11.00am to 1.00am,
Change Sunday 12.30pm till 11.30pm to 11.00am till 12 midnight

Question 3
Change off sale hours from Monday to Saturday 11.00am till 10.00pm to 10.00am till 10.00pm. Change Sunday 12.30 pm till 10.00pm to 10.00am till 10.00pm.

Question 4

Change seasonal variation from No to Yes and include wording 'Christmas Eve, Christmas Day, New Years Eve and New Years Day open until 1.00am or within Board Policy.'

Question 5

Change Conference facilities from NO in columns 2,3,4 to YES in columns 2,3,4
Change Films from NO in columns 2,3,4 to YES in columns 2,3,4
Change Receptions etc from NO in column 4 to YES in column 4
Change Group Meetings from NO in column 4 to YES in column 4
Change Recorded Music from NO in column 4 to YES in column 4
Change Live Performance from NO in column 4 to YES in column 4
Change Dance facilities from NO in column 4 to YES in column 4
Change Indoor/Outdoor Sports from NO in column 4 to YES in column 4
Change Televised Sport from NO in column 4 to YES in column 4

Add wording in respect of column 4 to include 'May commence prior to core hours but will not extend beyond without the application of an extended hours licence'

Question 4

Do you propose a variation to the layout plan contained in the licence? NO

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

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

Question 5

Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification? NO

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

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.

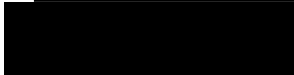
The contents of this Application are true to the best of my knowledge and belief.

Signature



*(see note below)

Date:



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

Telephone number and email address of signatory:



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

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

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

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

Please retain for your records

Scottish Borders Licensing Board

PRIVACY NOTICE – LIQUOR LICENCES

What information do we need?

The Scottish Borders Licensing Board will act as the 'Data Controller' for the personal data you provide to us. The information held by the Licensing Board is managed by employees of Scottish Borders Council, and contained within Scottish Borders Council systems. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:



SCOTTISH BORDERS LICENSING BOARD

OPERATING PLAN - SB/PREM/22

The Fleet Bar, 4 Masons Wynd, Eyemouth

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

Question 1

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

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

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
<i>Monday</i>	11.00am	12.00midnight
<i>Tuesday</i>	11.00am	12.00midnight
<i>Wednesday</i>	11.00am	12.00midnight
<i>Thursday</i>	11.00am	12.00midnight
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	12.30pm	11.30pm

Question 3

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	12.30pm	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

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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

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, funerals, birthdays, retirements etc.	Yes	Yes	No

<i>Club or other group meetings etc.</i>	Yes	Yes	No
(c) Activity Entertainment 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
<i>Recorded music –see 5(g)</i>	Yes	Yes	No
<i>Live performance – see 5(g)</i>	Yes	Yes	No
<i>Dance facilities</i>	Yes	Yes	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	Yes	Yes	No
<i>Indoor/outdoor sports</i>	Yes	Yes	No
<i>Televised Sport</i>	Yes	Yes	No
(d) Activity	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
<i>Outdoor drinking facilities</i>	No	No	No
(e) Activity	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
<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.

(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?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
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*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
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(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 allowed entry when accompanied by a responsible adult for the purpose of a pre-arranged private function.

(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

Children and Young Persons allowed entry for the duration of any function.

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

First floor lounge/function room.
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Question 7

CAPACITY OF PREMISES

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

140

SCOTTISH BORDERS LICENSING BOARD

**OPERATING PLAN - SB/PREM/22
The Fleet Bar, 4 Masons Wynd, Eyemouth**

Regulatory Services

- 4 OCT 2022

Legal & Licensing

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

Question 1

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

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

Question 2

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

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

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	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 **YES**

*If YES – provide details

Christmas Eve, Christmas Day, New Years Eve and New Years Day open until 1.00am or within Board Policy.

Question 5

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

COL 1 (a) Activity	COL 2 Please confirm YES/NO	COL 3 To be provided during core licensed hours – please confirm YES/NO	COL 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	No	No	No
Conference facilities	Yes	Yes	Yes
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, funerals, birthdays, retirements etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
(c) Activity Entertainment 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
Recorded music – see 5(g)	Yes	Yes	Yes
Live performance – see 5(g)	Yes	Yes	Yes
Dance facilities	Yes	Yes	Yes
Theatre	No	No	No
Films	Yes	Yes	Yes
Gaming	Yes	Yes	No
Indoor/outdoor sports	Yes	Yes	Yes
Televised Sport	Yes	Yes	Yes
(d) Activity	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
Outdoor drinking facilities	No	No	No
(e) Activity	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

Adult entertainment	No	No	No
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

May commence prior to core hours but will not extend beyond without the application of an extended hours licence

(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.

n/a

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

Where you have confirmed that you are providing live or recorded music, will the decibal level exceed 85dB? YES/NO*

When fully occupied, are there likely to be more customers standing than seated? YES/NO*

*delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

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Children and Young Persons allowed entry for the duration of any function.

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

First floor lounge/function room.

Question 7

CAPACITY OF PREMISES

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

140

Question 8

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

Personal details

(a) Name

George D Maltman

(b) Date of birth

[REDACTED]

(c) Contact address

[REDACTED]

(d) Telephone number and e-mail address

[REDACTED]

(e) Personal licence

Date of issue	Name of Licensing Board issuing	Ref number of personal licence
[REDACTED]	[REDACTED]	[REDACTED]

The Fleet Bar, Eyemouth – P/Ship of G & M Maltman – Transfer of Premises Licence (03/05/2022) & Sub DPM (16/05/2022)

[REDACTED]