

SCOTTISH BORDERS COUNCIL LICENSING BOARD

MINUTES of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and via Microsoft teams on Friday, 16 December 2022 at 10.00 am

Present:- Councillors M. Douglas (Convener), J. Cox, D. Parker, J. Paton Day, P. Brown, N. Richards, E. Small, F. Sinclair, T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S. Aitchison (Police Scotland), Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 18 November 2022.

DECISION

APPROVED the minute for signature by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 2 November - 2 December 2022.

DECISION

NOTED.

LICENSING (SCOTLAND) ACT 2005

3.0 **Section 20: Application for Premises Licence**

Consider the following applications for Grant/Provisional Grant of Premises Licence

(i) Lidl Great Britain Ltd

Lidl Supermarket
Tweedbank Industrial Estate
Tweedbank Drive
Tweedbank
TD1 3RS
(Provisional)

Amendments to Operating Plan to include the following:-

- Q.5(c) - the removal of gaming as a permitted activity.
- Q.5(c) - the addition to the permitted activities (columns 2, 3 & 4) of the Operating Plan, to include outdoor drinking facilities as an activity during and out with core hours (for enclosed beer garden area).
- Q.5 (f) any other activities – The addition of deliveries and takeaways (which may include alcohol, with food).

- Q.6 – Amend the wording of the children and young person’s access to read the following: -

6(b) - children and young person’s will be allowed access to the premises provided they are accompanied by a responsible adult who is there for the purpose of consuming a meal or attending a pre-arranged private function; and
6(d) - permit children and young person’s access until 10pm Sunday to Saturday (currently 10pm Sunday to Thursday and 9pm Friday and Saturday).

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 premises license together with proposed Operating Plan, proposed layout plan and provisional site location plan. Mr Wynne explained that the variations were within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mr Andrew Hunter, Agent and Emma Black, Lidl Supermarket to the meeting via Microsoft Teams. Mr Hunter explained that the Lidl store would be located within Tweedbank and alcohol sales would represent 5.4% of regular trading with a small increase during the Festive Season to 6.4%. A number of letters of support had been received from residents and the Community Council.

**DECISION
AGREED TO GRANT.**

(ii) Runningburn Premier Events Venue Runningburn Premier Events
Runningburn Farm
Stichill, Kelso
D5 7TE
(Provisional)

Proposed business activity - The premises were a detached purpose built modern barn/events venue set within a rural setting. The premises consisted of an entrance porch, function room, stage area, cloakrooms, toilets, storeroom, bar area, kitchen and office. There was also a small lawn area to the front and rear. The proposal was to sell alcohol on an On and Off Sale basis.

Licensed hours applied for:

ON SALE

Sun to Wed 11.00am – 12.00midnight
Thurs to Sat 11.00am – 1.00am

OFF SALE

Sun to Sat 10.00am – 10.00pm

Representations received:

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

There had been circulated copies of an application for the grant of a premises license together with proposed Operating Plan, layout plan and site plan. Mr Wynne explained that the Events Manager was very experienced in running events and had previously organised the Highland Show and Border Union Show. The premises had previously operated with Occasional Licences without concerns. The application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mags Clark, Wedding and Events Manager was present and explained that the permanent structure had opened in February 2020 and replaced a previous marquee. Occasional licenses had previously been utilized for functions such as Weddings, Party Nights and funerals, however with 17 functions booked, this was not working and a license had been sought.

**DECISION
AGREED TO GRANT.**

4.0 Section 29: Application for a Variation of Premises Licence

Considered the following applications for Variation of Premises Licence:

- | | |
|--|---|
| (i) Galkot Ghumti Ltd /
The Braw Bear Ltd | The Braw Bear
112 High Street
Galashiels
TD1 1SQ
(To be known as the 1953
Bar & Restaurant') |
|--|---|

Amendments to Operating Plan to include the following:-

- Q.5(c) - the removal of gaming as a permitted activity.
- Q.5(c) - the addition to the permitted activities (columns 2, 3 & 4) of the Operating Plan, to include outdoor drinking facilities as an activity during and out with core hours (for enclosed beer garden area).
- Q.5 (f) any other activities – The addition of deliveries and takeaways (which may include alcohol, with food).
- Q.6 – Amend the wording of the children and young person's access to read the following: -
 - 6(b) - children and young person's will be allowed access to the premises provided they are accompanied by a responsible adult who is there for the purpose of consuming a meal or attending a pre-arranged private function; and
 - 6(d) - permit children and young person's access until 10pm Sunday to Saturday (currently 10pm Sunday to Thursday and 9pm Friday and Saturday).

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 a premises license together with proposed Operating Plan and current operating plan. Mr Wynne explained that the premises wished to include an outside area and update their operating plan. The applicant was an experienced license holder and owned other licensed premises. The application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mr MacDonald, Agent to the meeting via Microsoft Teams who reiterated the reasons for the application as outlined by Mr Wynne.

**DECISION
AGREED TO GRANT.**

(ii) Lodge St James BURA No. 424

Lodge St James BURA No. 424
8 Union Street
Hawick
TD9 9LF

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

- a change to the core On Sale Hours –

Current On Sale Hours

12.30pm – 8.00pm Sun
6.00pm – 11.00pm Mon & Wed
6.00pm to 12 midnight Tues, Thurs & Fri
11.00am – 12 midnight Sat

Proposed On Sale Hours

11.00am – 12 mid Sun to Wed
11.00am – 1.00am Thurs, Fri & Sat

- a change to the core Off Sale Hours –
- amend the 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; theatre; films; indoor/outdoor sports and televised sport both within and outwith core hours;
- the addition to the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan, to include gaming, within 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 and dance facilities, 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

There had been circulated copies of an application for the grant of a premises license together with proposed Operating Plan and current Operating Plan. Mr Wynne explained that the application was within policy and no objections had been received. Police Scotland had no comments.

The Convener welcomed Mr Kevin Ferguson, Secretary to the meeting via Microsoft Teams who reiterated the reasons for the application as outlined by Mr Wynne..

**DECISION
AGREED TO GRANT.**

**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. **LICENSING SCOTLAND ACT 2005:**

Section 36(4): Application for Review of Premises Licence

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