

# SCOTTISH BORDERS COUNCIL LICENSING BOARD

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells - Blended on Friday, 24 November 2023 at 10.00 am

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Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, 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 Dishington (Police Scotland), Democrat Services Officer (F. Henderson).

## 1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 22 September 2023.

### DECISION

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

## 2.0 LICENSES ISSUED UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 9 October 2023 – 13 November 2023.

### DECISION NOTED.

## 3.0 LICENSING (SCOTLAND) ACT 2005

### 3.0 Section 20: Application for Grant/Provisional Grant of Premises Licence

Consider the following applications for Grant of Premises Licence.

#### 3.1 Partnership of G Allicate & C Pinto

**Bella Sicily  
12 Canongate  
Jedburgh  
TD8 6AJ  
(Provisional)**

Proposed business activity - The premises is a ground floor terraced premises in Jedburgh town centre comprising of lower and upper seating areas, kitchen, toilet facilities and storage areas. Retail premises on either side with residential premises above. The proposal being to sell alcohol to compliment the restaurant facility, with alcohol served generally, but not exclusively as an accompaniment to food, as well as being offered as an Off Sale to accompany takeaway and delivery food orders.

Licensed hours applied for:

#### ON SALE

Mon to Sun - 11.00am to 12.00 midnight

Representations received:

#### OFF SALE

Mon to Sun - 11.00am to 10.00am

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

The Applicant was not present, and it was agreed to continue in their absence. There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for a ground floor Italian Restaurant, which included seating on the 1<sup>st</sup> floor. The premises had been operating on an occasional licence without incident and there had been positive feedback. Police Scotland had no objections.

**DECISION**  
**AGREED TO Grant.**

3.2 **Rafal Ziembra**

**Scrummy & Scrumpy**  
**29 High Street**  
**Hawick**  
**TD9 9BU**  
**(Provisional)**

Proposed business activity - The premise was a small ground floor retail unit situated in Hawick Town Centre. The premises consisted of a main shop area and backroom storage. The proposal being to sell alcohol on an Off-Sales basis, along with food produce from around the UK and home baked cakes.

Licensed hours applied for:

ON SALE  
N/A

OFF SALE  
Mon to Sun - 10.00am to 10.00am

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. Mr Wynne, Licensing Standards and Enforcement Officer advised that the applicant was not present but had agreed that the application be considered in their absence. The application was in respect of a retail unit, with backroom storage behind and a residential property above, situated in Hawick Town Centre. The proposal was to sell alcohol on an Off-Sales basis only, together with food produced from around the UK and home baked cakes. The alcohol was a small display within the Unit which was within policy and no objections had been received. Police Scotland had no objections.

**DECISION**  
**AGREED to Grant.**

4.0 **FESTIVE SEASON EXTENDED HOURS POLICY**

There had been circulated copies of a report by the Licensing standards and Enforcement Officer in respect of the Festive Hours for 2023/2024. The report explained that the Boards policy terminal hours were Sunday to Wednesday midnight and Thursday to Saturday 1.00 a.m. The vast majority of licensed premises in the Scottish Borders had a seasonal variation included in their operating plan allowing a terminal hour of 1.00 a.m. on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. For 2023/24, Christmas Eve and New Year's Eve were on Sundays and Christmas Day and New Years Day being Monday and Boxing Day being on a Tuesday. As in previous years, it was proposed to allow premises, who did not have seasonal variations to apply

for an extension to their core hours up to the same terminal hour (1 a.m.) on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day and that those applications be dealt with under delegated powers where no 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 an Occasional Licence.

- 4.1 In terms of Night Club/Late Hour premises, it was proposed to allow night club premises to apply for extensions to their existing hours on these festive dates allowing them to trade to their usual core weekend hours. This preserved their normal weekend time differential between specific late-night venues and other licensed premises. Any extended hours applications for these dates would be dealt with under delegated powers when no objections or representations were received.

**DECISION  
NOTED.**

**5.0 DRAFT LICENSING POLICY STATEMENT**

There had been circulated copies of a note to update Members, together with a copy of the Draft Policy Statement 2023-2028 and responses to the consultation with regard to the review of the Board's Statement of Licensing Policy for the period November 2023 to November 2028.

- 5.1 As it happened, the Licensing Forum, which the Licensing (Scotland) Act 2005 required each local authority to have, set up its own consultation, a Community Insight into Alcohol Impacts and Licensing in the Scottish Borders. The Forum consultation ran for the period 25 May 2023 to 16 July 2023, and it was understood that the responses received aided the Forum framing its response to the Board's own consultation process. In order to avoid confusion with the Forum's consultation, the Board's consultation process was held back until and made available from 21 July 2023 to 17 September 2023. Unfortunately, it appeared that those who responded to the Forum's consultation did not respond to the Board's consultation and as a result only three responses were received, one from the Licensing Forum, one from the Borders Alcohol and Drugs Partnership and one from the Jethart Callants Festival. Following the public consultation period Licensing Officers had reviewed the responses received and after consideration feel that no further changes were required to these highlighted on the draft policy statement.

- 5.2 Councillor Weatherston, proposed an amendment at the end of paragraph 7.3 as follows;

*'As with any policy, the Licencing board must allow for the possibility of exceptions in considering an application for additional licenced hours outwith the standard Licencing hours, the Licencing board will have regard to the impact that the licenced hours sought may have on one or more of the Licencing objectives and in terms of the suitability of the premises for sale of alcohol during the hours applied for, and each application will be considered on its own merits.'*

*Councillor Weatherston, amendments was unanimously approved and otherwise Members were content with the changes proposed by officers.*

**DECISION**

**AGREED that Changes proposed to draft Policy Statement together with the amendment were sufficient and that a report seeking approval of the finalised statement would be brought to the next meeting.**

*The meeting concluded at 10.27 am*