

LICENSING BOARD held in Committee Rooms 2/3,
Council Headquarters, Newtown St Boswells on
Tuesday, 5 April 2016 at 10.40 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, B. White.
Apologies:- Councillors D. Paterson, R. Stewart, J. Torrance, T, Weatherston.
Absent:- Councillor B. Herd.
In Attendance:- Mr R. Kirk (Managing Solicitor – Property and Licensing), Mr A. Niven (Licensing Officer), Mr I. Tunnah, Licensing Standards and Enforcement Officer, Mr M. Wynne, Licensing Standards and Enforcement Officer, K. Mason, Democratic Services Officer.

LICENSING (SCOTLAND) ACT 2005

1. Section 68: The Board considered the following application for Extended Hours:-

Zing Enterprises Ltd, Base Nightclub, 8 – 10 Baker Street, Hawick
16/17 April 2016 – 2.00am – 3.00am – Hawick Rugby 7s

There had been circulated copies of a letter dated 14 March 2016 from Mr Ian Tunnah, Licensing Standards and Enforcement Officer advising that the reason for the application would appear to be to fulfil customer demand, due to the annual Hawick Rugby Club Seven a side tournament. The hours applied for were outwith the Board's Policy which clearly stated that hours beyond 2.00 am would only be granted in exceptional circumstances. The majority of Licensed Premises within the town centre area along with the licensed venues at Hawick Rugby Club had hours terminating at 1.00 am on the night in question.

The applicant Mr Gillies was present. He explained that Hawick 7s was an exceptional day in the town. According to Wikipedia, Hawick Rugby Club Sevens was an important event in the annual calendar of the well-known 7s circuit in the borders. Hawick would see the influx of several thousand visitors to the town and at this time he wanted to be part of that celebration and be able to provide services and facilities to both locals and visitors. Studies and reports recently carried out by tourism and leisure together with government studies indicated there was a lack of quality venues and businesses within this sector. He felt it was important at such times to show that his premises, as a modern facility, was open for business. Mr Gillies advised he had received letters of support from three local Councillors. He further advised he had received information from Police Licensing advising that there had been no incidents within the past six months which related to Base Nightclub apart from one incident which had occurred outwith the premises. He explained that Mr Tunnah had reiterated there had been no complaints of anti-social behaviour in the last six months.

Detailed discussions took place in relation to the application and Mr Gillies clarified he was not competing against the local pubs and explained his bona fide entertainment business only became busy after 1.00 am.

VOTE

Councillor Logan, seconded by Councillor White, moved that the application be refused because it was outwith the Board's Policy in that exceptional circumstances had not been met.

Councillor Greenwell, seconded by Councillor Campbell, moved as an amendment that the application be granted.

On a show of hands Members voted as follows:-

Motion - 2 Votes

Amendment - 3 Votes

Accordingly, the application was granted.

DECISION

AGREED that the application for 16/17 April 2016 - 2.00 am - 3.00 am be granted.

2. LICENSING BOARD POLICY STATEMENT

The Managing Solicitor clarified the options available to the Board in regard to the review of the Policy Statement. In response to a suggestion made by Councillor Logan about reviewing the Licensing Board's Policy Statement at the next meeting of the Licensing Board, Mr Tunnah advised that a sub-committee of the Local Licensing Forum had been established to look at the Policy Statement and discuss whether a supplementary Policy should be considered by the Licensing Board because there had been many changes to the alcohol profile. Members agreed to defer discussions on reviewing the Licensing Board's Policy Statement until they had received a steer from the Local Licensing Forum.

DECISION

AGREED to defer discussions on reviewing the Licensing Board's Policy Statement until a steer had been received from the Local Licensing Forum.

The meeting concluded at 11.10 a.m.