

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2/3, Council Headquarters, Newtown St Boswells on Friday, 22 April 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, J. Greenwell, G. Logan, D. Paterson, R. Stewart, T. Weatherston, B. White.
Apology:- Councillors B. Herd, J. Torrance.
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M. Wynne), Democratic Services Officer (K. Mason), P.C. P. Robertson, Inspector J. Scott - Police Scotland.

1. **MINUTE**

The Minutes of Meetings of 18 March and 5 April 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

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

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 10 March to 13 April 2016.

DECISION

NOTED.

3. **BEST BAR NONE**

PC Nick Walker, Safer Communities was in attendance to give a presentation on Best Bar None. PC Walker advised that Best Bar None was administered by Scottish Business Resilience Centre and partners and local coordinators contributed to the ambition of the scheme. The aims of Best Bar None were to (a) promote a safer community; (b) to promote social responsibility; (c) to raise standards in licensed on trade venues; and (d) to reward well managed venues. In 2015 five licensed premises in the Borders were gold award winners and eight licensed premises in the Borders were silver award winners. Funding of the scheme amounted to £150 approximately per premises with £100 being funded from Scottish Business Resilience Centre. The national aims for 2016/17 were explained. PC Walker answered Members' questions relating to how the scheme was promoted and financial benefits available.

DECISION

NOTED and thanked PC Walker for his informative presentation.

4. **Licensing (Scotland) Act 2005:**

(a) **Section 20: Application for Premises Licence.** The Board considered the following applications for Grant of Premises Licence

(i) Partnership of Will Haegeland and Trond Dalby	Grapevine - Now You're Talking 2 Douglas Bridge Galashiels
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There had been circulated copies of

(a) a letter dated 6 April 2016 from I Tunnah, Licensing Standards and Enforcement Officer advising that as described in the application form the premises were to evolve from a café/restaurant to a Prosecco and Gin Bar in the evenings and it might be appropriate to consider restricting Children and Young persons access to have a terminal hour of 10 p.m.

(b) a letter dated 4 April 2016 from Dr Tim Patterson, Acting Joint Director of Public Health, Scottish Borders Council/NHS Borders advising that the application was proposing to allow access to all public areas for children (accompanied by an adult) and young people (unattended) for the duration of the purpose of dining or to attend a pre-arranged function. There were unlimited timescales for this and children and young people could stay on the premises potentially until 1.00 am Thursday, Friday and Saturday. The application stated that it would have a full-service restaurant as well as a Prosecco and Gin Bar in the evening. Dr Paterson's observations were based on the view that allowing access for children and young people without a time curfew was inconsistent with the Licensing Objective of Protecting Children from Harm and Scottish Borders Licensing Board's Statement of Licensing Policy 2013 – 2016. This was also the case for allowing access to the Prosecco and Gin Bar which did not offer full dining. Adult drinking behaviour could influence children's behaviours and as consumption of alcohol by young people (13 year olds and 15 year olds) continued to decrease both nationally and locally it was important that where children were exposed to alcohol this was time limited and for the purpose of a meal. Dr Paterson recommended that amendments be made to the application within section 6b to ensure clarity of terms of access to restaurant area only and, unless attending a pre-arranged function, children and young persons should have left the premises by 10 pm. Dr Paterson referred to the Alcohol Profile 2014/15 which highlighted Galashiels West as one of the Intermediate Geographies within the Scottish Borders with the highest rates of alcohol related problems, namely – alcohol related emergency attendances; alcohol related hospital stays; deaths from alcohol conditions; and alcohol related antisocial behavior. As this premise was located within Galashiels West, he asked the Licensing Board to consider this further evidence.

Mr Haegeland was present and gave an overview of his plans for the premises. He agreed to amend the times stated in his operating plan for children and young persons access to 10.00pm.

**DECISION
GRANTED as amended.**

DECLARATION OF INTEREST

Councillor Greenwell 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.

Coldstream Football Club
(Members Club)

Jim Patterson Pavilion
Home Park
Coldstream

Operating Plan includes provision of on and off sale facility.

No representations had been received.

Mr David Lauder, Chairman, Coldstream Football Club was present. He explained that the club had been operating by applying for occasional licences over the last two years. There were sometimes difficulties when fixtures were changed at the last minute meaning that there was no occasional licence in place, hence the reason for applying for a Premises Licence.

**DECISION
GRANTED.**

(b) **Section 29: Application for Variation of Premises Licence.** The Board considered the following applications for Variation of Premises Licence:-

(i) Punch Partnership Limited

Clovenfords Hotel
1 Vine Street
Clovenfords
Nr Galashiels

Amendments to operating plan and layout plan:-

- Change to existing on and off sale core hours on Sunday

Current

On Sale 12noon - 12midnight
Off Sale 12noon - 10.00pm

Proposed

On Sale 11.00am - 12midnight
Off Sale 11.00am - 10.00pm

- Addition of seasonal variation for Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day until 1.00am or any other agreed Board policy
- Addition to listed activities - theatre and films both during and outwith core licensed hours
- Extend existing listed activities namely, bar meals, receptions, recorded music, live performance, dance facilities, indoor/outdoor sport and televised sport to be provided outwith core licensed hours
- Amend the explanation of activities to be provided outwith core licensed hours
- Amend the terms of access and times permitted within the existing children and young persons statement
- Amendment to layout plan to include external area to the front of premises within the licensed footprint

There had been circulated copies of

(a) a letter dated 2 April 2016 from Police Scotland. Inspector Scott advised that if granted, the current application would permit the outside area to be used during core hours, which would allow patrons to drink alcohol outside the premises until 1.00 am on Friday and Saturday and midnight on other days. This might lead to excessive noise and disturb neighbours, contrary to the Preventing Public Nuisance licensing objective. In terms of Section 22(a)9(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable was of the opinion that the variation in its current form should be modified so that the outside area was subject to a condition that it could not be used after 10.00 pm each day and that the concerns raised in this letter were addressed.

(b) a letter dated 6 April 2016 from Mr I Tunnah, Licensing Standards and Enforcement Officer advising if the outside area to the front of the Hotel was to be included in the licensed footprint it might be appropriate to consider restricting its use, for the sale or consumption of alcohol to have a terminal hour of 10.00 pm. The Hotel was surrounded by residential properties and use of the area throughout core hours could lead to noise nuisance and disturbance at these neighbouring properties. The Licensing Standards Officer suggested alternative wording at Questions 5, 6, 6(b), 6(c), 6(d), and 6(e) – explanation of activities to be provided outwith core hours and the children and young persons statement.

Mr Niall Hassard, Solicitor was present accompanied by Mr Roy MacIntosh, Designated Premises Manager. Mr Hassard confirmed that there would be no alcohol consumed outside the premises after 10.00 pm. He advised his client was happy to amend the application to reflect the comments of Police Scotland and the Licensing Standards and Enforcement Officer as detailed above. Mr Hassard further explained that his client wished to establish the premises as a community hub and the variation tidied up some anomalies in the existing operating plan.

DECISION

GRANTED as amended.

- (ii) The Co-operative Group Food Limited The Co-operative Food
Station Yard
Newtown St Boswells

Amendments to Operating Plan at Question 5(f) any other activities to change normal shop opening times Monday to Sunday to 6.00am to 10.00pm subject to customer demand (currently 7.00am to 10.00pm).

No representations had been received

Mr Niall Hassard, Solicitor was present accompanied by Ms Michelle McEwan, Store Manager. Mr Hassard confirmed that the application was for the premises to open at 6.00am to satisfy customer demand.

**DECISION
GRANTED.**

(c) Section 67: Queen's 90th Birthday Celebrations – 10 and 11 June 2016

The Managing Solicitor advised that correspondence had been received from Belhaven Pubs asking if the Scottish Borders Licensing Board had any plans to make a determination for licensed premises to be granted extended hours on the occasion of The Queen's Official birthday on 11 June without having to formally make an application to the Licensing Board. Members considered that the majority of licensed premises in the Scottish Borders already had core hours until 1.00am on a Friday and Saturday and were of the opinion that if any establishment wished to apply for extended hours for 10 and 11 June 2016 that the usual application should be submitted.

**DECISION
AGREED not to grant a Section 67 general extension for 10 and 11 June 2016.**

4. DATE OF NEXT MEETING

The next meeting would be held on 20 May 2016. The Managing Solicitor advised that because of the European Referendum, Council had agreed that the following meeting scheduled to be held on 17 June would now be held on 10 June 2016. Some Members advised that they would be unable to attend the Licensing Board on 10 June 2016.

**DECISION
NOTED.**

PRIVATE BUSINESS

5. 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

LICENSING (SCOTLAND) ACT 2005

- 6. Section 83:** The Board considered a notification of relevant offence in respect of Mr Alan Turnbull's Personal Licence and agreed that his Personal Licence be revoked.

The meeting concluded at 10.55 a.m.

