

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in the Council Chamber,
Council Offices, Paton Street, Galashiels on Monday,
13 June 2016 at 10.10 a.m.

Present:- Councillors W. Archibald (Convener), J. Greenwell, B. Herd, G. Logan,
J. Torrance, T. Weatherston, B. White.
Apologies:- Councillors J. Campbell, D. Paterson, R. Stewart.
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. C.
Lackenby, Inspector M. Bennett - Police Scotland.

1. **ORDER OF BUSINESS**

The Convener 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.

2. **MINUTE**

The Minute of Meeting of 20 May 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

3. **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 12 May to 2 June 2016.

**DECISION
NOTED.**

4. **LICENSING (SCOTLAND) ACT 2005:**

(a) **Section 56: Application for Occasional Licence.** The Board considered the following applications for Occasional Licence:-

Selkirk Bowling Club

Selkirk Bowling Club
Scott's Place
Selkirk
15 June - 6.30pm - 1.00am
Common Riding Ladies Night
16 June - 6.30pm - 1.00am
Common Riding Singsong and
Disco
17 June – 11.00am – 1.00am
Common Riding Day and Disco

There had been circulated copies of an anonymous letter dated 30 May 2016 raising an objection to the occasional licences applications. The letter advised that it stated quite clearly on the Scottish Borders Licensing Board's web-site that applications should be applied for at least 6 weeks before the date of the event in which the licences were applied for. The applicant was giving barely 2.5 – 3 weeks' notice before his applications were listed which did not give the public sufficient time to respond to his request. The objector found it hard to find justification to have such late licences for all 3 nights in the Common Riding Week, there was no consideration or respite for those who had to work the

following days. It was alleged that the Bowling Club was notorious for its very loud music on social nights and was well known locally to still be open and serving alcohol after the licensing hours had ended. The objector had seen and heard the Bowling Club open until 2.00 a.m. sometimes after 3.00 a.m. and was fed up of the disturbance. The Licensing Board did not seem to be checking up on this particular Bowling Club. The objector was bewildered that considering how many Social Functions (attended by a large number of people who were not members i.e. Selkirk Sessions Weekend, School Reunions, and lately a Disco on Declaration Night) were held in the Club and yet there were applied for by them. The letter raised questions. Was Selkirk Bowling Club above the licensing laws of other establishments? Did the Board not keep a check from time to time to ensure that all Clubs were being operated within the Licensing Laws?

In response to Members' concerns relating to whether or not it was appropriate to consider an anonymous objection, the Managing Solicitor explained the legislative requirement for the Board to consider any representation or objection received.

Mr MacLeod, Selkirk Bowling Club was present. He confirmed he had received a copy of the anonymous letter dated 30 May 2016 and he refuted all the allegations contained in the letter. He submitted that the letter might be from someone with a personal grievance or from the owner/manager of another premises. Some of the Club's windows faced onto the pavement and he was sure Police Officers would have noticed if the premises were open after licensing hours had terminated. Mr Ian Tunnah, Licensing Standards and Enforcement Officer advised his opinion that the Club was well ran and similar applications had been granted in the past.

**DECISION
GRANTED.**

- (b) **Section 20: Application for Premises Licence.** The Board considered the following application for Grant/Provisional Grant of Premises Licence:-

Lidl UK Gmbh

Proposed Lidl Store
Wilton Path
HAWICK
TD9 7DS
Provisional Grant

Operating Plan includes provision of off sale facility.

No representations had been received.

Mr Jordan, Property Team, Lidl UK Gmbh was present accompanied by Mr Hunter, Harper MacLeod. Mr Hunter explained that the premises replaced the previous store and was located in much the same location. The previous store had been demolished and the new store would open in January 2017 and would be of benefit to the local community with substantial investment and the creation of new jobs. The alcohol display area was marginally larger than that of the previous store when the overall capacity was 4% but this would now be 3%.

**DECISION
GRANTED.**

- (c) **Section 72: Application for Grant of Personal Licence – William McMath.**
There had been circulated copies of a letter dated 30 May 2016 from Police Scotland advising that the applicant had been convicted of the following relevant offence, which he did not declare:- 5 January 2016 – Edinburgh Sheriff Court – Criminal Justice & Licensing Act 2010, Section 39(1) Domestic Aggravator), the sentence had been deferred to 28 June 2016. The Managing Solicitor advised that Mr McMath had been unable to attend owing to difficulties getting time of work. He advised it would be appropriate to continue consideration to the next meeting in July 2016. It was noted that the outcome of the deferred sentence would be known at that time.

DECISION

AGREED to defer consideration of the matter to the next meeting of the Board.

The meeting concluded at 10.20 a.m.