

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

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Present:- Councillors W. Archibald (Convener), B. Herd, J. Campbell, J. Greenwell, G. Logan, D. Paterson, J. Torrance T. Weatherston, B. White.  
Apologies:- Councillor 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 (F. Henderson), P.C. P. Robertson, Inspector T. Hodges - Police Scotland.

1. **MINUTE**

The Minute of Meeting of 21 October 2016 had been circulated.

**DECISION  
APPROVED.**

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 12 October to 9 November 2016.

**DECISION  
NOTED.**

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

(a) **Section 29: Applications for Variation of Provisional Premises Licence.**  
The Board considered the following applications for Variation of Premises Licence.

(i) The Co-Operative Group Food Ltd	The Co-operative Food High Street Melrose <b>Provisional</b>
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Amendments to operating plan and layout plan to increase alcohol capacity from 34.8175 m<sup>2</sup> to 39.685 m<sup>2</sup>.

There were no representations.

Ms Zoe Calderwood, Hill Brown Licensing and the Co-operative Food's Area Manager, were present. Mr Tunnah advised that the application related to a small increase in alcohol provision which had been inevitable due to the design of the new build Co-op premises in Melrose. In response to questions from Members, Ms Calderwood advised that the Co-op was very diligent in monitoring the sale of alcohol in their stores and areas of the store were also covered by CCTV. In terms of the design of the Co-op, where people queuing were in front of the alcohol display she agreed to take the comments back to head office.

**DECISION  
GRANTED.**

(ii) Hunters Stables Limited

Hunters Stables (formerly  
RBS)  
Moorefield  
Main Street  
St Boswells

Amendments to premises licence, operating plan and layout plan:-

- Remove adult entertainment from listed activities
- Extend existing listed activities - restaurant facilities and televised sport to be provided outwith core licensed hours
- Amend the explanation of activities to be provided outwith core licensed hours
- Delete the existing wording in relation to any other activities and substitute a more suitable form of wording for activities relating to a restaurant and bar premises
- Remove all reference to club as contained in the current Operating Plan
- Amend the children and young persons statement to reflect the removal of club membership
- Reduce the capacity from 266 to 100
- Amendment to layout plan to reduce the licensed area, introduce a new kitchen, seating and table layout
- Include minor variation to change name of premises to "Hunters Stables"

There were no representations.

Mr Salvatore De Martino, applicant was present. Mr Tunnah advised that the premises was previously licensed by the former Royal British Legion in St Boswells and had been out of use for some 2 years prior to it being bought and re-refurbished by the current applicant into a Bistro. The variation to the premises licence, operating plan and layout plan were to update them following the refurbishment.

**DECISION  
GRANTED.**

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

The Spotty Dog (Lauder) Ltd

The Spotty Dog  
3(a) East High Street  
Lauder

Licensed Hours Applied For:

On Sale

Off Sale

None

Monday to Sunday 10.00am - 8.00pm

There were no representations.

Mr McRitchie, applicant was present. Mr Tunnah advised that the Spotty Dog had been trading for 6 years and the application was to extend their product range to compliment the products currently sold.

**DECISION  
GRANTED.**

**4. LOCAL LICENSING FORUM – REQUEST THAT SCOTTISH BORDERS LICENSING BOARD ISSUE A SUPPLEMENTARY STATEMENT TO ITS CURRENT LICENSING POLICY**

There had been circulated copies of a letter dated 17 October 2016 from the Scottish Borders Local Licensing Forum (LLF) advising that at the LLF meeting held on 4 October 2016 it was agreed that a letter should be sent to the Licensing Board asking them to consider issuing a supplementary to their current Statement of Licensing Policy. The LLF had considered the current Licensing Policy Statement and suggested that the changes detailed in the Appendix to the letter were worthy of consideration by the Board. Members of the LLF had discussed the amendments and the changes contained within the Air Weapons and Licensing Act 2015, which affected the duration of existing Licensing Board Policy Statements and it was acknowledged that the statutory timescale required to process a Supplementary Policy might be a limiting factor. However, it was agreed that the suggested changes would be a good starting point for the review of the policy by the new Scottish Borders Licensing Board following the Local Government election in May 2017. As such Members of the LLF agreed to write to the Licensing Board regarding the LLF Working Group's suggested changes to the Policy. Inspector Hodges emphasised that Police Scotland required the Policy to be clearer, particularly in regard to the need for a clear definition of what would be considered as an exceptional circumstance for late night premises as it was his opinion that there were some ambiguities within the current policy. The Chairman thanked the LLF for their work.

**DECISION**

**AGREED that the Board would not undertake to issue a supplementary statement to its current Policy Statement, however, would ensure that the suggested changes would be made available to the next Board when carrying out the next policy review.**

**URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

**5. JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING**

The Convener took the opportunity to remind Members that the next joint meeting was scheduled to take place on 22 November and encouraged attendance where possible.

**DECISION  
NOTED.**

**6. OUTSTANDING LICENSING FEES**

The Licensing Team Leader requested the Board review the process for dealing with review of premises licences for unpaid annual fees. She explained that a number of premises annual fees due on 1 October remained unpaid. In previous years, the Licensing Standards and Enforcement Officer had submitted review applications for

the Board's consideration. It was proposed that given payment of annual fees was a mandatory condition of all premises licence, it may be more appropriate that any reviews for non-payment be instigated by the Board. The proposed process would alleviate the need for service of Section 14 Compliance Notices and reduce the administrative burden for the Board's staff. There would be no impact on sanctions available to the Board, these being prescribed by the Licensing (Scotland) Act 2005.

**DECISION**

**AGREED that the Board would review any premises licences whose annual fees remain outstanding at its next meeting.**

**PRIVATE BUSINESS**

7. **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.**

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

**Minute**

The Private section of the Minute of 21 October 2016 was approved.

*The meeting concluded at 10.30 a.m.*