

06/07/2017

Your Ref:

Our Ref: IK 243125

The Clerk to the Licensing Board  
Licensing Unit  
Legal & Democratic Services  
Scottish Borders Council HQ  
Newtown St Boswells  
TD6 0SA



Philip Gormley QPM  
Chief Constable

Local Area Commander  
The Lothians and Scottish Borders Division  
Hawick Police Station  
Wilton Hill  
Hawick  
TD9 8BA

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
PREMISES: THE BOUTREE, BOUTREE PLACE, HAWICK, TD9 9HL.  
APPLICANT; JD WETHERSPOONN (SCOT) LTD**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of changes to the terms of access for children and young people within the operating plan.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The specific changes that are being applied for are as follows: -

- To allow access for Young Persons unaccompanied for the purpose of consuming a meal and to permit them to access the bar area for the purpose of ordering food but not remain after the order is placed, all at the discretion of the management; and

- To extend the terminal hour for Children and Young Persons access to 10.00pm every night (currently 10.00pm Sunday to Thursday and 8.00pm Friday and Saturday).

The premises, while being well managed, do have incidents of violence and drunkenness. These incidents vary in time day and have occurred during the afternoon, evening and later at night.

Given the recent change in legislation to include Young People in the Licensing Objectives (Protecting Children and Young People From Harm), it is requested the Board consider amending this application.

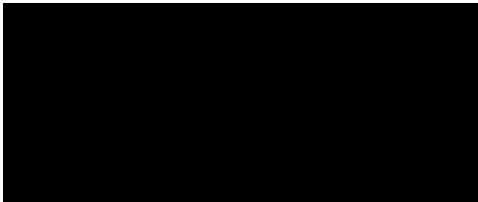
It is accepted that the food sales are, in the main, the purpose for many attending the premises. However there is a change in the nature of the premises from food driven to being alcohol driven, which has in the past been accepted at 8.00pm.

It may be more appropriate to maintain this terminal hour for children and young people on Saturdays and allow a later terminal hour of 9.00pm on Fridays.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified so that children and young people are not exposed to violence, drunkenness and inappropriate behaviour and that the concerns raised in this letter are addressed.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01450 364436.