

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in Committee Rooms 2 & 3,
Council Headquarters, Newtown St Boswells on Friday
21 July 2017 at 10.00 a.m.

Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, E.
Thornton-Nicol, G. Turnbull S. Scott.
Apologies:- Councillors N. Richards, R. Tatler, T. Weatherston.
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), Chief
Inspector McLean, PC C. Lackenby, Police Scotland.

1. **MINUTE**

The Minute of Meeting of 16 June 2017 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 1 June to 11 July 2017.

**DECISION
NOTED.**

ORDER OF BUSINESS

The Chairman 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.

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

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

(i) Mary Fraiolo	Bridge Function Suite 34 North Bridge Street Hawick
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Amendments to Operating and Layout Plans:

- Change of description of premises to remove the lower ground floor area from the defined licensed premises area, with the exception of the toilet facilities; and
- Reduction in the capacity of premises from 300 to 200 persons.

There had been circulated copies of the application, current operating plan, proposed operating plan and proposed layout plan of the premises.

Mr Tunnah advised that the amendments were required as premises were under new management and the lower ground floor was no longer included in the licensed area. There was no one in attendance on behalf of the applicant, however, in the absence of any representations, the Board agreed to consider the application.

DECISION

AGREED that the application be granted.

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| (ii) JD Wetherspoon (Scot) Limited | Bourtree
22 Bourtree Place
Hawick |
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Amendments to Operating Plan:

- Amend the relevant part of the Children and Young person's statement to allow access for Young Persons unaccompanied for the purpose of consuming a meal and to permit them access to the bar area for the of ordering food but not remain after the order is placed, all at the discretion of the management; and
- Extend the terminal hour for Children and Young Persons access to 10 p.m. every night (currently 10 p.m. Sunday – Thursday and 8 p.m. Friday and Saturday)

There had been circulated copies of an application, current operating plan, proposed operating plan and a letter of representation dated 6 July 2017 from Police Scotland.

Mr Tunnah advised that the variation proposed related to the Children and Young Persons statement to extend access until 10 p.m. every night. Chief Inspector McLean advised that the Police had no objection to the extension as such, however to minimise the exposure of 16/17 yr. olds to alcohol, requested that the times be altered to allow an extension until 9 p.m. on a Friday and 8 p.m. on a Saturday with 10 p.m. on the other nights of the week.

Mr Archie McIver, Brunton Miller and Mr Phil Buckley, Area Manager were in attendance. Mr McIver advised that more than half of the intake was from food and pubs nowadays had a very different culture. He stated that many families go out later to enjoy some food and have to be moved out at 8 p.m. Supervision in the premises was very high and opening until 10 p.m. 7 days per week would provide consistency and all better management policies to be adhered to.

There was general agreement with Mr McIver's submission although as a compromise to both parties, Councillor Brown moved that the premises be allowed to open until 9 p.m. on Friday and Saturday. There was no seconder.

DECISION

Agreed that the application be granted.

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| (iii) JD Wetherspoon (Scot) Limited | Hunters Hall
High Street
Galashiels |
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Amendments to Operating Plan:

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

There had been circulated copies of an application, current operating plan, proposed operating plan, a letter of representation dated 6 July 2017 from Police Scotland and an e-mail dated 23 June 2017 from the Health representative.

Chief Inspector McLean advised that the premises were located in the town centre of Galashiels and was regularly busy with a variety of patrons. The premises was one of the cheapest on sale premise in the town and while it was appreciated the sale of food played a large part of the business, in comparison to the applicant's premises in Hawick, alcohol sales were more prominent, particularly from early evening through to closing time. Chief Inspector McLean went on to advise that while the premises were generally well managed, there were incidents of drunkenness, disorder and violence. These incidents occurring during the afternoon, evening and later at night. The Police were of the opinion that the premises changed from being food driven to being alcohol driven in the early evening and requested that the times young people were permitted whilst unaccompanied be restricted to 8.00 p.m. Monday to Thursday and 6.00 p.m. on Friday to Sunday. The police further requested that conditions be imposed in respect of a seating area identified for unaccompanied young people who would be constantly observed and a specific area of the bar be identified for use by unaccompanied young people for ordering meals and soft drinks. Ms Walker, Health agreed that the times young people were permitted whilst unaccompanied be restricted to 8.00 p.m. Monday to Thursday and 6.00 p.m. on Friday to Sunday as there were higher admissions to A&E.

Mr Archie McIver, Brunton Miller and Mr Phil Buckley, Area Manager were in attendance. Mr McIver acknowledged the concerns of Police Scotland and agreed with their interpretation of the shift from a food led premises to predominantly a drinking establishment in the evening. He advised that due to the layout of the premises, a separate seating area would be difficult to introduce. However, he went on to advise that an App had been introduced by Wetherspoon's which could be used to order food and drink which would assist with a reduction in young person's having to go to the bar as the order was then brought to the table.

DECISION

Agreed that the application be granted, following an amendment that the Young People are permitted unaccompanied to 8 p.m. Monday – Thursday and to 6.00 p.m. on Friday – Sunday.

(iv) Verdant Leisure 2 Limited

Coldingham Bay Leisure Park
School Road
Coldingham

Amendments to Operating and Layout Plans:

- Change Core Hours
On Sale 11.00 am – 12.00 midnight Sunday to Friday and 11.00 am – 1.00 am Saturday (currently 11.00 am - 12.00 midnight Monday to Saturday and 12.30pm -12.00 midnight Sunday)
Off Sale 11.00 am – 10.00pm Monday to Sunday (currently 11.00am – 10.00pm Monday to Saturday and 12.30 pm - 10.00pm Sunday)
- Change seasonal demand explanation as per Licensing Board policy
- Addition of Activities within Core Hours: Restaurant, Theatre, Films, Televised Sport and Outdoor Drinking Facilities
- Addition of Activities outwith Core Hours: Restaurant, Bar Meals, Recorded Music, Live Performances, Dance Facilities, Theatre, Films,

- Gaming, Indoor/outdoor Sports and Outdoor Drinking Facilities
- Change explanation in respect of entry in Column 4 (activities outwith core hours)
- Change details of other activities provided
- Change terms of Children and Young Persons access, times, age and areas
- Change layout plan to include creation of Outdoor Drinking Area.

There had been circulated copies of application, current operating plan and proposed operating plan.

Mr Tunnah advised that Verdant Leisure 2 Limited had recently acquired Coldingham Bay Leisure Park and the variation was to bring it in line with the Business Plan.

Niall Hassard, Solicitor, TLT and Mr Stephen Tokely, Manager were present at the meeting. Mr Hassard advised that Verdant Leisure had a number of Leisure Parks, one of which was at Pease Bay which had recently been successfully re-furbished and the Coldingham Bay would be re-furbished in January 2018. The venues were very family orientated and well supervised, with CCTV coverage.

DECISION

AGREED TO grant the application.

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

Lauderdale Hotel Ltd

Gin Bar/Tent
Lauderdale Hotel Garden
Lauder

Saturday 5 August 2017 10 a.m. – 10 p.m. for Lauder Common Riding

There had been circulated copies of the application and a letter of objection dated 3 July 2017 from Police Scotland.

Mr Tunnah advised that the Lauderdale Hotel had recently changed hands and the Tent in the garden was to alleviate pressure on the Bar within the Hotel and keep patrons to the rear of the property rather than congregating at the front of the property next to the A68.

Chief Inspector McLean explained that the application was for the purpose of the Lauder Common Riding festivities, including live music. There was no indication of any stewarding arrangements, children and young people would be present and the number attending was unknown but it was anticipated that they would be in family groups and the commencement of 10 a.m. was outside current Licensing Board Policy. Historically Lauder has had issues with alcohol related disorder during their Common Riding, resulting in a significant commitment of resources into the early hours and any application to increase the amount of alcohol available was a concern. He went on to advise that the Lauderdale Hotel was already a gathering point and was busy front and rear, throughout the day with people who had clearly been drinking spilling onto the road, which was the A68 main trunk route. The Police were of the opinion that the premises had adequate facilities to provide the services detailed in the application without the

additional supply of alcohol in the garden. Should the Board grant the application, there would require to be SIA Stewards for public safety.

Moira Ainslie and Nicola Batchelor were in attendance representing the Lauderdale Hotel and explained that the Common Riding Committee had approached the Hotel as there would not be a bar at the Park as there had been in past years. The idea of the Gin Bar in a Tent in the Garden was to relieve pressure on the main bar within the Hotel where the live music would be held between 3 p.m. and 7 p.m. They were of the opinion that dispersing patrons throughout the hotel and into the garden would allow adequate monitoring and reduce potential for them to congregate at the front of the premises near the main A68.

DECISION

AGREED that the application be granted, with the addition of a condition that adequate and appropriate SIA Stewards were in attendance.

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

(i) R & A Peebles Ltd	Panna Restaurant Dean Park/Northgate Peebles Provisional
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Licensed Hours applied for:

<u>On sale</u>	<u>Off sale</u>
Monday to Sunday 11 a.m. – 12 midnight	None

There had been circulated copies of the Application, Operating Plan and proposed layout and letters of objection from neighbouring properties owned/occupied by I. Gordon, M. Cunliffe, Mr and Mrs S Ferguson, C. Bhatia.

Mr Ahmed was present. No objectors were in attendance.

DECISION GRANTED.

(ii) Jarvis Pickle Limited	Jarvis Pickle Limited Food Store 1 Acredale Eyemouth Provisional
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Licensed Hours applied for:

<u>On sale</u>	<u>Off sale</u>
None	Monday to Sunday 10 a.m. – 8 p.m.

There had been circulated copies of the Application, Operating Plan and proposed layout plan. The Board were advised that the Applicant had broken down on her way to the meeting and was not present. The application was considered in her absence.

**DECISION
GRANTED.**

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.

4.0 DAY OF MEETING

- 4.1 Due to the fact that some Members were unavailable to attend meetings on a Friday, consideration had been given to amending the meeting day from a Friday to a Wednesday. The response from Members had been mixed and after noting that it would not be possible to hold all meetings on a Wednesday due to other bookings already confirmed, it was agreed to continue to meet on a Friday.

DECISION

AGREED that the Licensing Board and Civic Government Licensing Committee would continue to meet on a Friday.

PRIVATE BUSINESS

5.0 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.

6. Minute

The Private Minute of the Meeting held on 16 June 2017 was approved.

The meeting concluded at 11.50 p.m.