

MINUTE of MEETING of the SCOTTISH BORDERS
LICENSING BOARD held in the Council Chamber,
Council Headquarters, Newtown St Boswells on Friday
20 January 2017 at 10.00 a.m.

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

1. MINUTE

The Minute of Meeting of 16 December 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 8 December 2016 to 11 January 2017.

**DECISION
NOTED.**

3. LICENSING (SCOTLAND) ACT 2005:-

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

Park Resorts Limited

Driftwood Bar
Eyemouth Holiday Park
Fort Road
Eyemouth

Amendments to operating plan and layout plan:

- Addition of films inside and outside the buildings within the whole site;
- Amend times children permitted within licensed areas to:
9.00am to the end of core hours (outwith core hours 9.00am to 11.00am for childrens entertainment only)
- Increase capacity to 239 persons
- Relocation of main entrance to Boathouse and general opening up of Boathouse
- Creation/relocation of the arcade
- Extension of the Boathouse
- Creation of new kitchen and relocation of toilets

There had been circulated copies of representations received from B. Prater, J Korczowski, I and E King, Mr and Mrs B Bremner, K Palmer, W Hay. Those submitting representations expressed concerns in relation to the following:- (a) that showing films outside the buildings would cause considerable annoyance to the residents of Barefoots Crescent and the rest of Barefoots Estate; (b) amendments which would result in an increase in noise pollution, also the increased capacity meant increased

capacity for noise; (c) increased foot traffic which could impact both the enjoyment of neighbouring houses and gardens during the day and at night; and (d) road safety issues.

Mr Lorenz, Designated Premises Manager and Mr Robinson, Regional Operations Director Scotland, were present on behalf of the applicant, Park Resorts and were legally represented by Audrey Junner, Hill Brown Licensing. Ms Junner advised that the application had been lodged in support of a general refurbishment and improvement of the premises. A significant investment had been made. Although the application stated that films would be held in external areas, following discussions and consideration of neighbour representations, it had been agreed to remove the external element, therefore there would be no showing of films outdoors. Ms Junner advised that all but one or two of the objectors had been contacted to enlist proactive engagement to try to reach solutions to the concerns raised.

Mrs Barbara Prater was present. She gave background information relating to the development of the two fields at the top of Fort Road in Eyemouth. She had resided in Barefoots Crescent for 10 years. She explained that the original refreshment building, beside the caravan site gate remained, much expanded and was still next to the field edge, but no longer next to what was formerly a cow field, but the back doors and windows of the residents of the Barefoots Estate. She stated that she considered the “entertainments block” was currently situated in the worst possible position on the whole of the site – in terms of its close proximity to the homes and gardens of local residents. She acknowledged that the caravan site was part of the town’s economy and that Park Resorts had been generous in supporting local charities and festivals. However, she believed that the distantly located Park Resorts employees, making the decisions to change the site, did not have any idea of the impact these changes would have on those living nearby. She stated that the Barefoots Estates residents already endured a considerable level of noise from the open fire exits when any activity was held in the Bar. She referred to communication between Brian Frater, Service Director Regulatory Services for Scottish Borders Council who had advised John Lamont MSP that “a Licensing Standards Officer had visited the site and given advice on minimising noise disturbance”. She asked in what way had this advice been implanted and how did this sit with Driftwood Bar’s application to the Licensing Board to increase the capacity of the entertainment centre to 239 guests. She asked what steps would be taken to soundproof the indoor area in which films would be shown and how would they control the noise generated by children allowed within licensed areas immediately adjacent to our residential properties. She urged the Board to refuse the application for variation of premises licence to: amend times children were permitted within licensed areas, increase capacity to 239 persons, relocation of main entrance to Boathouse, general opening up of Boathouse and creation/relocation of the arcade extension of boathouse where she noted that the on-site building work was already quite well advanced, on the grounds that these would initiate even greater noise nuisance, and further prevent local residents enjoying their outside space in the future.

Mr Tunnah was asked if there had been issues raised with him in relation to the operation of the premises licence and advised the last complaint received in early summer 2015 had been in connection with noise. At that time, he had liaised with management of the premises regarding the complaint, however no complaints had been received since then. Inspector Hodges advised that the last noise report Police Scotland had dealt with had been in 2015. There had been two calls relating to disorder in 2016 but these did not amount to anything that would be of concern to the Board. Mr Griffiths, Head of Estates, Park Resorts Limited, was also present and advised that the old building had no sound proofing but reported that all walls and the roof of the new building were insulated. He also advised that because the old building

didn't have any air conditioning this resulted in the fire doors being opened but this would no longer happen because of the installation of design ducting which allowed for mechanical air replacement. Members were reminded by Mr Tunnah that Scottish Borders Council had established procedures for dealing with noise issues should these occur. In response to a question raised about disturbance from ball games, Mr Robinson advised of measures in place which meant that the area where ball games were played would no longer be accessible.

DECISION

GRANTED as amended taking into account the withdrawal of part of the application relating to the addition of films outside the buildings within the whole site.

- (b) **Section 68: Application for Extended Hours.** The Board considered the following application for Extended Hours:-

Jeremy Osborne

Cringletie House Hotel
Edinburgh Road
Peebles
Monday 6 March 2017
(Wedding)
12.00midnight to 1.00am

There had been circulated copies of a letter dated 4 January 2017 from Mr M Wynne, Licensing Standards and Enforcement Officer. Mr Wynne advised that the premises occupied a secluded rural position and the event was entirely for private guests by invitation only, however the hours applied for were outwith the Boards Policy as regards core hours. He went on to confirm that the premises had not come to the attention of the Licensing Standards and Enforcement Officers previously. If the Board were minded to grant the extra hour applied for, Mr Wynne suggested that the following might be an appropriate condition to consider applying to the licence – 1. A personal Licence Holder should be present throughout the event.

Mr Jeremy Osborne was present. He advised that after the wedding breakfast another 10 guests would join the party which would take the form of a Ceilidh commencing at 7.00 p.m. This was a private, exclusive event and he did not expect there to be any problems. He confirmed he was the holder of a Personal Licence and would be present throughout the event.

DECISION

GRANTED subject to the following condition – a Personal Licence Holder should be present throughout the event.

- (c) **SECTION 37: REVIEW OF PREMISES LICENCES.**

The Board considered a paper providing information on Annual Fees unpaid for 2016/27 by the following premises:-

- (i) Naba Tandoori, 9/10 Market Place, Eyemouth

The Licensing Team Leader advised that the outstanding fee had now been paid and therefore no further action was needed.

DECISION

NOTED.

The Board considered a paper providing information on Premises Licences Currently Suspended for Non Payment of Previous Year's Annual Fees:-

(ii) The Abbotsford Arms Hotel, 63 Stirling Street, Galashiels

The Licensing Team Leader advised that the fee remained outstanding. There followed a debate which related to the poor condition of the building and Members' were informed that they had no additional control of the premises if it remained licensed. Inspector Hodges undertook to deal Members' concerns about the poor condition of the building.

DECISION

(a) **AGREED to revoke the licence with immediate effect.**

(b) **NOTED that Inspector Hodges would take forward Members' concerns about the poor state of the building.**

(iii) Empress of India, 6 Roxburgh Street, Kelso

The Licensing Team Leader advised that the fee remained outstanding. The Licence Holder had advised the Licensing Team that he was no longer associated with the premises.

DECISION

AGREED to revoke the licence with immediate effect.

The meeting concluded at 10.45 p.m.