

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Friday, 24 August 2018 at 10.00 am

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- Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol and G. Turnbull
- Apologies:- Councillors J. Greenwell and T. Weatherston
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Team Leader, Licensing Standards and Enforcement Officer ( M. Wynne), Democratic Services Officer (F. Walling), Inspector A. Hodges - Police Scotland.

**APPOINTMENT OF CONVENER**

The Managing Solicitor welcomed everyone to the meeting of the Scottish Borders Licensing Board. In the absence of Councillor Greenwell, Councillor Tatler proposed that Councillor Turnbull be appointed as Convener for the meeting. This was seconded by Councillor Richards and unanimously agreed.

**DECISION**

**AGREED that Councillor Turnbull be appointed Convener for this meeting.**

1. **MINUTE**

The Minute of Meeting of 22 June 2018 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 14 June 2018 – 14 August 2018.

**DECISION**

**NOTED.**

3. **SCOTTISH BORDERS LICENSING BOARD - FUNCTIONS AND FINANCIAL REPORTS 2017/18**

There had been circulated copies of a report by the Clerk to the Scottish Borders Licensing Board seeking approval of the Annual Functions Report and Annual Financial Report. The report explained that, in terms of Section 9A and Section 9B respectively of the Licensing (Scotland) Act 2005, Licensing Boards were required to provide an Annual Functions Report and an Annual Financial Report. The Board's Annual Functions Report must include a statement explaining how the Board had regard to the licensing objectives and the Board's Policy Statement in the exercise of its functions under the Act as well as a summary of decisions made by the Board and information about the number of licences held in the Board's area. The draft Scottish Borders Licensing Board Annual Functions Report 2017-2018 was attached as Appendix 1 to the report. The Financial Report must include statements of the relevant income received and relevant expenditure incurred by the Licensing Board during the financial year and an explanation of how these amounts were calculated. The draft Scottish Borders Licensing Board Financial Report 2017-2018 was attached as Appendix 2 to the report. Members were asked to note that the

Licensing Board income could not be guaranteed in any financial year, this being dependent on the number of licensed premises which continued to operate, as the vast majority of Board income stemmed from annual Premises Licence fees. In response to a question, further information about calculations within the Financial Report could not be given at the meeting. It was therefore agreed to defer consideration of the Financial Report to the next meeting to enable clarification to be obtained.

## **DECISION**

- (a) **APPROVED Scottish Borders Licensing Board Functions Report 2017-2018 attached as Appendix 1 to the report; and**
- (b) **AGREED to defer to the next meeting consideration of the Scottish Borders Licensing Board Financial Report 2017-2018 attached as Appendix 2 to the report and to delay publication of the reports until after its approval.**

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

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

**Lynn Ferguson**

**Denholm Post Office  
1 Westside  
Denholm  
Nr HAWICK**

**(Provisional)**

Licensed hours applied for:

**ON SALE**  
None

**OFF SALE**  
Monday to Sunday  
10.00 a.m. – 8.00 p.m.

Representations received:

Police Scotland - none.  
Licensing Standards Officer - none.  
Health - none.  
Other - none.

There had been circulated copies of the application, proposed operating plan and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns. Ms Lynn Ferguson, applicant, was present and explained that she wished to increase footfall within the store by diversifying and expanding the range of goods offered.

## **DECISION GRANTED**

4.2 **Section 29: Application for Variation of Premises Licences.** The Board considered the following applications for variation of Premises Licences:-

**Torwoodlee Golf Club**

**Torwoodlee Golf Club  
Edinburgh Road  
GALASHIELS  
TD1 2NE**

Amendments to operating and layout plan:-

- Changes to the existing On Sale core hours:-

Current On Sale Hours

Sun to Thurs 11.00am - 11.00pm  
 Fri & Sat 11.00am - 1.00am

Proposed On Sale Hours

Sun to Wed 11.00am – midnight  
 Thurs, Fri & Sat 11.00am – 1.00am

- addition of a seasonal variation to read ‘Christmas Eve, Christmas Day, Boxing Day, New Year’s Eve and New Year’s Day until 1.00am or within any other agreed Licensing Board Policy’;
- addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities both during and outwith core licensed hours;
- addition to the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan, to include gaming during core licensed hours;
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; and recorded music;
- a change to the explanation as to ‘Yes’ in column 4 (outwith core hours);
- amend the explanation of any other activities in line with the removal of Members Club status; and
- Update the existing Children and Young Persons statement in line with the removal of Members Club status.
- Amendment to layout plan showing new entrance, toilet and locker room arrangement.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of the application, current and proposed operating plans and floor plan. The Licensing Standards and Enforcement Officer advised that the application was within policy and he had no concerns about the proposals which effectively made the facilities and services at the club available to non-members. Club representative, Mr Gordon Keddie, was in attendance and spoke in support of the application. He explained that alcohol sales had decreased significantly over recent years. The Club now wished to diversify and offer food and toilet facilities to non-members. He added that the Southern Upland Way route passed through the club grounds resulting in demand for the services offered.

**DECISION  
 GRANTED**

**Caledonian Heritable Limited**

**The Fleece  
 1 Etrick Terrace/7 Market Place  
 SELKIRK**

Amendments to operating plan, which include the following:-

- a change to the core On and Off Sale Hours on a Sunday –

Current On Sale Hours  
 12.30pm – 12 midnight

Proposed On Sale Hours  
 11.00am – 12 midnight

Current Off Sale Hours  
 12.30pm – 10.00pm

Proposed Off Sale Hours  
 11.00am – 10.00pm

- a change to the seasonal variation to read 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day open until 1.00am or within any other Licensing Board Policy';
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include bar meals; receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; indoor/outdoor sports; and televised sport, without the sale of alcohol;
- addition of dance facilities to the permitted activities referred to in question 5 (columns 2 and 3) of the Operating Plan;
- a change to the explanation as to 'Yes' in column 4 (outwith core hours); and
- a change to the terms and conditions of Children and Young Persons access at question 6 of the Operating Plan, to permit access until 10.00pm when dining (previously 8.00pm) and for the duration when attending a private pre-arranged function.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of the application and current and proposed operating plans. The Licensing Standards and Enforcement Officer advised that the variation requested was within policy and he had no concerns about the proposals. Ms Tracey Ward, Designated Premises Manager was present on behalf of the applicant and explained that food sales at The Fleece had increased by over 50% in the last two and a half years. The licence variation had been requested in order to attract more customers into the premises for food.

**DECISION  
GRANTED**

**Vale of Leithen Social Club**

**Vale of Leithen Social Club  
2 Leithen Crescent  
Innerleithen**

Amendments to Operating Plan:-

- changes to the existing On Sale core hours:-

Current On Sale Hours

Sun to Wed 11.00am - 11.00pm

Thurs 11.00am - midnight

Fri & Sat 11.00am - 1.00am

Proposed On Sale Hours

Sun to Wed 11.00am – midnight

Thurs, Fri & Sat 11.00am 1.00am

- change terms of seasonal variation to read 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day open until 1.00am or within any other Licensing Board Policy';
- addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include Conference Facilities, Bar Meals, Theatre, Films, Indoor and Outdoor Sport, during and outwith core licensed hours;
- addition to the permitted activities referred to in question 5 (column 4 – outwith core hours) of the Operating Plan, to include Receptions, Recorded Music, Live Performance, Dance Facilities and Televised Sports, without the sale of alcohol;
- a change to the explanation as to 'Yes' in column 4 (outwith core hours);
- the inclusion of an explanation at 5(f) regarding Other Activities; and
- a change to the terms of Children and Young Persons Access.

Representations received:

Police Scotland - none.  
Licensing Standards Officer - none.  
Health - none.  
Other - Innerleithen & District Community Council.

There had been circulated copies of the application and current and proposed operating plans. There had also been circulated copies of an email from Innerleithen Community Council objecting to the extension of hours applied for. The Licensing Standards and Enforcement Officer advised that the proposal was within policy and that the variation had been requested to bring the operating plan in alignment with demand for services. Club Chairman Mr Paul Graham and Club Steward Mr Angus McPherson were in attendance to speak in support of the application. It was explained that the variation had been requested to future-proof demand going forward, with the proposal to introduce food and functions in the long term. Local organisations who used part of the premises, for example for band practice, often wanted to bring children with them. Whilst noting the objection, Members referred to the Club as a well-used community asset and recognised that diversification was required to ensure its viability in the future.

**DECISION  
GRANTED**

- 4.3 **Section 56: Application for Occasional Licence.** The Board considered the following application for an occasional Licence:-

**Laurence Reid**

**MacArts Centre  
Bridge Street  
Galashiels**

Sunday 2 September 2018  
(7pm to midnight – On Sale)

Representations received:

Police Scotland - none.  
Licensing Standards Officer - none.  
Health - none.  
Other – Mr & Mrs Aikman.

There had been circulated copies of the application for an Occasional Licence for a Heriot Watt Students Union fresher event. Also circulated was an objection from Mr & Mrs Aikman stating the opinion that there was no need for the licence to be later than 11 pm on a Sunday, bearing in mind the venue was in a residential street. The Licensing Standards and Enforcement Officer advised that the application was within policy and that he had no concerns. Speaking in support of his application, Mr Laurence Reid explained that the MacArts Centre was a non commercial organisation who tried to maintain a good relationship with neighbours. The students wanted to dress up for the event, which was part of the students' fresher week programme. Mr Reid pointed out that there were several other licensed premises in the vicinity that would be open until midnight and the Students Union did not believe there was any point in holding the event if it had to close an hour earlier than other venues.

**DECISION  
GRANTED**

- 4.4 **Section 72: Application for Grant of Personal Licence.** The Board considered an application from Mr David Corrie for the grant of a Personal Licence. There had been circulated copies of the application and a letter from Police Scotland

confirming a conviction for a relevant offence. The Licensing Standards and Enforcement Officer advised that the applicant had undertaken and passed the required training. Inspector Hodges advised that the letter from Police Scotland was to clarify the conviction which Mr Corrie had declared on his application. Police were not bringing forward any other concerns. Mr Corrie was in attendance to support his application and emphasised sincere regret for his response to an incident which occurred outside licensed premises he had no link to, resulting in the fixed penalty fine. After discussion and consideration Members indicated their support for the application.

**DECISION  
GRANTED**

*The meeting concluded at 10.25 am*