

25/10/2018

Your Ref:

Our Ref: IK 364118

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



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Chief Constable

Local Area Commander
The Lothians and Scottish Borders
Division
Galashiels Police Station
Bridge Street
Galashiels
TD1 1SP

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
COUNTY HOTEL, 35 HIGH STREET, PEEBLES, SCOTTISH BORDERS, EH45
8AN.**

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;

1. Amend opening hour on Sunday for On Sales and Off Sales to 11am
2. Add outside drinking facilities during core hours, and without core hours in conjunction with other permitted activities, to include the permitted street café permit to be part of the premises licence
3. Amend terms for Children and Young Persons access so that they are not required to consume food to be on the premises if before 8pm. Although this is usually the reason for the majority of the visits, there are occasions when tourists accompanied by their children come in for refreshments without food and we have to turn them away. The DPM or their assistant will use discretion to ensure we comply with our Licensing Objective Protecting Children from Harm.
4. Amend times for Children and Young Persons access so they are permitted to stay until 10pm, or end of private function. Currently this is 8pm for Children and 10pm for Young Persons, and we turn away customers who want to use the premises as they have children. We will require children to be consuming food or attending a private function if in the premises after 10pm.

5. Amend parts for Children and Young Persons to remove reference "Access will not be permitted to games room" as there is no longer a defined games room on the ground floor – this is now a Snug/function room.

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

In terms of Section 22(1)(a) of the same Act, I make the following objections.


1. No Objection to first request as it is within policy.
2. Objection - No permission to be granted to any outside facility without Full Written permission for the area to be used and a clearly defined area cordoned off by some visible reasonable means, i.e. fencing, posts and tape. Also that strict time constraints be placed on the area's use so as not to cause a noise nuisance.
3. Objection - The provision to allow Children and Young Persons access to the premises for no other reason than to accompany adults drinking is wholly and completely against policy.
4. We have no objections to this provided it is strictly for the reasons provided.
5. We have no objections to this request.

In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- securing public safety (2)
- preventing public nuisance (2)
- protecting children from harm (3)

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

Yours faithfully



Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01896 823855.