

**SCOTTISH BORDERS COUNCIL
SCOTTISH BORDERS LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH
BORDERS LICENSING BOARD held in
Committee Rooms 2 and 3, Council
Headquarters, Newtown St Boswells on
Friday, 22 February 2019 at 10.00 am

Present:- Councillors J Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officers (I. Tunnah and M. Wynne), Inspector J. McGuigan and PC T. Rae - Police Scotland Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **MINUTE**
The Minute of Meeting of 18 January 2019 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 9 January 2019 to 12 February 2019.

**DECISION
NOTED.**

3. **LICENSING (SCOTLAND) ACT 2005:
Section 20: Application for Variation of Premises Licence**

- 3.1 The Board considered the following application for Provisional Grant of Premises Licence:-

(a) **Pauline Archibald**

The Hub on the High Street
33 High Street
Innerleithen

Licensed hours applied for:

On Sale

None

Off Sale

Sunday to Saturday

10.00am – 10.00pm

Representations received:

Police Scotland - yes.

Licensing Standards Officer - none.

Health - none.

Other - none.

- 3.2 There had been circulated copies of the application together with proposed Operating Plan and layout plan for a Provisional Grant of Premises Licence. A representation dated 23 January 2019 had been received from Police Scotland. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was for the premises to operate as a gift shop selling a range of products and produce which in the main would be of local origin and would include a range of ales, wines and spirits. The premises would operate as an information point within the retail area and would be available for local and tourist information.
- 3.3 Inspector J. McGuigan for Police Scotland referred to the Police representation requested in terms of Section 22(1)(b)(iii) that the Board consider it appropriate applying and make it an additional condition that there was CCTV covering the whole of the alcohol area.
- 3.4 The applicant, Pauline Archibald and the proposed Designated Premises Manager, Carmel Walsh were in attendance. Ms Archibald provided an overview of how the new business would operate and advised that a brand new CCTV and alarm system was being installed at the premises that day.

**DECISION
GRANTED.**

4. SECTION 29: APPLICATION FOR VARIATION OF PREMISES LICENCE

4.1 The Board considered the following application for Variation of Premises Licence:-

(a) **Peebles Hydro Limited** Peebles Hydro Hotel
Innerleithen Road
Peebles

Amendments to operating plan and layout plan for the addition of a Bike Zone, Distillery and Gin School to be sited on the lower ground floor.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

- 4.2 There had been circulated copies of the application together with current and proposed Operating and Layout Plans for a variation of existing Premises Licence. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to change the existing Operating Licence to include that brewing would be carried out in the brewery building where various craft ales were produced. Distilling and the associated Gin School would take place adjacent to a new Bike Zone on the lower ground floor of the main hotel building.
- 4.3 Andrew Williams, Solicitor and Sandra Dawson, on behalf of the Hotel were in attendance. Mr Williams explained that the brewing and distillery operation had been successful and the proposal was to move the distillery with associated Gin School into the main hotel building. Refurbishments would be required to include the distillery and Gin School in the main part of the building and the relevant permissions had already been granted.

**DECISION
GRANTED.**

5. ITEMS LIKELY TO BE TAKEN IN PRIVATE

Before proceeding with the private business, the following motion should be approved:

“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Part 1 of Schedule 7A to the aforementioned Act.”

6. LICENSING (SCOTLAND) ACT 2005:

(a) **Section 72 – Applications for Grant of Personal Licence.** Hearings to consider applications following notification from the Chief Constable of conviction(s) for relevant offences.

(i) T Moore
REFUSED on the grounds that the applicant was not considered fit and proper with regard to the licensing objective preventing crime and disorder.

(ii) M Biggar
GRANTED.

(b) **Section 84A – Conduct inconsistent with the licensing objectives.** Hearings to consider Personal Licences following reports received from the Chief Constable requesting revocation.

(i) J Hume
AGREED to take no action on the grounds that there was insufficient information that the licence holder was no longer fit and proper.

(ii) H Khan
AGREED to revoke the Personal Licence on the grounds that the licence holder can no longer be considered fit and proper due to the nature of convictions against him since the licence was issued.

The meeting concluded at 10.55 am