

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 March 2019 at 10.00 am

Present:- Councillors J. Greenwell (Convener), J. Brown, N. Richards, S. Scott, E. Thornton-Nicol and G. Turnbull

Apologies:- Councillors D. Paterson, R. Tatler and T. Weatherston
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Officer, 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 22 February 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 13 February 2019 to 12 March 2019.

**DECISION
NOTED.**

3. **GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES**
There had been circulated copies of a draft Statement of Principles in accordance with the terms of the Gambling Act 2005 which require licensing authorities to publish a Statement of Principles proposed to be applied by the Board in exercising its functions under the Act, for a three year period. The Act required the Statement of Principles to be reviewed every three years. This report sought approval from the Board to the draft Statement of Principles for the period 31 January 2019 to 30 January 2022 and also sought authority to carry out the statutory consultation on the draft Statement to allow consideration of a final statement thereafter. The Managing Solicitor reported that as there had been no significant changes in the regulations issued by the Secretary of State or the guidance issued by the Gambling Commission then it was considered that no significant changes to the current Statement of Principles were necessary.

DECISION

- (a) **APPROVED the draft Statement of Principles for the period 31 January 2019 to 30 January 2022;**
- (b) **AGREED to carry out the statutory consultation on the draft Statement of Principles for the period 31 January 2019 to 30 January 2022; and**

- (c) **INSTRUCTED the Clerk to bring forward a report to the Board on the outcome of the consultation following the expiry of the consultation period.**

4. **DECLARATIONS OF INTEREST**

Councillor Greenwell declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

MEMBER

Councillor Turnbull in the Chair for the following item.

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

Section 20: Application for Variation of Premises Licence

- 5.1 The Board considered the following application for a Transfer and Variation of Premises Licence:-

Donald Moffat

Eildon Centre
Victoria Street
Coldstream

Amendments to Operating Plan:

- Change Core Hours
ON SALE:
Sunday to Thursday 11.00am-12.00midnight; Friday and Saturday 11.00am– 1.00am;
(currently Monday to Thursday 7.00pm-12.00midnight; Friday 7.00pm-1.00am; Saturday 12.00noon-1.00am; Sunday 12.30pm-12.00midnight)
OFF SALE:
Sunday to Saturday 11.00am – 10.00pm
(currently Monday to Friday 7.00pm -10.00pm; Saturday 12.00noon -10.00pm; Sunday 12.30pm -10.00pm)
- Change the terms of the Seasonal Variation
- Addition of Activities both within and outwith Core Hours: Restaurant, Bar Meals, Films
- Addition of Activities within Core Hours: Gaming
- Addition of Activities outwith Core Hours: Recorded Music
- Change explanation in respect of outwith Core Hours entries in Column 4
- Change terms and conditions for Children and Young Persons access

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

- 5.2 There had been circulated copies of an application for the Transfer and Variation of Premises Licence, together with the proposed amendments to the Operating Plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the Premises Licence was to be transferred under delegated powers. The business had operated for some years with restricted hours and as the business was to be transferred an increase in hours within the current policy was requested. There were no objections received.

**DECISION
GRANTED.**

6. **SECTION 56: APPLICATION FOR OCCASIONAL LICENCE**

- 6.1 The Board considered the following application for Occasional Licence:-

Melrose RFC

Melrose RFC
Melrose
Saturday, 13 April 2019

- | | |
|-----------------------------------|-------------------|
| (i) Melrose 7's Hospitality Tent | 11.00am - 7.30pm |
| (ii) Melrose 7's Public Beer Tent | 11.00am - 6.00pm* |

Representations received:

Police Scotland - attached.

Licensing Standards Officer - attached.

Health - none.

Melrose RFC – *attached amendment for (ii).

- 6.2 There had been circulated copies of applications for two Occasional Licences. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was for the usual temporary bar facilities at the Annual Sevens Tournament. One application was for the Hospitality Marquee where entry was by ticket only and the other was for a public tent situated in the car park adjacent to the main stand. It was recommended that both licences be granted with the additional condition that a wrist band scheme be implemented at the entrance to the tournament venue which would clearly identify age by coloured bands. A representation dated 27 February 2019 had been received from Police Scotland that recommended that the licence be granted subject to the condition that an age identification scheme be used. The club had indicated that it was agreeable to such a condition.

DECISION

GRANTED subject to the condition that an age identification scheme be used.

7. **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.”

8. **MINUTE**

The Board approved the Private Section of Minute of meeting of 22 February 2019.

The meeting concluded at 10.10 am