

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 21 June 2019 at 10.00 am

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

Apologies:- Councillors S. Scott, G. Turnbull
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (I. Tunnah), Inspector J. Scott - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **MINUTE**

The Minute of Meeting of 31 May 2019 had been circulated.

DECISION APPROVED.

3. **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 16 May 2019 to 11 June 2019.

DECISION NOTED.

4. **ANNUAL FINANCIAL AND FUNCTIONS REPORT 2018/19**

There had been circulated copies of a report by the Clerk to the Licensing Board to seek approval from the Board on the Annual Functions Report and Annual Financial Reports for 2018/19. The Managing Solicitor (Property and Licensing), Mr Kirk advised Members that Licensing Boards were required to provide an Annual Functions Report which must include a statement explaining how the Board has had regard to the licensing objectives and the Policy Statement in the exercise of its functions in terms of Section 9A of the Licensing (Scotland) Act 2005 as well as a summary of decisions made by the Board and information on the number of licenses (including occasional licences) held in the Board's area. Mr Kirk advised that the Annual Financial Report included a statement on the amount of relevant income received by the Board; the amount of relevant expenditure incurred and an explanation on how the amounts in the statement were calculated. Members were asked to note that the Board's income would not be guaranteed in any financial year, expenditure would fluctuate and additional costs incurred in this financial year was due to additional work carried out by legal and licensing staff in reviewing the Board's Licensing Policy Statement and the requirement for renewal of Personal Licenses. The Board's income and expenditure would be kept under review on a regular basis.

**DECISION
AGREED:-**

- (a) **the annual Functions Report and Annual Financial Report; and**
- (b) **to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report**

**5. ANY OTHER ITEMS WHICH THE CONVENER DECIDED WERE URGENT
SCOTTISH GOVERNMENT CONSULTATION PAPER ON OCCASIONAL LICENCES**

- 5.1 There had been circulated copies of a briefing note by the Managing Solicitor (Property and Licensing), to brief Members with regard to the ongoing Scottish Government consultation on Occasional Licences and the nature of the response which Licensing Officers proposed to make on behalf of the Board. The consultation was due to close on 16 July 2019. There had also been circulated a copy of the consultation paper which broadly formed a series of questions which was broken down into two parts: namely, the level of fee to be charged for an Occasional License Application and whether a limit should be placed on the number and duration of Occasional Licences which could be applied for by holders of a Premises Licence or a Personal Licence. Members were asked to endorse the proposed response to the consultation on behalf of the Board.
- 5.2 Mr Kirk advised Members that the current fee payable for an Occasional Licence was £10 and that this fee had been in place for a considerable period of time. The consultation asked if the Board agreed that this fee should be increased and invited suggestions for a suitable fee level. Licensing Officers recommendation, as outlined in the Briefing Note, was an increased fee of £30 for voluntary organisations applications and an increased fee of £75 for applications made by the holders of a Premises or Personal licence. Members discussed the options and it was suggested that the officers' recommendation of an increased fee for the holders of a Premises or Personal licence was perhaps too high.

Motion:

Councillor Weatherston, seconded by Councillor Richards moved that an increase be made to £50 with a cost of £30 for voluntary organisations.

Councillor Tatler recommended an increase be made to £30 and £10 for voluntary organisation but no seconder was received.

- 5.3 Mr Kirk explained that the second part of the consultation related to the possibility of placing a limit on the number and duration of occasional licence applications which could be made by holders of premises and personal licences as currently there was no limit on the number of applications which could be made by the holders of such licences. Mr Kirk advised that there were already restrictions on the number of applications a voluntary organisation/members club could make, in any period of 12 months, and proposed that there were no justifiable reason for imposing any such limit on premises licences and personal licence holders. Members agreed to respond to the ongoing Scottish Government Consultation as set out in this paragraph and paragraph 5.2 above.

DECISION

AGREED to respond to the Scottish Government Consultation Paper on Occasional Licences as follows:-

- (a) **consideration should be given to increasing the Occasional Licence application fee for premises licences and personal licence holders to £50 and the fee for Occasional Licence by voluntary organisations to £30; and**
- (b) **that there should be no limit on the number of applications that could be made over a period of 12 months**

6. **PRIVATE BUSINESS**

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.”

7. **LICENSING (SCOTLAND) ACT 2005: SECTION 72 - APPLICATIONS FOR GRANT OF PERSONAL LICENCE**

- (i) Hearing held to consider an application following confirmation from Police Scotland of conviction for a relevant offence
- (ii) Further hearing held to consider another application following confirmation from Police Scotland of conviction(s) for relevant offence(s).

The meeting concluded at 10.40am