

# 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 19 July 2019 at 10.00 am

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Present:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, G. Turnbull,

Apologies:- Councillors R. Tatler, E. Thornton-Nicol, T. Weatherston  
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officers (I. Tunnah and M. Wynne), Chief Inspector S. Reid and PC T. Rae - Police Scotland, Susan Elliot, Alcohol & Drugs Partnership Co-ordinator (ADP, NHS Borders), Democratic Services Officer (F. Walling), Trainee Democratic Services Officer

1. **MINUTE**

The Minute of Meeting of 21 June 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 12 June 2019 to 8 July 2019.

**DECISION  
NOTED.**

3. **CHIEF CONSTABLE'S ANNUAL REPORT**

There had been circulated copies of a report by the Chief Constable – Police Service of Scotland, Mr Iain Livingstone for the period 1 April 2018 to 31 March 2019 in accordance with Section 12(A) Licensing (Scotland) Act 2005. The report summarised the work undertaken throughout this period which included the introduction of the Minimum Unit Pricing of Alcohol in Scotland and the work that would be undertaken through the Evaluation Advisory Group to assess the impact of this legislation. The Scottish Borders Licensing Board area was policed by J Division and Chief Superintendent John McKenzie was the Local Police Commander who had responsibility for all day to day policing functions. The Local Area Commander Chief Inspector Stuart Reid, supported by Jackie McGuigan, were based at Galashiels and were responsible for performance management, community engagement, partnership working and the daily management of local personnel. The report outlined the local policing priorities, description of Board area and information on the operation of the Licensing (Scotland) Act 2005. In the Scottish Borders, there were 345 recorded incidents in licensed premises between this period which was an increase of 113 on the previous year. The ongoing joint Police Council initiative on the prevention of the sale or supply of alcohol to children and young people by advertising on the local SBC website and posters at larger events. The crackdown of fake driving licences by visits to local premises and the tackling of serious and organised crime. The report also summarised the proposed activity for the year ahead which included underage drinking in the Borders. Chief Inspector Reid advised that the report

fully acknowledged the many active local partnerships that provided continued support, to enable Police Scotland and partners to drive improvement in licensing.

**DECISION  
NOTED.**

4. **STATEMENT OF GAMBLING PRINCIPLES 2019 – 2022**

With reference to paragraph 3 of Minute of 22 March 2019, there had been circulated copies of a report by the Clerk to the Licensing Board to advise Members of the responses received to the recent consultation on the draft Statement of Principles in terms of the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022. The report set out the proposed way forward which required 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. Following consultation on the draft Statement, eight responses were received and these were detailed in the copy of the consultation which appeared at Appendix 1 to the report. The Managing Solicitor reported that taking the responses into account, the points raised were either already contained within the Board's draft Statement or were outwith the Board's control and therefore it was considered that no changes were required to the draft Statement of Principles which appeared at Appendix 2 to the report. The Board agreed to approve and adopt the report.

**DECISION:**

- (a) **APPROVED the draft Statement of Principles and adopt it as the Statement of Principles for the period 31 January 2019 to 30 January 2022; and**
- (b) **INSTRUCTED the Clerk to the Licensing Board to take all the necessary steps to publish the statement**

5. **Licensing (Scotland) Act 2005:**

- (i) **Section 20: Application for Premises Licence.** Consider the following application for Provisional Grant of Premises Licence

(a) **Kelso Gin Company**

Harestanes Tower  
Harestanes, Ancrum  
Jedburgh  
(Provisional)

Licensed hours applied for:

On Sale

None

Off Sale

Sunday to Saturday 10.00am –  
10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for provisional premises licence, together with the operating plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to accommodate for the remote sale of alcohol dictated and dispatched from a licensed premises. To operate as a distribution point for online and telephone orders of predominantly own label gin based products with direct sales to the public accommodated at the premises on occasions. The premises were a small ground floor single room unit housing a micro distillery producing gin in various flavours and adjoined the Harestanes Visitor Centre. The Convener welcomed the applicant Mr Oliver Drake and representative Mr Andrew Crowe who advised that Kelso Gin was a small company and they looked for



Police and Health to the application and that the variation of the licence would bring the opening hours up to date within the policy.

**DECISION  
GRANTED.**

**(b) Mansefield Pubs (LIC) Ltd**

1905 (former Red Lion)  
Crawford Street  
Kelso

Amendments to premises licence, operating plan and layout plan, to include the following:

- change to the core On Sale Hours:

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
11.00am – 12.00midnight Mon to Thurs	11.00am – 12.00midnight Sun to Wed
11.00am - 1.00am Fri & Sat	11.00am - 1.00am Thurs to Sat
12.00noon – 12.00midnight Sun	
- change to the core Off Sale Hours:

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
11.00am - 10.00pm Mon to Sat	11.00am - 10.00pm Sun to Sat
12.00noon - 10.00pm Sun	
- addition of the following wording to the current seasonal variation - 'In addition, any other general or occasional extension allowed in respect of the Board's Policy';
- addition to permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities, restaurant facilities, bar meals and films, both within and outwith core hours;
- addition to permitted activities referred to in question 5 (column 4) of the Operating Plan, to include receptions etc, club or other group meetings, recorded music, live performances and indoor/outdoor sports, outwith core hours;
- change to terms/explanation at question 5(e) of the Operating Plan relating to the list of permitted activities;
- change to terms/explanation at question 5(f) of the Operating Plan relating to any other activities;
- change to terms and conditions of the Children and Young Persons access at question 6 of the Operating Plan;
- change to internal layout of premises including seating area and kitchen facility in the area previously used as a games room and reduction in size of bar dispensing area in the public bar; and
- change to description of premises to read 'Public House occupying the ground floor of a two storey building in a mixed domestic and commercial area near the town centre consisting of bar and lounge/restaurant areas'.

Representations received:

Police Scotland - none.

Licensing Standards Officer - attached.

Health - attached.

Other - none.

There had been circulated copies of an application for provisional premises licence, together with a proposed operating plan and letters of objections were received from the Licensing Standards Officer and Interim Director of Public Health. Mr Tunnah, Licensing Standards and Enforcement Officer explained that the premises were previously known as The Red Lion and had over many years been regarded as an adult drinking establishment. If the current operator's plans were to change the dynamic of the premises into being a food led pub/restaurant, it was likely that the

purpose for being within during the later hours would still primarily be the consumption of alcohol. The proposed operating plan submitted with the variation had no time constraint for the access of children and young people. Mr Tunnah advised that suggestions were given to the applicant to amend the proposed operating plan to make it more appropriate and to meet the licensing objectives and the Boards policy. A letter had also been submitted from the Director of Public Health which made several observations to be considered by the Board prior to granting the licence. It had been noted that the variation would allow access to the premises for children up to 12 midnight, Monday to Wednesday and Sundays, and to 1.00am Thursday to Saturday and recommendation had been made to ensure clarity on the hours of access. Mr Tunnah advised that an amended copy of the time constraints in the operating plan had been received to state that children and young person's access only when attending a private or pre-arranged function within the designated area for that function. After a full discussion Members granted the amended version of the operating plan.

**DECISION  
GRANTED.**

**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. MINUTE**

The private Minute of Meeting of 21 June 2019 had been circulated.

**DECISION  
APPROVED.**

**8. LICENSING SCOTLAND ACT 2005: SECTION 72 - APPLICATIONS FOR GRANT/RENEWAL OF PERSONAL LICENCE**

(i) The Board agreed that the application for a Personal Licence submitted by H. Rowe be deferred to the next meeting.

(ii) The Board granted an application for a Personal Licence submitted by P. Allan.

**9. URGENT BUSINESS**

The Committee considered an urgent item of private business.

***The meeting concluded at 10:45 am***