

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 20 September 2019 at 10.00 am

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

Apologies:- Councillors G. Turnbull, T. Weatherston

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

1. **MINUTE**

The Minute of Meeting of 23 August 2019 had been circulated.

**DECISION
APPROVED.**

2. **LICENSES 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 July 2019 to 3 September 2019.

**DECISION
NOTED.**

DECLARATION OF INTEREST

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

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

Section 29: Application for Variation of Premises Licence. Considered the following application for variation of Premises Licence:

(i) **Peter Tyler**

Denholm Meet
Westside
Denholm

Amendments to licence and operating plan, which include the following:

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
12.30pm – 11.00pm Sun	11.00am – 12 midnight Sun to Thurs
11.00am – 11.00pm Mon to Sat	11.00am – 1.00am Fri & Sat

- the addition of core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
None	10.00am – 10.00pm Sun to Sat
- the addition of a seasonal variation 'Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day open until 1.00am or within any other Licensing Board Policy';
- the addition to the permitted activities referred to in question 5 (Yes in column 4 – outwith core hours) of the Operating Plan, to include restaurant facilities, receptions (including weddings, funerals, birthdays, retirements etc), club or other group meetings etc, recorded music, live performances, dance facilities and outdoor drinking facilities;
- the addition of appropriate explanation/terms at question 5(e) of the Operating Plan relating to the list of permitted activities (as to 'Yes' in column 4); and
- the addition of appropriate explanation/terms at question 5(f) of the Operating Plan relating to any other activities.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of existing Premises Licence, together with current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to update the existing operating plan to include off sale hours to accommodate patrons who purchased wine when having a meal to take any open bottle home. The premises would operate as a Café/Restaurant/Bistro with alcohol, generally but not exclusively, being sold to accompany food. The Convener welcomed the applicant, Mr Tyler who explained that the change to the plan would give customers the opportunity to purchase a bottle of wine with their meal and take away any unfinished wine or to buy a bottle of wine to take away. There were no representations and the application was granted.

**DECISION
GRANTED.**

(ii) Buccleuch Recreational Enterprises Ltd

Bowhill
Selkirk

Amendment to operating plan and layout plan:

- Change core hours to commence at 11.00am Sunday for on sale (currently 12.00noon); and 10.00am on Sunday for off sale (currently 12.00 noon).
- Change terminal core hours for on sale to 12.00midnight Sunday to Wednesday and 1.00am Thursday to Saturday (currently 11.00pm each evening).
- Change the terms of the seasonal variation in line with the Board's policy over the festive period.
- Change question 5 listed activities outwith core hours to include conference facilities, restaurant facilities, club or other group meetings, live performance, dance facilities, theatre, films, indoor and outdoor sports, and outdoor drinking facilities.
- Change question 5 listed activities to include both within and outwith core hours receptions etc, recorded music and televised sport.
- Change question 5 listed activities to include gaming within core hours.
- Change the explanation of activities outwith core hours and amend the statement under any other activities at question 5(f)
- Change the children and young person's access statement to permit children

for the purposes of using any of the facilities for the duration of their visit whilst accompanied by an adult and young persons for the same reasons without the need to be accompanied.

- Amended layout plan showing re-arranged and re-located shop premises, etc.

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with current and proposed Operating and Layout Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to update the existing operating and layout plans including the relocation of shop premises. The premises operates as a visitor centre with café/restaurant, gift shop and includes a small theatre. The Convener welcomed Mr Rory Powell, the Designated Premises Manager who confirmed that the application was to update the current Operating Plan in line with the Board's policy statement and incorporate the relocation of the gift shop within the layout plan. There were no representations and the application was granted.

**DECISION
GRANTED.**

(iii) St Boswells Rugby Football Club

Jenny Moores Road
St Boswells

Amendment to operating plan:

- Amend explanation at question 5(f) as to other activities to include use as a pre and after school club and remove specified day and times for use as a youth club.
- Amend the statement of children and young persons terms of entry and times when they will be permitted on the premises at question 6 (in addition to those currently stated in relation to sporting events and radio broadcasts) as follows:
 - Children and young persons when attending any youth club until 9.00pm;
 - Children attending any pre or after school club until 6.30pm.

Representations received:

Police Scotland – copy circulated.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to include a statement of any other activities to allow the premises to be used for youth activities such as pre and after schools clubs and youth clubs prior to core hours and amend the children and young persons statement to reflect the ages, times and terms of access. Police Scotland had submitted a letter of representation dated 9 September 2019 and Inspector McGuigan advised that whilst there was no police objection to the proposal, they wished the Board to consider attaching the following conditions:-

- The bar must be shuttered, and entry door closed and locked at all times when the premises was being used for youth activities; and
- Alcohol would be stored securely within the bar area at all times when the

premises was being used for youth activities

The Convener welcomed Mr Elliot who addressed the Board as the representative for the Club. He advised that the Operating Plan already stated that the bar would always be shuttered and closed off when the premises were being used for the after school clubs and accepted the conditions stipulated by the Police. He further highlighted that Live Borders was the third party with responsibility for the youth activities and would not have access to the bar area and another room in the club would be used for these activities. No other representations had been received.

DECISION

GRANTED subject to the additional conditions requested by Police Scotland.

(iv) Iceland Foods Limited

33/43 High Street
Galashiels

- Amendment to layout plan - increase capacity to 4.55m² (previously 4.4m²)

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for variation of Premises Licence, together with the proposed Operating and Layout Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to incorporate a minor increase in the alcohol display area as a result of reconfiguration of shelving. The Convener welcomed Niall Hazard of TLT, Solicitors in alcohol display shelving. There were no representations and the application was representing the applicant who confirmed the application reflected a minor increase granted.

DECISION

GRANTED.

4. 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.”

5. LICENSING SCOTLAND ACT 2005: PERSONAL LICENCE HEARING

Section 84A: Hearing to consider review of Personal Licence on report of conduct inconsistent with licensing objectives received from Police Scotland.

In the absence of the applicant, the Board unanimously agreed to defer this item to the next meeting.

DECISION

DEFERRED to a future meeting.

6. MINUTE

The private Minute of Meeting of 23 August 2019 had been circulated.

DECISION

APPROVED.

The meeting concluded at 10:18 am