

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 25 October 2019 at 10.00 am

Present:- Councillors J. Greenwell (Convener), D. Paterson, N. Richards, G. Turnbull, T. Weatherston

Apologies:- Councillors J. Brown, S. Scott, R. Tatler, E. Thornton-Nicol
In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (I Tunnah), Chief Inspector Reid, PC J. Fortune - Police Scotland, Democratic Services Officer (F. Henderson), Trainee Democratic Services Officer

1. **MINUTE**

The Minute of Meeting of 20 September 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 4 September 2019 to 9 October 2019.

**DECISION
NOTED.**

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

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

(a) **Scott Hunter** 40 Bridge Street
Kelso
(Provisional)

Proposed business activity – ground floor bistro/restaurant/coffee shop with table service of drinks provided by on sale facility. No off sale requested. Licensed hours applied for:

<u>On Sale</u>	<u>Off Sale</u>
Sun to Thurs – 11.00am to 12 midnight	None
Fri & Sat – 11.00am to 1.00am	

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for provisional grant of premises licence, together with the proposed Operating Plan and layout plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was to allow the premises to operate as a bistro/restaurant/coffee shop with alcoholic drinks to be served by table service within the core hours. The Convener welcomed the applicant Mr Scott Hunter who explained that he presently owned the butcher shop and this application was an expansion of his existing business to open a café/bistro/restaurant next to his butcher shop which he considered would be an asset to the town. Members welcomed this proposal which was in a prime location in Kelso. There were no representations and the application was granted.

**DECISION
GRANTED**

(b) Whitbread Group plc

Premier Inn
Borders Gateway
Tweedbank Drive
Tweedbank
(Provisional)

Proposed business activity – three storey hotel with accommodation, food and beverage area and associated facilities. Restaurant would be open to the general public. Licensed hours applied for:

On Sale

Sun to Thurs – 11.00am to 12 midnight
Fri & Sat – 11.00am to 1.00am

Off Sale

Monday to Sun – 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 grant of premises licence, together with the proposed Operating Plan. The layout plans had been available for inspection in the licensing unit prior to the meeting and was on display at the meeting. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was for a proposed development of a Premier Inn in Tweedbank which was a standard hotel licence for accommodation, food and beverage area with associated facilities. The restaurant would also be open to the general public. In accordance with the Board's policy, the application also proposed for the extension of on sale core hours until 1.00am on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. The Convener welcomed Mr Grunert, representative for Whitbread plc, who advised that the proposed development was adjacent to Tweedbank Industrial Estate and would act as a gateway to the Borders and was near to the railway station. The establishment would comprise of a 71 bed unit, with the core hours within the Board's policy. There would be very limited display areas for alcohol and would not provide an off sale facility other than for those dining at the premises who could take a bottle of wine away. The plan also proposed an outside drinking area. Mr Grunert intimated an amendment to the operating plan to include gaming activity within core hours only. Members were in unanimous support of the application. There were no representations and the application was granted, subject to the amendment to the operating plan to remove gambling outwith core hours.

DECISION

GRANTED subject to the amendment to the operating plan.

(ii) **Section 29: Applications for Variation of Premises Licence.** Consider the following applications for Variation of Premises Licence

(a) **Hawick Rugby Ltd**

Hawick RFC Clubrooms
Mansfield Park
Mansfield Road
Hawick

Amendments to 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 Wed
11.00am – 11.00pm Mon to Thurs	11.00am – 1.00am Thurs, Fri & Sat
11.00am – 1.00am Fri & Sat	
- a change to the core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
12.30pm – 10.00pm Sun	11.00am – 10.00pm Sun to Sat
11.00am – 10.00pm Mon to Sat	
- the addition to the permitted activities referred to in question 5 (column 4) of the Operating Plan, to include restaurant facilities, bar meals, club or other groups meetings etc, recorded music, live performance, dance facilities, theatre, films, indoor/outdoor sports and televised sport, outwith core hours; and
- a change to the terms/explanation 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 Premises Licence, together with current and proposed Operating Plans. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was a variation to the existing licence due to revisiting the operating plan which was very restrictive on activities outwith core hours. He further advised that the plan proposed was within the policy. The Convener welcomed Mr Anderson, the Club's representative who confirmed that the application was to update the current Operating Plan in line with the Board's policy statement and incorporated the amendments to the core hours. There were no representations and the application was granted.

DECISION GRANTED

(b) **Selkirk RFC**

Selkirk RFC
Philiphaugh
Ettrickhaugh Road
Selkirk

Amendment to Operating Plan and layout plan as follows:

- Change on and off sale core hours to commence at 11.00am Monday to Sunday (currently 5.00pm Monday to Thursday, 11.00am Friday and Saturday and 12.30pm Sunday).
- Change terminal core hours for on sale to 12.00midnight Sunday to Wednesday and 1.00am Thursday to Saturday (currently 11.00pm Sunday to Thursday and 1.00am Friday and Saturday).
- Change the terms of the seasonal variation in line with the Board's Policy over

the festive period.

- Change question 5 listed activities to include restaurant facilities, bar meals, theatre, films and outdoor drinking facilities within and outwith core hours.
- Change question 5 existing listed activities recorded music live performances, dance facilities and televised sport to take place outwith core hours.
- 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 persons access statement to permit children for the purposes of participating in or supporting any sporting activity associated with the Club until 10.00pm and for attending any pre-arranged, private function for its duration whilst accompanied by an adult and young persons at the same times and for the same reasons without the need to be accompanied.
- Amended layout plan to include new extension within licensed footprint of the premises.

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 Plans and layout plan. Mr Tunnah, Licensing Standards and Enforcement Officer advised that the application was a variation to the existing licence due to a review of the operating plan which was very restrictive relating to the permitted activities both during and outwith core hours. He further advised that the proposed changes were within policy. The Convener welcomed Mr Findlater, the Club's representative who confirmed that the application was to update the current Operating Plan in line with the Board's policy statement and incorporated the extended times for core hours. This would allow opportunities to hold events such as weddings/functions, the sevens tournament, junior rugby events or funerals. There were no representations and the application was granted.

**DECISION
GRANTED.**

4. FESTIVE SEASON EXTENDED HOURS POLICY

4.1 There were circulated at the meeting copies of a briefing paper regarding a proposed Festive Season Extended Hours policy. Mr Tunnah, the Licensing Standards and Enforcement Officer explained that the vast majority of licensed premises in the Scottish Borders had a seasonal variation included in their Operating Plans allowing a terminal hour of 1 a.m. on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. As in previous years, it would therefore seem appropriate to allow the premises which did not have this seasonal variation to apply for an extension to their core hours up to the same terminal hour on those days and for those applications to be dealt with under delegated powers, where no other objections or representations were received. If objections or representations were received the applications would be referred to the Board for a decision as required by the 2005 Act. It would also seem appropriate that the same policy be applied to events being catered for in unlicensed premises by way of Occasional Licences.

4.2 With regard to Night Clubs/Late Hours Premises, as in previous years and for consistency it was suggested that it would be appropriate to allow Night Clubs to apply for extensions to their existing hours on the days stated above allowing them to trade to their usual core weekend hours. This preserved the normal weekend time differential between specific late night venues and other licensed premises. Again any extended hours applications for the days stated would be dealt with under delegated powers where no other objections or

representations had been received. Where objections and representations were received the applications would be referred to the Board for a decision as required by the 2005 Act. Any applications in respect of any premises for a terminal hour later than the days and times stated above would be referred to the Board for a decision on their own individual merits.

DECISION

AGREED:-

- (a) applications be granted under delegated powers by officers, for an extension to their core hours up to the terminal hour of 1 a.m. on the five festive dates (24, 25, 26 and 31 December 2019 and 1 January 2020) for those premises that do not have a seasonal variation in their current Operating Plan;
- (b) applications in respect of Night Clubs/Late Hours premises be granted under delegated powers by officers, for an extension to their existing hours to their usual core weekend hours on the five festive dates (24, 25, 26 and 31 December 2019 and 1 January 2020); and
- (c) as required by the Licensing (Scotland) Act 2005, where there were any representations or objections to such applications, they would require to be referred to the Board for a decision.

5. **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.”

6. **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 a future meeting.

7. **MINUTE**

The private Minute of Meeting of 20 September 2019 had been circulated.

DECISION

APPROVED.

The meeting concluded at 10:25am