

SCOTTISH BORDERS COUNCIL

SCOTTISH BORDERS LICENSING BOARD

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held via Microsoft Teams on 31 July 2020 at 10.00 am

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

Apologies:- Councillors D. Paterson, R. Tatler.

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

CONVENER

The Convener opened the meeting and welcomed Members of the Licensing Board and members of the public to Scottish Borders Licensing Board's open on-line meeting. He explained the meeting was being held remotely in order to adhere to guidance on public meetings and social distancing currently in place due to the Covic-19 pandemic.

1. MINUTE

The Minute of Meeting of 21 February 2020 had been circulated.

DECISION APPROVED.

2. LICENSING (SCOTLAND) ACT 2005:

(a) **Section 20: Application for Variation of Premises Licence.** Consider the following application for Provisional Grant of Premises Licence (applicant cited to attend).

Paolo Crolla

Paolo's Italian
11 Market Street
Galashiels
(Provisional)

Proposed business activity - Ground floor deli/restaurant premises in town centre location. Alcohol will be generally but not exclusively sold to accompany meals and snacks for consumption on the premises.

Licensed hours applied for:

On Sale

Thurs to Sat 11.00am – 1.00am
Mon to Sun 10.00am – 10.00pm

Off Sale

Mon to Wed 11.00am to midnight

Representations received:

Police Scotland – yes

Licensing Standards Officer – none

Health – none

Other - none

There had been circulated copies of an application for a provisional grant of a premises licence together with the proposed Operating Plan and letter of representation from Police Scotland dated 18 March 2020. Mr Wynne, Licensing Standards and Enforcement Officer advised that the applicant already operated a successful business within the Town and these premises were to operate as a café/restaurant with alcohol served mainly by table service and mainly but not exclusively ancillary to food. A carry out food service may also be offered. Mr Wynne further advised that the application was within policy and no objections had been received. There was a letter of representation dated 18 March 2020 from Police Scotland in terms of a previous conviction under the Civic Government (Scotland) Act 1982 section 7 in May 2017 which Mr Crolla had not disclosed. The Convener welcomed Mr Crolla, Applicant who joined via Microsoft Teams. Mr Crolla explained that he had not declared the conviction as it was part of his record and as such did not realise it would have to be completed on the application and he apologised for this error. Following discussion, Members unanimously agreed to grant the Licence.

DECISION GRANTED.

- (b) Section 29: Application for Variation of Premises Licence.** Consider applications for Variation of Premises Licence;

- (i) Co-operative Group Food Limited Newtown Street
Duns

- (a) Change trading name of the premises to Co-op.

Amendment to Operating Plan:

- Change current wording at question 5(f) to read:
The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provision of the Licensing (Scotland) Act 2005;

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application to vary the premises license, together with the current Operating plan and the proposed Operating plan. Mr Wynne, Licensing Standards Officer advised that the application included a change of trading name and the inclusion of alcohol in the home delivery service in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005. In conclusion, he advised that the application was within policy and no objections had been received. The Convener welcomed Eilidh McGuire, legal representative of TLT Licensing. Ms McGuire explained that the home delivery service including alcohol was operating in other stores across Scotland and was subject to a robust procedures and compliance with all legislation. All drivers received mandatory training.

**DECISION
GRANTED.**

- (ii) Co-operative Group Food Limited**

30 – 40 Dixons Yard
Eyemouth

(b) Change trading name of the premises to Co-op.

Amendments to Operating Plan:

- Include provision of recorded music outwith core hours and amend explanation to read:
Recorded background music may be played within and outwith core hours;
- Change current wording at question 5(f) to read:
The sale of food, non-food items and other household goods and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provision of the Licensing (Scotland) Act 2005;

Representations received:

Police Scotland - none.
Licensing Standards Officer - none.
Health - none.
Other - none.

There had been circulated copies of an application to vary the premises license, together with the current Operating plan and the proposed Operating plan. Mr Wynne, Licensing Standards Officer advised that the application included a change of trading name, the inclusion of alcohol in the home delivery service in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005 and the introduction of recorded background music. The application was within policy and no objections had been received. The applicant's legal agent, Ms McGuire, explained that the application was as the previous application above with the addition of recorded music to bring it in line with other premises licences held by the Co-op.

**DECISION
GRANTED**

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.”

3. LICENSING SCOTLAND ACT 2005: Section 84A: Personal Licence

The Board considered a report for revocation of Personal Licence on the grounds that the licenceholder's conduct was inconsistent with licensing objectives received from Police Scotland and following a hearing agreed to take no action in respect of the Personal Licence.

The meeting concluded at