

SCOTTISH BORDERS COUNCIL SCOTTISH BORDERS LICENSING BOARD

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held via Microsoft Teams on 20 November 2020 at 10.00 am

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

Apologies:- Councillor E. Thornton –Nicol, T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Services Team Leader, Licensing Standards and Enforcement Officer (M. Wynne), Inspector J. McGuigan, Inspector P. Begley, PC Sharon Lackenby - 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 Covid-19 pandemic.

1.0 MINUTE

The Minute of Meeting of 23 October 2020 had been circulated.

DECISION APPROVED.

2.0 LICENCES DEALT WITH UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 1 October – 9 November 2020.

DECISION NOTED.

3.0 LICENSING (SCOTLAND) ACT 2005:

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

- (i) **Morebattle Community Shop Ltd** Morebattle Community Shop
Main Street
Morebattle
(Provisional)

The premises is a community owned general convenience store in the Village, trading in a wide range of groceries, household goods and fresh consumables, with the proposal to sell alcohol on an off sale basis only.

Licensed hours applied for:

On Sale

None

Off Sale

Mon 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 the provisional grant of a premises licence together with the proposed Operating Plan and layout plan. Mr Wynne, Licensing Standards and Enforcement Officer advised that the Community Shop sell a wide range of goods and wanted to expand what was available to include alcohol. The proposal was within Policy and there were no objections from Police Scotland and no representations. The Convener welcomed Mr Murray, Manager who joined via Microsoft Teams. Mr Murray explained that he was joint Manager with his wife and the Community shop had been operational for 2 years, during which time the trade had increased considerably and he wanted to expand what was on offer to include alcohol.

**DECISION
GRANTED.**

(ii) **TCB Hawick Ltd**

53 High Street
Hawick
(Provisional)

The premises are situated on the ground floor of a four storey terraced premises in the town centre. The premises are to operate as a convenience store trading in a wide range of food and non-food items, with the proposal to sell alcohol for off sale consumption only.

Licensed hours applied for:

On Sale

None

Off Sale

Mon to Sun 10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Officer - none.

Health - none.

Other – Mr A Bannerman.

There had been circulated copies of an application for the provisional grant of a Premises Licence, together with the proposed Operating Plan, Layout Plan, A letter of objection from Mr Bannerman together with photographs of the exterior of the building submitted by the applicant's agent had also been circulated. Mr Wynne, Licensing Standards Officer explained that the premises would operate as a grocery convenience store and was within Policy. An objection from Mr A Bannerman had been received raising concerns with regard to overprovision within central Hawick following approval of a premises licence for Aldi and Home Bargains. Mr

Bannerman stated that in his opinion the alcohol provision for a town the size of Hawick had been surpassed and no further licences should be granted. Mr Bannerman was unable to attend the meeting. Mr Wynne confirmed that there had been no representations or objections raised from Health or Police Scotland during the consultation.

The Convener welcomed Mr Johnson, applicant and Mr Niall Hassard, TLT Solicitors who joined via Microsoft Teams. Mr Hassard explained that the premises had been vacant for sometime prior to being taken over by Mr Johnston who had been in the licensed trade for more than 10 years. The business was a franchised independent store offering part time employment for 10 people. Mr Hassard pointed out that the objector, Mr Bannerman was the proprietor of Teviot Wines and Aldi and Home Bargains should not be cited as comparable alcohol outlets. Mr Hassard further explained that 93.7% of the premises would be of the total convenience store offering paypoint, small coffee to Go area, Community Notice Board with CCTV. Therefore the remainder for the provision of alcohol was minimal. He went onto to assure Board Members of the control measures in place at the premises including till age recognition prompts and the requirement for staff to undertake a 3 day training course on all licensing aspects. Mr Johnston emphasised that he and his partner would be on site having purchased the flat above the shop and the new business would provide employment to the local area. Members unanimously agreed to grant the Licence.

DECISION GRANTED

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

Lidl Great Britain Ltd

Lidl Store
31-33 Shedden Park Road
Kelso

Amendment to Operating Plan:

Capacity (Question 7) - an increase in the capacity of the alcohol display area from 45.28 m² to 57.29 m² (non-seasonal), with the seasonal variation increasing this area by 9.54 m² (no change) to 66.83 m² between 1 December each year and 2 January the following year.

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other – none

There had been circulated copies of an application for a variation of the premises licence together with the operating plan and layout plan. Mr Wynne, Licensing Standards Officer explained that the Lidl in Kelso had recently been refurbished and the replacement shelving was a different size. As a result, the premises required to vary the existing Operating Plan, however, the proposed amendments were within Policy and no objections or representations had been received.

The Convener welcomed Mr A Hunter, Harper Macleod Solicitors, who joined via Microsoft Teams. Mr Harper explained that the premises had undergone a

substantial refurbishment which had resulted in the shelving being of a different size It had resulted in an increase of the alcohol provision from 4.2% to 5.3% There would be no change to the seasonal provision and was within the Board's Policy.

**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.”

SUMMARY OF PRIVATE BUSINESS

4.0 LICENSING SCOTLAND ACT 2005: Section 36 and 84A

Premises Licence Review

The Board considered an application from Police Scotland for the review of a Premises Licence. The licenceholder and his representative were present via Microsoft Teams. After hearing both parties, the Board agreed that a written warning be issued.

5.0 Personal Licence Review

The Board considered an application from Police Scotland for the review of a Personal Licence. The licenceholder and his representative were present via Microsoft Teams. After hearing both parties, the Board agreed that it was necessary with regard to the licensing objectives to endorse the Personal Licence.

6.0 Premises Licence Review

The Board considered an application from Police Scotland for the review of a Premises Licence. The licenceholder and his representative were present via Microsoft Teams. After hearing both parties, the Board agreed to take no action.

7.0 Personal Licence Review

The Board considered an application from Police Scotland for the review of a Personal Licence. The licenceholder and his representative were present via Microsoft Teams. After hearing both parties, the Board agreed to take no action.

8.0 Minute

The Private section of the Minute of 23 October 2020 was approved.

The meeting concluded at 12.30 p.m.