



Regulatory Services  
- 8 FEB 2021  
Legal & Licensing

## SCOTTISH BORDERS LICENSING BOARD

### OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

#### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

(a) Will alcohol be sold for consumption solely ON the premises?	NO
(b) Will alcohol be sold for consumption solely OFF the premises?	NO
(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES

\*delete as appropriate

#### Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00am	12.00 midnight
Tuesday	11.00am	12.00 midnight
Wednesday	11.00am	12.00 midnight
Thursday	11.00am	12.00 midnight
Friday	11.00am	12.00 midnight
Saturday	11.00am	12.00 midnight
Sunday	11.00am	12.00 midnight

#### Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00am	10.00pm

<b>Tuesday</b>	11.00am	10.00pm
<b>Wednesday</b>	11.00am	10.00pm
<b>Thursday</b>	11.00am	10.00pm
<b>Friday</b>	11.00am	10.00pm
<b>Saturday</b>	11.00am	10.00pm
<b>Sunday</b>	11.00am	10.00pm

#### **Question 4**

##### **SEASONAL VARIATIONS**

Does the applicant intend to operate according to seasonal demand **YES**

*\*If YES – provide details*

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day until 1.00am or in line with Board Policy.

#### **Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COLUMN 1</b> <b>(a) Activity</b>	<b>COLUMN 2</b> <b>Please confirm YES/NO</b>	<b>COLUMN 3</b> <b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>COLUMN 4</b> <b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Accommodation	NO	NO	NO
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	YES
Bar meals	NO	NO	NO
<b>(b) Activity</b> <b>Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Receptions including weddings, funerals, birthdays, retirements etc.	YES	YES	YES
Club or other group meetings etc	YES	YES	YES
<b>(c) Activity</b> <b>Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Recorded music – see 5(g)	YES	YES	YES
Live performance – see 5(g)	YES	YES	YES
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO

Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO
(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	NO	NO	NO
(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Activities may commence prior to core hours but will not extend beyond other than with the benefit of an occasional extension. The premises are a café/bistro type business and will operate from around 8.00am daily with no sale of alcohol other than within core hours.

(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Between 8am and 5pm the premises will operate as café serving a variety of lunches, snacks and light refreshments. After 5pm the premises will adapt to a bistro style of service serving evening meals. Each occasion will be table service and alcohol will generally but not exclusively be sold to accompany food.

(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A

\*delete as appropriate

## Question 6 (On-sales only)

### CHILDREN AND YOUNG PERSONS

(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
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\*delete as appropriate

(b) Where the answer to 6(a) is YES provide statement of the <b>TERMS</b> under which they will be allowed entry
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Children will be allowed access unaccompanied during café hours of 8am and 5pm for purposes of having a meal, snack or light refreshment. A written policy will be adopted in relation to the terms which unsupervised children will be allowed entry and protected. This policy will include that unsupervised children will be seated and directly supervised by staff.

After 5pm, children will be allowed access when accompanied by an adult for the purpose of having a meal, snack or light refreshment or when attending a pre-arranged function.

Young persons for the same purposes without the requirement to be accompanied by an appropriate adult.

(c) Provide statement regarding the <b>AGES</b> of children or young persons to be allowed entry
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Children 0-15 years.

Young persons 16 and 17 years.

(d)	Provide statement regarding the <b>TIMES</b> during which children and young persons will be allowed entry
<p>Young persons - at all times for the stated purposes.</p> <p>Children unaccompanied by an adult - 8am-5pm for the stated purposes</p> <p>Children accompanied by an adult -at all times for the stated purposes.</p>	
(e)	Provide statement regarding the <b>PARTS</b> of the premises to which children and young persons will be allowed entry
All public areas.	

### **Question 7**

#### **CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

26
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### **Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

(a) Name

John Mathew Faichney
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(b) Date of birth


(c) Contact address

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(d) Telephone number and e-mail address


(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference number of personal licence

AWAITING TRAINING		
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### **DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

If signing on behalf of the applicant please state in what capacity

The contents of this operating plan are true to the best of my knowledge and belief.

Signature:

Date:

4<sup>th</sup> Feb 2021.

Capacity:

(appropriate)

Telephone number and email address of signatory:

**Please retain for your records**

### **Your Data: Alcohol Licencing**

The Scottish Borders Licensing Board will act as the 'Data Controller' for the personal data you provide to us. The information held by the Licensing Board is managed by employees of Scottish Borders Council, and contained within Scottish Borders Council systems. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: [dataprotection@scotborders.gov.uk](mailto:dataprotection@scotborders.gov.uk)

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, e-mail address, telephone number, date of birth, national insurance number, and (if applicable) details of any previous criminal convictions and previous licence information.

### **Why do we need this information?**

Your information is being collected to allow the Scottish Borders Licensing Board to administer the process of applying for licences under the Licensing (Scotland) Act 2005.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

**Compliance with legal obligation:** Scottish Borders Licensing Board is required to collect your information in order to carry out the function of providing licences in relation to the Licensing (Scotland) Act 2005.

### **What will we do with your information?**

We will use your information to process your application for a licence. This will involve sharing your information with Police Scotland, and where the type of licence applied for is a premises licence, notice of your application (including a copy of it) will be given to people with a notifiable interest in the land neighbouring the premises, any community council for the area where the premises is situated and the relevant Council area office for the area where the premises is situated.

Applications will be considered at meetings of the Scottish Borders Licensing Board, which are open to the public. We are also required to publish information in licensing registers, which will include the licence holder and premises manager's name, and details about the premises.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer (contact details can be found above).

### **How long will we keep your information?**

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements.

## Decision-Making

The Council does not use profiling or automated decision-making processes. Some processes are semi-automated (such as anti-fraud data matching) but a human decision maker will always be involved before any decision is reached in relation to you.

## Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/IDPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

## Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 0303 123 1113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland  
45 Melville Street, Edinburgh, EH3 7HL  
Telephone: 0303 123 1115  
Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)