

# SCOTTISH BORDERS COUNCIL LICENSING BOARD

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the Council Chamber, Council HQ, Newtown St Boswells and via Microsoft Teams on 18 November 2022 at 10.00 am

Present:- Councillors M. Douglas (Convener), J. PatonDay, P. Brown, N. Richards, E. Small, F. Sinclair.

Apologies:- Councillors J. Cox, D. Parker and T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC D. Pearey, Democratic Services Officer (F. Henderson).

## 1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 21 October 2022.

### DECISION

**APPROVED the minute for signature by the Convener.**

## 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 7 October - 8 November 2022.

### DECISION

**NOTED.**

## 3.0 ANNUAL FINANCIAL AND FUNCTIONS REPORT

There had been circulated copies of a report by the Clerk to the Licensing Board to seek approval from the Board of the Annual Functions Report and Annual Financial Reports for 2021/22 contained in Appendices 1 and 2 of the report. The Managing Solicitor (Property and Licensing), Mr Kirk advised Members that Licensing Boards were required to provide an Annual Functions Report which must include a statement explaining how the Board has had regard to the licensing objectives and its Policy Statement in the exercise of its functions in terms of Section 9A of the Licensing (Scotland) Act 2005 as well as a summary of decisions made by the Board and information on the number of licenses (including occasional licences) held in the Board's area. Mr Kirk further advised that as a result of the Covid-19 outbreak, Schedule 5 paragraph 4 of the Coronavirus (Scotland) Act 2020 timeframes for the preparation and publishing of annual finance and functions reports had been extended to allow Licensing Boards to prepare and publish their annual reports no later than 31 December 2022 due to the coronavirus pandemic. The Annual Financial Report included a statement explaining how the Board has had regard to the licensing objectives and the Board's Policy Statement in the exercise of its functions under the Act as well the amount of relevant income received by the Board; the amount of relevant expenditure incurred and an explanation on how the amounts in the statement were calculated. Covid-19 had impacted

on the revenue of the Board, which was reflected in the number of Occasional licenses granted being significantly lower than previous years.

## DECISION

### (a) APPROVED:-

- (i) the Annual Functions Report set out in Appendix 1 to the report; and
- (ii) the Annual Financial Report set out in Appendix 2 to the report.

### (b) AGREED to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report.

## 4.0 LICENSING (SCOTLAND) ACT 2005:

### 4.1 Section 29: Application for a Variation of Premises Licence

Considered the following applications for Variation of Premises Licence:

Partnership of George and Mairi Maltman

Fleet Bar  
4 Masons Wynd  
EYEMOUTH  
TD14 5HG

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 – 11.30pm Sun	11.00am – 12 midnight Sun to Wed
11.00am – 12 midnight 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	10.00am – 10.00pm Sun to Sat
11.00am – 10.00pm Mon to Sat	
- the addition of a seasonal variation at question 4 to read '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 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities, both within and outwith core hours;
- the addition to the permitted activities referred to in question 5 (column 4) of the Operating Plan, to include receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; recorded music; live performance; dance facilities; indoor/outdoor sports and televised sport, outwith core hours; and
- the addition of the terms/explanation at question 5(e) of the Operating Plan relating to the list of permitted activities (as to 'Yes' in column 4).

#### Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other - none

There had been circulated copies of applications for the variation of premises licence together with current and proposed Operating Plan. Mr Wynne explained that the Applicants who were unable to attend, had apologised for their non attendance and were content for the application to be considered in their absence. Mr Wynne went on to explain that the

variation was to bring the operating plan up to date. The variations were within policy and no objections had been received. Police Scotland had no comments.

**DECISION  
AGREED TO GRANT.**

*The meeting concluded at 10.12 a.m.*