

**SCOTTISH BORDERS COUNCIL
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH
BORDERS LICENSING BOARD held via
Microsoft Teams on 28 April 2023 at 10.00 am

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

Apologies:- Councillors J. Cox, N. Richards, D. Parker.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne, J. Scott and Hannah Wood), Licensing Officer – (S. Lackenby), PC S. Dishington (Police Scotland), Democratic Services Officer (F. Henderson).

1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 31 March 2023.

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 20 March 2023 – 14 April 2023.

DECISION

NOTED.

3.0 LICENSING (SCOTLAND) ACT 2005:

3.1 Section 20: Application for Grant/ Provisional Grant of Premises Licence

Consider the following application for Grant of Premises Licence

(a) Motor Fuel Ltd

Tweedbank Service Station
Tweedbank Industrial Estate
Tweedbank Drive
Tweedbank
TD1 3RS
(Provisional)

Proposed business activity - The premises are proposed to be located within the extended Tweedbank Industrial Estate, off Tweedbank Drive and the A6091. The premises will trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site will have car parking separate from the fuel pumps. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from and supplementary to, the offer of petrol/derv. The premises will offer a service to the local and wider area. The proposal is to sell alcohol on an Off Sale basis only.

Licensed hours applied for:

ON SALE

N/A

OFF SALE

Sun to Sat 10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

- 3.2 There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for the Tweedbank Service Station to be operated by Motor Fuel Ltd. Mr Wynne further explained that development would contain a petrol station and convenience store to include the sale of alcohol on an off-sales basis between 10 a.m. and 10 p.m. although the premises would be open 24 hrs. Mr Wynne highlighted that the application was seeking an alcohol capacity of 14% and the current policy was set at 10%. Mr Wynne also drew the Boards attention to the Future Customer Profiling Research Report carried out in April 2023 and which was a legal requirement for premises not yet constructed.
- 3.3 The Convener welcomed, Mr Andrew Hunter, Legal Representative to the meeting. Mr Hunter explained that the premises were scheduled for completion at the beginning of August and would be a welcome addition creating 30 full and part-time jobs. Motor Fuel Ltd owned over 50 licensed convenience stores across Scotland and Tweedbank would be run in a similar manner. Mr Hunter referred to the Future Customer Profiling Research Report and the door to door research undertaken, which highlighted that just under 70% of those interviewed were likely to purchase alcohol if it was available. In terms of the percentage alcohol capacity Mr Hunter explained that generally across Scotland the capacity would be between 12 – 16% and he had made it clear to the Applicant that the Boards policy stated 10% and an alternative plan based on 10% had been drawn up. The alcohol would be away from the front door for security reasons and the difference between 10% and 14% in terms of visual impact would be minimal and Mr Hunter was seeking approval of 14% capacity.
- 3.4 The Board welcomed the introduction of the Petrol Station and convenience store at Tweedbank and agreed to approve the application with the alcohol capacity limited to 10%.

DECISION

AGREED to Grant with the alcohol capacity limited to 10% in accordance with the Board's Policy.

- 3.5 (b) **Durty Brewing Limited**
- Durty Brewing
4 Traquair Road
Innerleithen
EH44 6PD
(Provisional)

Proposed business activity - The premises is an existing ground floor commercial/retail/industrial building and the proposal is to create a new craft brewery and taproom to show case beers produced on site. The front of the building will form the primary public taproom space, including the bar area and toilet facilities.

A smaller second public area is intended for small events, private hires, private tasting sessions etc. The rear of the building houses the brewing equipment. There is a private

outside space around the rear and the side of the building, which is enclosed by walls and fences and is accessed from the side and front of the building. The proposal being to sell alcohol on an On and Off-Sale basis.

Licensed hours applied for:

ON SALE

Sun to Sat 11.00am to 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

OFF SALE

Sun to Sat 10.00am to 10.00pm

- 3.6 There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for the creation of a new craft brewery and taproom to show case beers produced on site. The front of the building will form the primary public taproom space, including the bar area and toilet facilities. The application was within policy and no objections had been received.
- 3.7 The Convener welcomed, Mr Paul McGreal, Applicant to the meeting. Mr McGreal explained that the premises were next to an existing licensed premises and would improve the Tourism offer in the area.

DECISION

AGREED TO Grant.

4.0 **LICENSING (SCOTLAND) ACT 2005:**

4.1 **Section 29: Application for Variation of Premises Licence**

Consider the following application for Variation of Premises Licence (applicants cited to attend.) (Copies attached)

Mrs Dawn Bird

The Exchange Inn (Cannon)
8 Exchange Street
Jedburgh
TD8 6BH

Amendments to licence and operating plan, which include the following :-

- the addition of the wording of the seasonal variation at question 4 to include – ‘Thursday prior to Jethart Callants Festival until 1.00am’;
- an addition to the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan, to include bar meals within core hours;
- the removal of adult entertainment from the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan;
- a change to the terms/explanation at question 6 of the Operating Plan relating to children and young persons access to include :-
 - at section (b) add – Young Persons when being provided with a meal;
 - at section (d) add – for the duration of a meal up to 10.00pm;
 - at section (e) add – remove reference to first floor;

- amend the capacity of the premises at question 7 to read 83 (following the removal of the first floor meeting room from the licensed footprint).

Representations received:

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

- 4.2 There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that due to a change of ownership, the application was to update the License and Operating plan to include bar meals, young persons and an amendment to the wording of the seasonal variations. The amendments were within policy and there had been no objections received.
- 4.3 The Convener welcomed, Mr Tunnah to the meeting on behalf of the Applicant. Mr Tunnah explained that the premises were well run, although like many pubs in the area, had been struggling. The Applicant had invested a large sum of money in the premises and undertaken a number of improvements to improve which required amendments to the Licence and Operating Plan.

**DECISION
 AGREED to Grant.**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

5.0 DRAFT POLICY STATEMENT

- 5.1 There had been circulated copies of the Draft Policy Statement and Mr Kirk advised that the Board were legally required to review the Policy every five years. The current policy had been reviewed by Licensing Officers and updated to include the introduction of the sexual entertainment policy and safety of staff late at night which officers felt were the only amendments necessary.. A twelve week consultation was required and the Board were asked to consider the draft policy prior to the commencement of the consultation.
- 5.2 Councillor Weatherston raised the matter restricting trading to 14 hours within a 24 hour period which was contained in the policy as a standard 11 a.m. – 1 a.m. however he was aware that other Authorities did not have a restriction and considered each application on its own merits. Mr Wynne explained that there was additional wording within the policy for Annual Events such as the Common Ridings but there required to be a threshold within the policy in order for applications seeking additional trading hours to be brought to the Board for consideration.

**DECISION
 AGREED:-**

- (a) that an additional question seeking views on the standard 14 hours trading period i,e 11am to 1am be asked during the consultation process

- (b) that the 12 week consultation be undertaken following the above amendment;
and
- (c) the consultation results be reported to a future meeting.

**PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.

Summary of Private Business

5.0 Section 84A - Review of Personal Licence

The Licensing Board noted that as the Licence Holders Legal representative was not available, the matter would be deferred to the next meeting.

The meeting concluded at 10.55 a.m.