

**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH  
BORDERS LICENSING BOARD held via  
Microsoft Teams on 22 September 2023 at  
10.00 am

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Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, E. Small,  
F. Sinclair.

Apologies: Councillor P. Brown, N. Richards, T. Weatherston.

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

**1.0 MINUTE**

There had been circulated copies of the Minute of the Meeting held on 26 May 2023.

**DECISION**

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

**2.0 LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 13 February 2023 – 5 September 2023.

**DECISION**

**NOTED.**

**LICENSING (SCOTLAND) ACT 2005**

**3.0 Section 20: Application for Grant/Provisional Grant of Premises Licence**

3.1 Consider the following application for Grant of Premises Licence.

**Cove Communities Venture 2  
Springwood Opco Ltd**

The Roxburgh  
Springwood Riverside Park  
Springwood Estate  
Kelso TD5 8LS  
**(Provisional)**

Proposed business activity - The premises situated on the Springwood Riverside Village/Caravan Park, had been refurbished to create a new community facility for the site and the adjacent resident's village. The facility consisted of a café/bar, reception area, office, laundry, lounge areas, TV room, toilet facilities, as well as a large external seating area. The proposal being to sell alcohol on an On and Off-Sale basis.

Licensed hours applied for:

ON SALE

Mon to Sun 11.00am – 11.00pm

OFF-SALE

Mon to Sun 10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

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 recently refurbished Community area within the site. The application which was for off and on sales was within policy and no objections had been received. Police Scotland had no objections.

The Convener welcomed, Mr Norton, Operations Director to the meeting via Teams. Mr Norton explained that the offer, which would be low key was primarily for Residents and would also be available to locals to include an occasional singer when hosting Tapas evenings, there would not be any big shows or stag and hen parties. Police Scotland had no objections.

**DECISION**

**AGREED TO Grant**

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

Consider application for Variation of Premises Licence.

**Jordan MacFarlane**  
**Glenisla**  
**Elsrickle**  
**Biggar, ML12 6QZ**

Old Bakehouse  
Main Street  
WEST LINTON  
EH46 7EA

Amendments to the Operating and Layout Plan to include the following:-

a change to the core On and Off-Sale Hours –

Current On Sale Hours

12.00pm – 12.00 Midnight Mon to Sun

Proposed On Sale Hours

11.00am – 12 midnight Sun to Thurs

11.00am – 1.00am Fri & Sat

Current Off-Sale Hours

NONE 10.00am – 10.00pm Mon to Sun

Proposed Off-Sale Hours

- amend the 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.
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- the addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities; Club or Group meetings; films; indoor/outdoor sports and televised sport 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); and recorded music, outwith core hours;
- the addition to the permitted activities referred to in question 5 (columns 2 & 3) of the Operating Plan, to include Gaming within core hours;

- 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)
- the addition of the terms/explanation at question 5 (f) of the Operating Plan relating to activities other than those stated in question 5(a) to (e);
- Change Statement of Children and Young Persons access to read:-  
 “Children and Young Persons will be allowed access unsupervised to the front area of the premises being used as a takeaway delicatessen. Children will be allowed access to the restaurant areas when accompanied by an adult for the purpose of a meal or partaking of refreshments. Young Persons for the same reason but unaccompanied”
- The bar counter to be moved from the front area of premises to the rear extended dining area (Garden Room). An off-sale display of mainly craft spirits/beers will be situated in front area (delicatessen) of premises. Front area of premises will have a delicatessen counter for retail of takeaway foods.

Representations received:

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

There had been circulated copies of an application for the variation of Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for the purpose of bringing the operating plan up to date. The alterations were within policy and no objections had been received. Police Scotland had no objections.

The Convener welcomed, Mr McFarlane to the meeting who explained that since acquiring the premises small alterations had been made to the layout, with the inclusion of a deli counter for selling local produce.

**DECISION  
 AGREED TO GRANT.**

**4.0 CHIEF CONSTABLES ANNUAL REPORT 2022/23**

4.1 There had been circulated copies of the Chief Constable – Police Service of Scotland report to the Licensing Board for the period 1 April 2022 to 31 March 2023 in accordance with Section 12(A) Licensing (Scotland) Act 2005. The report summarised the work undertaken throughout this period. The Scottish Borders Licensing Board area was policed by J Division and Chief Superintendent Catriona Paton was the Local Police Commander who had responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Vincent Fisher was based at Galashiels and was responsible for performance management, community engagement, partnership working and the daily management of local personnel. Chief Inspector Fisher was supported by Inspector Robbie Noble who was also based at Galashiels. The Scottish Borders Licensing Boards were predominantly attended by PC Scott Dishington. The report outlined the local policing priorities, description of Board area and information on the operation of the Licensing (Scotland) Act 2005. In the Scottish Borders, there were 206 recorded incidents in licensed premises between 1 April 2022 and 31 March 2023, showing a decrease from previous years of 13%.

There were 436 premises in Scottish Borders licensed to sell alcohol, which was a reduction of 15 since the previous reporting year. There was an additional demand on Police resourcing in the Scottish Borders area especially during the summer months due to common ridings and rugby 7's tournaments. There were 2 active premises trading until 3 a.m. and 1 premise trading until 2 am at the weekend, with annual occasional extensions for some Common Ridings and Town Balls. Police Scotland carried out 696 recorded inspections of licensed premises in the Borders during the reporting year. On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400. The proactive use of exclusion orders and antisocial behaviour legislation continued to contribute to reducing repeat offending in licensed premises. The misuse of alcohol was regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour. The report also summarised the proposed activity for the year ahead which included the licensing officer to continue to work alongside partner agencies and LSO's to provide pertinent advice and support to licence holders and their staff, Local Community Police Officers to undertake a dedicated night-time economy policing plan focussing on alcohol-related incidents, anti-social behaviour, violence, disorder and drugs misuse, and to engage with licensees to deliver any national campaigns including providing 'bystander' training to licence premise staff with a view to education to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.

## **DECISION**

**NOTED the report.**

### **5.0 SCOTTISH BORDERS ALCOHOL PROFILE**

- 5.1 There had been circulated copies of the Alcohol Profile 2023, which aimed to support the Scottish Borders Licensing Board by providing evidence to inform development of Licensing Policy Statement and support decision making. Many different sources of evidence can be used to inform licensing policy and practice including experience and knowledge of Licensing Board Members, views and experience of those resident within the Board area, through the Community Insights into Alcohol Impact and Licensing in Scottish Borders Survey held in July 2023.
- 5.2 In 2021/22 there were 456 licensed premises compared with 450 the previous year, after an ever-increasing trend of occasional licenses being granted between 2017 – 2020, the number reduced over 2020 – 22 as a result of COVID-19 pandemic. The most recent local data however showed that the number of occasional licenses in 2022/23 had returned to an even higher level with an increase to 1455, a 17% increase.
- 5.3 In terms of the Scottish Borders, there were 456 places to buy alcohol of which 343 were on-sales premises and 113 were off-sales. The Alcohol profile highlighted that in Scottish Borders 24% of people drink above the Chief Medical Officer's' low-risk guidelines which included 18% of Women and 32% were men compared to 24% of people in Scotland who drink above the guidelines. Parental drinking was identified as a concern for 12% of children on the child protection register in Scottish Borders. It was reported that 53% of S2 and S4 students in Scottish Borders drink alcohol and 27% of S2 and S4 students in Scottish Borders drink alcohol at least once per month. There were 405 alcohol-related hospital admissions in Scottish Borders in 2021/22, which was lower than for Scotland as a whole and 21 deaths because of alcohol from conditions solely caused by alcohol. Every Year, alcohol costs Scottish Borders £30.5m or £270 per person.

5.4 Violence recording indicated an 'Alcohol' marker as a clearly defined aggravator to indicate where the presence of alcohol was deemed a factor in the act of violence. Of the 979 recorded crimes of Violence for 20-21, 239 had the alcohol marker attached to the crime report, of those, 134 were in residential locations and 105 were in a public space. Galashiels, Hawick, Kelso, Selkirk and Peebles were the areas most frequently affected by public space violence where alcohol was a factor with most incidents taken place in the late evening/early morning across the weekend.

**DECISION  
NOTED.**

**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**

6.0 **MINUTE**

The Board considered the Private Minute of the Meeting held on 26 May 2023.

*The meeting concluded at 10.36 a.m.*