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**ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD**

Meeting of Friday 21 January 2022  
at 10.30 am by Remote Hearing

Archie Dryburgh (Convener) – Annandale East and Eskdale;  
Ian Carruthers – Annandale South;  
Doug Fairbairn – Annandale North;  
Henry McClelland – Annandale South;  
Stephen Thompson – Annandale North;

**VLAD VALIENTE**  
**Clerk to the Licensing Board**

## Annandale and Eskdale Divisional Licensing Board

Meeting of Friday 21 January 2022  
at 10.30 am by Remote Hearing

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|----|--|---------|
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Next Meeting Date: Date Not Specified

**ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

**Minute of Meeting of Wednesday 10 November 2021 at 2.00pm  
Via Teams**

**MEMBERS PRESENT**

**Archie Dryburgh** - Annandale East and Eskdale  
**(Convener)**  
**Ian Carruthers** --- ~~Annandale East~~  
**Douglas Fairbairn** --- ~~Annandale South~~  
**Henry McClelland** - Annandale South  
**Stephen Thompson** - Annandale North

**IN ATTENDANCE**

**Michael Collins** - Licensing Standards Officer  
**Sharon Davidson** - Licensing Manager  
**Sergeant Julia McKie** - Police Scotland  
**Caroline Treanor** - Solicitor

**VLADIMIR VALIENTE**  
**Clerk to the Licensing Board**

5 Members present

1. **SEDERUNT, APOLOGIES AND CONVENOR'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**

None

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTE OF MEETING OF 18 AUGUST 2021**

Agreed

4. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – Report by the Clerk to the Licensing Boards**

**Decision**

**NOTED** that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 27 July 2021 until 20 October 2021:

**Occasional Licences : Applied for by a Personal Licence Holder**

Total number issued 102

**Occasional Licences : Applied for by a Premises Licence Holder**

Total number issued 5

**Occasional Licences : Applied for by a Voluntary Organisation**

Total number issued 6

**Extended Hours**

Total number issued 1

5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – Report by Clerk to the Licensing Boards**

**Decision**

**NOTED** the applications detailed in **Appendix 1** that had been granted under delegated authority.

6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY)** – Report by the Clerk to the Licensing Boards

**Decision**

**NOTED** the application detailed in **Appendix 2** that had been granted under delegated authority.

7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE – COLVIN FILLING STATION, HIGH STREET, MOFFAT** - Report by the Clerk to the Licensing Boards

**Decision**

Having heard from the applicant and the information before them, Members **AGREED** to **GRANT** the application as detailed in **Appendix 3**.

8. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A – CHIEF CONSTABLE'S ANNUAL REPORT 2020/21 – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**AGREED** to receive the Chief Constable's report and to note its terms.

<b><u>Application No. 1 – Ref L.1/626A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lonsdale Hotels Limited Oakdene New Road Windermere LA23 2LA
<b>Name &amp; Address of Premises</b>	Gables Hotel 1 Annan Road Gretna DG16 5DQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Brian Haddleton
<b>Effective Date of Minor Variation</b>	13 August 2021

<b><u>Application No. 2 – Ref L.7/601A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lesley Lupton 14C Scroggie Meadow Annan DG12 6DY
<b>Name &amp; Address of Premises</b>	The Anglers 61 High Street Annan DG12 6AD
<b>Nature of variation</b>	Change of Designated Premises Manager to Sean Black
<b>Effective Date of Minor Variation</b>	17 August 2021

<b><u>Application No. 3 – Ref L.3/620A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sukhvir Singh 12 Ash Road Cumbernauld G67 3ED
<b>Name &amp; Address of Premises</b>	Spice India Lower Craignelder High Street Moffat DG10 9ED
<b>Nature of variation</b>	Change of Designated Premises Manager's address
<b>Effective Date of Minor Variation</b>	19 August 2021

<b><u>Application No. 4 – Ref L.3/620A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Auchen Ltd Wilbrook Grange Towbridge Road Bradford upon Avon BA15 1UH
<b>Name &amp; Address of Premises</b>	Auchen Castle Hotel Beattock Moffat DG10 9SH
<b>Nature of variation</b>	Change of Designated Premises Manager to Simon Thorne
<b>Effective Date of Minor Variation</b>	19 August 2021

<b><u>Application No. 5 – Ref L.6/702A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
<b>Name &amp; Address of Premises</b>	Co-operative Annan Road Gretna DG16 5DH
<b>Nature of variation</b>	Change of name of premises to 'Co-op' and change to layout plan (no change to capacity)
<b>Effective Date of Minor Variation</b>	2 September 2021

<b><u>Application No. 6 – Ref L.6/677A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
<b>Name &amp; Address of Premises</b>	Co-op Station Yard Holm Street Moffat DG10 9EP
<b>Nature of variation</b>	Change of Designated Premises Manager to Diane Adamson
<b>Effective Date of Minor Variation</b>	2 September 2021

<b><u>Application No. 7 – Ref L.2/612A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Licensing Matters Ltd 54 Fairfield Drive Clitheroe Lancashire BB7 2PE
<b>Name &amp; Address of Premises</b>	The Lakeside Tavern Beattock Country Park Beattock Moffat DG10 9RE
<b>Nature of variation</b>	Change of Designated Premises Manager to Michael Nicholas
<b>Effective Date of Minor Variation</b>	20 October 2021

Appendix 2

<b><u>Application No 1. – Ref L.3/620A – SECTION 33</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	Sukhvir Singh 12 Ash Road Cumbernauld G67 3ED
<b>Name &amp; Address of Transferee or Agent</b>	Rajpal Kaur Singh 263 Whitehall Street Flat 0/1 Dennistoun Glasgow G31 2PF
<b>Name &amp; Address of Premises</b>	Spice India Lower Craignelder High Street Moffat DG10 9ED
<b>Effective Date of Transfer</b>	16 September 2021

<b>Applicant/Agent</b>	Access Retail Limited 8 Douglas Street Hamilton ML3 0BP
<b>Address of Premises</b>	Colvin Filling Station High Street Moffat DG10 9HG
<b>Description</b>	Premises is a shop with a local convenience and forecourt selling fuel. The shop has been part of the community for over 30 years and had an alcohol licence. The licence has been expired due to the premises being closed for 2 years. The application is for a licence to sell alcohol to be consumed off the premises. Sale of alcohol is between 10am and 10pm, Monday-Sunday.
<b>Core Times</b>	<u>Off Sales</u>  Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
<b>Activities</b>	None
<b>Children and Young Persons</b>	N/A
<b>Capacity</b>	9.62m <sup>2</sup>
<b>Last Date for Objections/Representations</b>	Saturday 6 November 2021

## DUMFRIES AND GALLOWAY LICENSING BOARDS

Minute of Conjoined Meeting of Friday 19 November 2021  
at 10.00am by Remote Hearing

### MEMBERS PRESENT

#### ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD

Archie Dryburgh (Convener) - Annandale East and Eskdale  
Douglas Fairbairn - Annandale North  
Stephen Thompson - Annandale North

#### NITHSDALE DIVISIONAL LICENSING BOARD

David McKie - North West Dumfries  
Elaine Murray - Nith  
Davie Stitt - Abbey

#### STEWARTRY DIVISIONAL LICENSING BOARD

Iain Howie (Convener) - Castle Douglas and Crocketford  
Jane S Maitland - Dee and Glenkens  
John Young - Castle Douglas and Crocketford

#### WIGTOWN DIVISIONAL LICENSING BOARD

Jim McColm (Convener) - Mid Galloway and Wigtown West  
Katie Hagmann - Mid Galloway and Wigtown West  
David Inglis - Mid Galloway and Wigtown West  
Ros Surtees - Stranraer and the Rhins

### APOLOGIES

Dougie Campbell (Stewartry Board) - Dee and Glenkens  
Ian Carruthers (A&E Board) - Annandale South  
Rob Davidson (Stewartry Board) - Abbey  
Jim H Dempster (Nithsdale Board) - Mid and Upper Nithsdale  
Ivor Hyslop (Convener Nithsdale Board) - Lochar  
Jeff Leaver (Nithsdale Board) - Lochar  
Henry McClelland (A&E Board) - Annandale South  
Tommy Sloan (Wigtown Board) - Stranraer and the Rhins

### IN ATTENDANCE

Caroline Treanor - Solicitor  
Julia Farroll - Licensing Standards Officer

**Vladimir Valiente**  
**Clerk to the Licensing Boards**

13 Members present via MS Teams and 8 apologies.

**1. APPOINTMENT OF CONVENER**

**AGREED** to appoint Archie Dryburgh as Convener.

**2. SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**

Apologies - Councillors Dougie Campbell, Ian Carruthers, Rob Davidson, Jim Dempster, Ivor Hyslop, Jeff Leaver, Henry McClelland, Tommy Sloan

13 Members present via MS Teams as **AGREED** by the Convener and 8 apologies.

**3. DECLARATIONS OF INTEREST**

**NONE** declared.

**4. LICENSING (SCOTLAND) ACT 2005: DUMFRIES AND GALLOWAY LICENSING BOARDS ANNUAL FINANCIAL REPORT 2020/21 - Report by the Clerk to the Licensing Boards**

**Decision**

**AGREED**

4.1 to approve the Annual Financial Report for 2020 – 2021; and

4.2 to authorise the Clerk to the Board to proceed with the publication of the Annual Financial Report.

**5. LICENSING (SCOTLAND) ACT 2005: DUMFRIES AND GALLOWAY LICENSING BOARDS ANNUAL FUNCTIONS REPORT 2020/21 - Report by the Clerk to the Licensing Boards**

**Decision**

**AGREED**

5.1 to approve the Annual Functions Report for 2020/2021; and

5.2 to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report.

**6. GAMBLING ACT 2005: SECTION 349 - PREPARATION OF STATEMENT OF PRINCIPLES (2022 to 2025) - Report by the Clerk to the Licensing Boards**

**Decision**

**AGREED**

6.1 to approve and adopt the revised Statement of Principles; and

6.2 authorise the Clerk to the Boards and his staff to arrange advertising and publication of the revised Statement of Principles and its Notice of Intention as legally required.

**7. GAMBLING HARM PILOT - Report by the Clerk to the Licensing Boards**

**Decision**

**NOTED** the terms of this report.

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

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**THE LICENSING (SCOTLAND) ACT 2005 SECTION 56 AND 68  
APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS  
GRANTED UNDER DELEGATED AUTHORITY**

For the information of the Licensing Board, during the period from 21 October 2021 until 4 January 2022, the following Occasional Licences and Extended Hours were granted:

**Occasional Licences : Applied for by a Personal Licence Holder**

Total number issued      109

**Occasional Licences : Applied for by a Premises Licence Holder**

Total number issued      1

**Occasional Licences : Applied for by a Voluntary Organisation**

Total number issued      0

**Extended Hours**

Total number issued      6

Cheryl Syme  
Senior Licensing Officer  
Licensing  
Ext: 63353

Date of Report: 13 January 2022

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Municipal Chambers  
Buccleuch Street  
Dumfries, DG1 2AD

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

**THE LICENSING (SCOTLAND) ACT 2005 : SECTION 29  
APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No. 1 – Ref L.3/618A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Pinsent Masons 141 Bothwell Street Glasgow G2 7EQ
<b>Name &amp; Address of Premises</b>	PizzaExpress Unit 60/61 Gretna Gateway Outlet Village Glasgow Road Gretna DG16 5GG
<b>Nature of variation</b>	Change of Designated Premises Manager to Claire Plimmer
<b>Effective Date of Minor Variation</b>	23 November 2021

<b><u>Application No. 2 – Ref L.6/685A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Thileepan Veeravaku 51B Tarmachan Road Dunfermline KY11 8LA
<b>Name &amp; Address of Premises</b>	Tennant House Stores High Street Ecclefechan Lockerbie DG11 3DF
<b>Nature of variation</b>	Change of Designated Premises Manager to Doreen McCulloch
<b>Effective Date of Minor Variation</b>	3 December 2021

<b><u>Application No. 3 – Ref L.7/626A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	South of Scotland Ice Rink Club 14 Glasgow Road Lockerbie DG11 2AR
<b>Name &amp; Address of Premises</b>	Lockerbie Ice Rink 14 Glasgow Road Lockerbie DG11 2AR
<b>Nature of variation</b>	Change of Premises name to 'Lockerbie Ice Rink'
<b>Effective Date of Minor Variation</b>	8 December 2021

Cheryl Syme  
Senior Licensing Officer (Board Services)  
Licensing  
Ext: 63353

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries, DG1 2AD

Date of Report: 13 January 2022

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

**THE LICENSING (SCOTLAND) ACT 2005  
APPLICATIONS FOR TRANSFER OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No 1. – Ref L.6/685A – SECTION 33</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	Rodney Frank Merckel Tennant House Stores High Street Ecclefechan DG11 3DF
<b>Name &amp; Address of Transferee or Agent</b>	Thileepan Veeravaku 51B Tarmachan Road Dunfermline KY11 8LA
<b>Name &amp; Address of Premises</b>	Tennant House Stores High Street Ecclefechan DG11 3DF
<b>Effective Date of Transfer</b>	2 December 2021

Cheryl Syme  
Senior Licensing Officer (Board Services)  
Licensing  
Ext: 63353

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries, DG1 2AD

Date of Report: 13 January 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005 (2005 Act): SECTION 45**

**APPLICATION: PROVISIONAL PREMISES LICENCE**

**APPLICANT: SR FRESHWAY LTD, 162 RUFFORD ROAD, SOUTHPORT**

**PREMISES TO BE LICENSED: CONVENIENCE STORE, LEAMINGTON SQUARE,  
LOCHMABEN**

**1. Reason for Report**

1.1 As this is an application for a provisional premises licence, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 16 December 2021 and detailed at **Appendix 1** to this report.

**2. Background**

2.1 As is required by law, a copy of the application was sent to:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service
- NHS Dumfries & Galloway
- Community Council
- Neighbours (Persons having a notifiable interest in neighbouring land)

2.2 Both Section 50(5) Provisional Planning Certificate and Disabled Access and Facilities Statement have been received.

2.3 In accordance with statutory advertising requirements, the Board is required to display a notice on its website for a period of 21 days and the applicant is also required to display a site notice at or near the premises and in a place and height where it can conveniently be read by the public for the same period.

2.4 Notice of the application was published on the Board's webpage from **Monday 20 December 2021 until Tuesday 11 January 2022.**

2.5 At the time of writing this report, signed, satisfactory Confirmation of Site Notice has not yet been received.

**3. Objections and Representations**

3.1 The last date for objections/representations is **Monday 10 January 2022.**

**4. Responses**

The following responses have been received:

- LSO Report – no adverse comment (**Appendix 2**)
- Police – clear report
- Building Standards – No adverse comment
- Planning – No objection
  
- Scottish Fire and Rescue Service – no comment to make

## 5. Determination of the Application

5.1 As democratically elected individuals, ultimate decision making power rests with elected Members and not Council Officers. Whilst Officers can give advice, they cannot clearly make decisions at Hearings. Ultimately, the Board must come to a lawful decision and take into account the following:

5.2 The key consideration in reaching a decision is to determine whether or not a ground of refusal applies.

- (i) If no ground of refusal applies, then the Board must GRANT the application.
- (ii) If any ground of refusal applies, the Board must REFUSE the application

5.3 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises;
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would be *inconsistent with one or more of the licensing objectives*, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that *the premises are unsuitable for use for the sale of alcohol*
- The Board considers that, if the application were to be granted, there would, as a result, *be overprovision of licensed premises* in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vlad Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

13 January 2022

**Appendix 1**

<b>Applicant/Agent</b>	TLT Solicitors Per SR Freshway Ltd 162 Rufford Road Southport United Kingdom PR9 8HU
<b>Address of Premises</b>	Convenience Store Leamington Square Lochmaben DG11 1LG
<b>Description</b>	General grocers (convenience store) & off licence in a rural area. The shop is a detached premises.
<b>Core Times</b>	<u>Off Sales</u>  Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
<b>Activities</b>	Add Recorded Music both within and outwith core licensed hours.  Outwith core hours information – Shop radio may be played in store during all trading hours. The shop may operate as a National Lottery outlet. General retail may commence from 6am until 11pm subject to local/seasonal demand.  Any other Activities – The primary activity undertaken at the aforementioned premises will be the retail sale of, but not restricted to, the following commodities to the general public: Groceries, Confectionery, Bread & Cakes, Crisps & Snacks, Soft Drinks, Non Foods, Toiletries, Frozen Foods, Chilled Foods, Food to Go, Fruit, Veg & Flowers, News & Magazines, Pocket Money Toys, Tobacco & Cigarettes, Wines & Spirits and other fermented, distilled and spirituous liquor, e.g. liqueurs, sherry, port, Beers & Ciders. Paypoint facilities may be installed within the store providing bill payment facilities and the purchase of mobile phone top

	ups/gift cards/TV Licence etc.
<b>Children and Young Persons</b>	<b>N/A</b>
<b>Capacity</b>	36.84m <sup>2</sup>
<b>Last Date for Objections/Representations</b>	Monday 10 January 2022

**Appendix 2****DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR PROVISIONAL PREMISES LICENCE  
PREMISES: CONVENIENCE STORE, LEAMINGTON SQUARE,  
LOCHMABEN.**

1. This application has been submitted by TLT Solicitors on behalf of Sangaranthan Ravishanger and Access SR Freshway Ltd, seeking a provisional premises licence in respect of the Convenience Store, situated in Leamington Square, Lochmaben, DG11 1LG.
2. The application relates to a new commercial business venture, although a retail shop has operated at the same location for many years. The premises were previously licensed although the ex-owners closed the facilities, allowing the premises licence to expire.
3. The Convenience Store operates as a general retail outlet, open to the general public, offering a wide range of household products, food, confectionery and stationery.
4. Although this is an application for a provisional premises licence, the business has been operating over the past few months under “occasional licences” pending the preparation and submission of the full application.
5. Throughout this time, the operation of the store has not caused any issue, problem, or concern from a licensing perspective.
6. The premises are situated in a residential area of Lochmaben and are surrounded by a mixture of private dwellings. There are no other licensed premises in the immediate vicinity of the shop.
7. The application seeks “off-sales” only, with alcohol being available for purchase between the hours of 10.00 & 22.00 hours, seven days a week.
8. The convenience store is spacious and well laid out, with 36.84 square meters being utilised for the display of alcohol, this is not deemed excessive and in keeping with the previous premises licence.
9. The applicant has not previously applied for or been refused, a premises licence under Section 23 of the Licensing (Scotland) Act 2005 in respect of the premises.

10. A proposed operating plan, layout plan and ancillary planning certificates have been submitted in conjunction with this application, as well as a list of activities or services that will be provided on the premises.
11. The designated premises manager will be nominated in due course.
12. The application was advertised on the Board's website from 20 December 2021, simultaneously, a notice was displayed at the premises.  
  
The notice was checked on Wednesday 22 December 2021 during which time it was found to be correctly displayed.
13. The application has been submitted in keeping with Annandale & Eskdale Divisional Licensing Board Policy.
14. There are no adverse comments to be made in respect of this application.

*Michael Collins*  
Licensed Standards Officer

22 December 2021.

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005 (2005 Act): SECTION 45**

**APPLICATION: PROVISIONAL PREMISES LICENCE**

**APPLICANT: VERDANT LEISURE 2 LIMITED, 10 MANNIN WAY, LANCASTER  
BUSINESS PARK, LANCASTER**

**PREMISES TO BE LICENSED: SANDPIPER, QUEENSBERRY BAY, POWFOOT,  
ANNAN**

**1. Reason for Report**

1.1 As this is an application for a provisional premises licence, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 8 December 2021 and detailed at **Appendix 1** to this report.

**2. Background**

2.1 As is required by law, a copy of the application was sent to:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service
- NHS Dumfries & Galloway
- Community Council

2.2 Both Section 50(5) Provisional Planning Certificate and Disabled Access and Facilities Statement have been received.

2.3 In accordance with statutory advertising requirements, the Board is required to display a notice on its website for a period of 21 days and the applicant is also required to display a site notice at or near the premises and in a place and height where it can conveniently be read by the public for the same period.

2.4 Notice of the application was published on the Board's webpage from **Wednesday 15 December 2021 until Thursday 6 January 2022**.

2.5 A satisfactory signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations is **Wednesday 5 January 2022**.

**4. Responses**

The following responses have been received:

- LSO Report – no adverse comment (**Appendix 2**)
- Police – No objection
- Environmental Health – No objection
- Planning – email (**Appendix 3**)
- Scottish Fire and Rescue Service – No comment to make

## 5. Determination of the Application

5.1 As democratically elected individuals, ultimate decision making power rests with elected Members and not Council Officers. Whilst Officers can give advice, they cannot clearly make decisions at Hearings. Ultimately, the Board must come to a lawful decision and take into account the following:

5.2 The key consideration in reaching a determination is to establish whether or not one of the grounds of refusal applies.

- (i) If no ground of refusal applies, then the Board must GRANT the application.
- (ii) If any ground of refusal applies, the Board must REFUSE the application

5.3 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises;
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would be *inconsistent with one or more of the licensing objectives*, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that *the premises are unsuitable for use for the sale of alcohol*
- The Board considers that, if the application were to be granted, there would, as a result, *be overprovision of licensed premises* in the locality.

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vlad Valiente  
Clerk to the Licensing Boards  
Council Offices  
Municipal Chambers  
Buccleuch Street, Dumfries

13 January 2022

**Appendix 1**

<b>Applicant/Agent</b>	TLT Solicitors Per Verdant Leisure 2 Limited 10 Mannin Way Lancaster Business Park Lancaster LA1 3SW
<b>Address of Premises</b>	Sandpiper Queensberry Bay Powfoot Annan DG12 5PN
<b>Description</b>	Multi purpose leisure facility and entertainment complex which is located on the grounds of the caravan park. It includes a restaurant and bar.
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 11.00am – 11.00pm  Tuesday 11.00am – 11.00pm  Wednesday 11.00am – 11.00pm  Thursday 11.00am – 12 midnight  Friday 11.00am – 12 midnight  Saturday 11.00am – 12 midnight  Sunday 12.30pm – 11.00pm</p> <p><u>Off Sales</u></p> <p>Monday 10.00am – 10.00pm  Tuesday 10.00am – 10.00pm  Wednesday 10.00am – 10.00pm  Thursday 10.00am – 10.00pm  Friday 10.00am – 10.00pm  Saturday 10.00am – 10.00pm  Sunday 10.00am – 10.00pm</p>
<b>Activities</b>	<p>Add Conference Facilities, Restaurant Facilities, Bar Meals, Club and Group Meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Indoor/Outdoor sports, Televised Sports and Outdoor Drinking Facilities both within and outwith core hours</p> <p>Outwith Core Hours information – Activities may commence prior to core licensed hours including the serving of breakfasts, teas, coffees and soft drinks from 07.30am</p>

	<p>onwards but no alcohol will be sold or supplied. We may provide gaming outwith core hours in relation to non-gambling gaming activities, i.e. racing games, pacman and the likes but no alcohol will be sold or supplied.</p> <p>Any Other Activities – The premises are located within a holiday park where holiday accommodation is provided. Other activities include a range of entertainment to all ages. The children’s entertainment club may operate between 10.00am and 10.30pm. Activities such as community events, local gala days, charity events, exhibitions and corporate events may also be provided.</p>
<b>Children and Young Persons</b>	<p><b>TERMS</b> – Children should be accompanied by a responsible adult at all times. Young Persons may be unaccompanied but must also be able to provide acceptable ID if asked.</p> <p><b>AGES</b> – Children 0-15 years. Young Persons 16 &amp; 17 years.</p> <p><b>TIMES</b> – Children and Young Persons will be allowed entry at all times as per the terms above.</p> <p><b>PARTS</b> – All public parts</p>
<b>Capacity</b>	Total 577 (Indoor – 363 Outdoor – 213)
<b>Last Date for Objections/Representations</b>	Wednesday 5 January 2022

Appendix 2**DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR PREMISES LICENCE  
PREMISES: SANDPIPER, QUEENSBERRY BAY, POWFOOT, ANNAN**

1. This application has been submitted TLT Solicitors on behalf of Verdant Leisure 2 Limited and relates to the provision of a licensed multi-purpose leisure facility on the outskirts of Annan.
2. 'Sandpiper' is situated within Queensberry Bay, Powfoot, Annan and consists of a leisure facility and entertainment complex located within the grounds of a caravan park.
3. Queensberry Bay is an established and popular holiday destination found on the Solway coast, with various caravans, lodges and associated leisure facilities available for the benefit of visitors and guests.
4. This application relates to a newly built leisure complex consisting of a reception area, restaurant and bar and seeks the provision of both 'on' and 'off-sales' as follows;  
  
    'On-sales'  
    Monday, Tuesday, Wednesday, 11.00 to 23.00 hrs,  
    Thursday, Friday, Saturday, 11.00 to 24.00 hrs, &  
    Sundays between 12.30 to 23.00 hrs.  
  
    'Off-sales'  
    Monday to Sunday, 10.00 to 22.00 hrs.
5. The applicant seeks the provision of conference and restaurant facilities, bar meals, club and group meetings, recorded music, live performances, dance facilities, theatre, films, gaming, indoor/outdoor sports, televised sports and outdoor drinking facilities both within and outwith core hours at the Sandpiper.
6. Various other activities and core hours information is contained in the application along with the clear delineation of children and young person's access to the premises.
7. The overall capacity is 577 persons, comprising of 363 indoors and 213 outdoors.

8. Prior to the submission of this application, Sandpiper made regular use of “occasional licences” for the sale and supply of alcoholic drinks and operated successfully, without any problems, issues, or concerns.

9. The application was advertised on the Board’s website page from 15 December 2021, simultaneously a notice was displayed at the premises.

The premises have been visited and found to be in keeping with the information detailed on the layout plan supplied with the application.

The notice was also checked on Wednesday 22 December 2021 and found to be correctly displayed.

10. The application has been submitted in keeping with the Boards Licensed Hours Policy.

11. There are no adverse comments to be made in respect of this application.

*Michael Collins*

Licensed Standards Officer

23 December 2021.

# Internal Memo

Planning and Environment – Planning and Building Standards

16 December 2021

To: Senior Licensing Officer (Development),  
Corporate Services, Municipal Chambers,  
Dumfries

Your ref:

Drop Point: 261

From: Jessica Taylor, Minor Team Leader Kirkbank  
House, English Street, Dumfries, DG1 2HS

Our ref: LC2010

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR PROVISIONAL PREMISES LICENCE  
PREMISES: SANDPIPER, QUEENSBERRY BAY, POWFOOT, ANNAN**

I refer to your email dated 14 December 2021 regarding the above. The planning service has no objections to the above licence. Please note however, that planning approval was granted under reference 19/1684/FUL for the erection of the Club House. Condition 2 of this approval states the following;

“That the bar and restaurant within the clubhouse hereby granted planning permission shall be closed during the month of December.”

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