

# Public Document Pack

## WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Tuesday 25 January 2022  
at 10.30 am - this meeting will be held online

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

**VLAD VALIENTE**  
Clerk to the Licensing Board

## Wigtown Divisional Licensing Board

Meeting of Tuesday 25 January 2022  
at 10.30 am - this meeting will be held online

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING 22 SEPTEMBER 2021** 5 - 10  
**FOR APPROVAL**
4. **MINUTE OF MEETING 29 OCTOBER 2021** 11 - 16  
**FOR APPROVAL**
5. **MINUTE OF CONJOINED MEETING 19 NOVEMBER 2021** 17 - 20  
**FOR APPROVAL**
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7. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 23 - 26
8. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 27 - 30
9. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR SURRENDER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 31 - 32
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Next Meeting Date: Friday 18 March 2022

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**WIGTOWN DIVISIONAL LICENSING BOARD**

**Minute of Meeting on Wednesday 22 September 2021 at 2.00pm  
Via Teams**

**MEMBERS PRESENT**

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

**APOLOGIES**

Katie Hagmann - Mid Galloway and Wigtown West  
Tommy Sloan - Stranraer and the Rhins

**IN ATTENDANCE**

Caroline Treanor - Solicitor  
Inspector Hugh McCombe - Police Scotland  
Julia Farroll - Licensing Standards Officer  
Mary Irving - Licensing Standards Officer

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

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

3 Members present via MS Teams with 2 apologies submitted and the Convener approved Members' remote participation at the Hearing.

**2. DECLARATIONS OF INTEREST**

David Inglis declared an interest in Item 8 – Application for New Premises Licence - The Vault Arts Centre, 40 Victoria Street, Newton Stewart – as one of the objectors was related to him and he had also been approached by some of the objectors in relation to the application prior to the Hearing. It was therefore agreed that he would leave the meeting for consideration of this item.

**3. MINUTE OF MEETING 2 JUNE 2021**

**Decision**

**AGREED**

**4. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 15 May 2021 until 8 September 2021:

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

Total number issued      65

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

Total number issued      23

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

Total number issued      17

**Extended Hours**

Total number issued      0

5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the applications in **Appendix 1** were granted under delegated powers.

6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**NOTED** that the applications in **Appendix 2** were granted under delegated powers.

7. **LICENSING (SCOTLAND) ACT 2005: NOTIFICATION OF TESCO CONVICTIONS – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**AGREED** to take no further action.

8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE – THE VAULT ARTS CENTRE, 40 VICTORIA STREET, NEWTON STEWART – REPORT BY THE CLERK TO THE BOARDS**

**MEMBER** – David Inglis left the meeting for consideration of this item.

**PROCEDURE** – The Convener intimated that, due to the apologies received and Interest declared, the Board was not quorate in law to consider this item and determination of the application would require to be deferred to a future Hearing.

**Decision**

Members **NOTED** that the Board was not quorate to consider this item and **AGREED** to defer determination of the application to a future Hearing.

**MEMBER** – David Inglis re-joined the meeting

9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR A PERSONAL LICENCE – CALLUM JAMES SCOTT – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

9.1 Members **NOTED** the terms of the letter submitted by Police Scotland and

9.2 Having considered the two written submissions submitted by and on behalf of the applicant and having considered submissions made by Police

Scotland, **AGREED** to grant the application as they were satisfied that no grounds of refusal applied.

**10. 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.

## Appendix 1

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN 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 – 0127W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Robert John McIntyre 8 Hanover Street Stranraer DG9 7RZ
<b>Name &amp; Address of Premises</b>	The Pub 3 Hanover Street Stranraer DG9 7SB
<b>Nature of variation</b>	Change of Designated Premises Manager to Robert John McIntyre
<b>Effective Date of Minor Variation</b>	19 August 2021

<b><u>Application No. 2 – 0024W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Thomas Jack Cooper Sands of Luce Sandhead Stranraer DG9 9JR
<b>Name &amp; Address of Premises</b>	Craft 30 South Main Street Wigtown DG8 9HG
<b>Nature of variation</b>	Change to the name of premises to The Plough Inn Change of Designated Premises Manager to Laura Todd
<b>Effective Date of Minor Variation</b>	30 August 2021

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

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

<b><u>Application No. 1 – Ref 0056W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sainsbury Supermarkets Ltd Per TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Transferee or Agent</b>	Sainsbury's SL Limited Per TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Premises</b>	Sainsbury's Store Goods Lane Newton Stewart DG8 6EH
<b>Effective Date of Transfer</b>	26 July 2021

<b><u>Application No. 2 – Ref 0159W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Clare Cardiss Crab Cottage Sandgreen Gatehouse of Fleet Castle Douglas DG7 2DU
<b>Name &amp; Address of Transferee or Agent</b>	Wendy Louise Bird 69 Churchill Avenue Brigg DN20 8DY
<b>Name &amp; Address of Premises</b>	The Ship Inn 5 Shore Street Drummore Stranraer DG9 9PU
<b>Effective Date of Transfer</b>	3 September 2021

**WIGTOWN DIVISIONAL LICENSING BOARD**

**Minute of Meeting on Friday 29 October 2021 at 11.00am  
Via Teams**

**MEMBERS PRESENT**

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

**APOLOGIES**

David Inglis - Mid Galloway and Wigtown West

**IN ATTENDANCE**

Caroline Treanor - Solicitor  
Sharon Davidson - Licensing Manager  
Julia Farroll - Licensing Standards Officer  
Sergeant Julia McKie - Police Scotland

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

## 1. SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION

4 Members present via MS Teams with 1 apology submitted and the Convener approved Members' remote participation at the Hearing.

## 2. DECLARATIONS OF INTEREST

Katie Hagmann declared an interest in Item 3 – Application for New Premises Licence - The Vault Arts Centre, 40 Victoria Street, Newton Stewart advising that she has supported the premises in terms of charity fundraising, references and in respect of a planning application. As such, she would not take part in the meeting during consideration of this item.

## 3. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE – THE VAULT ARTS CENTRE, 40 VICTORIA STREET, NEWTON STEWART – REPORT BY THE CLERK TO THE BOARDS

**MEMBER** – Katie Hagmann left the meeting for consideration of this item.

### Decision

#### 3.1 NOTED:-

3.1.1 that 9 objections had been received in respect of the application;

3.1.2 that the applicant's agent advised that she wished to amend the application as follows:-

- Description of the premises to be changed to remove reference to the "community garden and courtyard";
- Remove outdoor drinking from the operating plan;
- Remove the capacity for the outdoor area from the operating plan;
- Remove the entire outdoor area (garden and courtyard) from the layout plan and
- Change the times that Children and Young Persons are permitted entry to the premises, in line with the Board's policy i.e. Children and Young Persons must vacate the premises by 10pm unless there is a function or event in which case they may vacate the premises by a later terminal hour for the purposes of the function/event only.

3.2 The Board considered the terms of the objections and heard from representatives of one of the Objectors, being the Community Council.

3.3 Having heard from the applicant, his agent, Police Scotland and the Licensing Standards Officer, the Board **ACCEPTED** the requested amendments from the agent and **AGREED** to **GRANT** the application as detailed in **Appendix 1** subject to the agreed amendments.

**DISSENT** – Tommy Sloan requested that his dissent be recorded in respect of the above decision as he advised that he could not support the application. No reason was given for his dissent.



## Appendix 1

<b>Applicant/Agent</b>	Trad Music Trust 40 Victoria Street Newton Stewart DG8 6BT
<b>Address of Premises</b>	The Vault Arts Centre 40 Victoria Street Newton Stewart DG8 6BT
<b>Description</b>	The Vault Arts Centre is a live music and dance venue, rehearsal, performance and exhibition space with music, arts and crafts retail sales, supporting the work of the Trad Music Trust. A ground floor, 120 capacity venue equipped with office space, performance stage and seating,
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 12.00pm – 12.00am          Tuesday 12.00pm – 12.00am          Wednesday 12.00pm – 12.00am          Thursday 12.00pm – 12.00am          Friday 12.00pm – 01.00am          Saturday 12.00pm – 01.00am          Sunday 12.00pm – 01.00am</p> <p><u>Off Sales</u></p> <p>Monday 12.00pm – 10.00pm          Tuesday 12.00pm – 10.00pm          Wednesday 12.00pm – 10.00pm          Thursday 12.00pm – 10.00pm          Friday 12.00pm – 10.00pm          Saturday 12.00pm – 10.00pm          Sunday 12.00pm – 10.00pm</p>
<b>Activities</b>	<p>Add Conference Facilities, Receptions, Club and Group Meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Indoor/Outdoor Sports, and Televised Sport within licensed core hours.</p> <p>Any other activities – Consumption of food within the premises. Consumption will consist of food organised by customers via outside caterers. The Vault Arts Centre will not be responsible for the provision of food.</p>

<b>Children and Young Persons</b>	<p><b>TERMS</b> – All ages will be permitted access to all public areas, accompanied by an adult.</p> <p><b>AGES</b> – All ages. 0-17 years of age</p> <p><b>TIMES</b> – Children and Young Persons will be permitted entry from 12.00pm to 10.00pm or the terminal hour if attending a function.</p> <p><b>PARTS</b> – All public areas whilst accompanied by an adult.</p>
<b>Capacity</b>	120 indoors

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## 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  
WIGTOWN 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 9 September 2021 until 14 January 2022 the following Occasional Licences and Extended Hours were granted:

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

Total number issued      59

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

Total number issued      6

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

Total number issued      11

**Extended Hours**

Total number issued      4

Aideen Sloan  
Senior Licensing Officer  
Licensing  
Ext: 67447

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

Date of Report: 17 January 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN 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 – 0126W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Wm Morrison Supermarkets PLC Per Gosschalks LLP Queens Gardens Hull HU1 3DZ
<b>Name &amp; Address of Premises</b>	Morrisons London Road Stranraer DG9 8ES
<b>Nature of variation</b>	Removal of the customer service desk. No change to the size, layout or location of the alcohol display area.
<b>Effective Date of Minor Variation</b>	5 October 2021

<b><u>Application No. 2 – 0180W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	John James Mitchell Dergoals Farm Glenluce Newton Stewart DG8 0LG
<b>Name &amp; Address of Premises</b>	New shop in Kings Arms Car Park 31 Main Street Glenluce DG8 0PW
<b>Nature of variation</b>	Change to the name of premises to Keystore Change of Designated Premises Manager to Claire Mary Logan
<b>Effective Date of Minor Variation</b>	19 October 2021

<b><u>Application No. 3 – 0159W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Wendy Bird The Ship Inn 5 Shore Street Drummore Stranraer DG9 9PU
<b>Name &amp; Address of Premises</b>	The Ship Inn 5 Shore Street Drummore Stranraer DG9 9PU
<b>Nature of variation</b>	Change of Designated Premises Manager to Wendy Bird
<b>Effective Date of Minor Variation</b>	25 November 2021

<b><u>Application No. 4 – 204W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Crafty Scottish Distillers Ltd Crafty Distillery Wigtown Road Newton Stewart DG8 6AS
<b>Name &amp; Address of Premises</b>	Crafty Distillery Wigtown Road Newton Stewart DG8 6AS
<b>Nature of variation</b>	Change of address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	2 December 2021

<b><u>Application No. 5 – 86W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Penny Petroleum (Scotland) Limited Global House 303 Ballards Lane London N12 8NP
<b>Name &amp; Address of Premises</b>	James Gordon Ltd Inch Services Castle Kennedy DG9 8RY
<b>Nature of variation</b>	Change of Designated Premises Manager to Gail Taylor
<b>Effective Date of Minor Variation</b>	2 December 2021

<b><u>Application No. 6 – 117W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Greene King Retailing Limited Westgate Brewery Bury St Edmunds Suffolk IP33 1QT
<b>Name &amp; Address of Premises</b>	Custom House North Strand Street Stranraer DG9 7RB
<b>Nature of variation</b>	Change of Designated Premises Manager to Ross Downes
<b>Effective Date of Minor Variation</b>	7 January 2022

Colin Brown/Aideen Sloan  
Senior Licensing Officer  
Licensing

Ext: 63373

Date of Report: 17 January 2022

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

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

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

<b><u>Application No. 1 – Ref 0037W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Clashwhannon Caravan Park Sanday Drummore Stranraer DG9 9QE
<b>Name &amp; Address of Transferee or Agent</b>	Clashwhannon Restaurant Limited 28-30 North Street Dalry KA24 5DW
<b>Name &amp; Address of Premises</b>	Clashwhannon Public House Drummore Stranraer DG9 9QE
<b>Effective Date of Transfer</b>	7 October 2021

<b><u>Application No. 2 – Ref 0148W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Mark Lindsay 14 Old Station View Newton Stewart DG8 6NE
<b>Name &amp; Address of Transferee or Agent</b>	Gordon Thomas Andrews Galloway Arms Hotel 54-58 Victoria Street Newton Stewart DG8 6DB
<b>Name &amp; Address of Premises</b>	Galloway Arms Hotel 54-58 Victoria Street Newton Stewart DG8 6DB
<b>Effective Date of Transfer</b>	21 October 2021

<b><u>Application No. 3 – Ref 0086W – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	James Gordon Ltd Inch Services Castle Kennedy Stranraer DG9 8RY
<b>Name &amp; Address of Transferee or Agent</b>	Penny Petroleum (Scotland) Limited Per TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Premises</b>	Penny Petroleum (Scotland) Limited Inch Services Castle Kennedy Stranraer DG9 8RY
<b>Effective Date of Transfer</b>	25 October 2021

<b><u>Application No. 4 – Ref 0114W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	The Partnership of Josef Henry Rothmund and Elizabeth Rothmund Ruddicot Hotel London Road Stranraer DG9 8AJ
<b>Name &amp; Address of Transferee or Agent</b>	Josef Henry Rothmund Ruddicot Hotel London Road Stranraer DG9 8AJ
<b>Name &amp; Address of Premises</b>	Ruddicot Hotel London Road Stranraer DG9 8AJ
<b>Effective Date of Transfer</b>	5 November 2021

<b><u>Application No. 5 – Ref 0081W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	William McCourt Briarbrae Old Military Road Portpatrick Stranraer DG9 8LG
<b>Name &amp; Address of Transferee or Agent</b>	Mrs Margaret Gray Meikle Pinminnoch Portpatrick Stranraer DG9 9AB
<b>Name &amp; Address of Premises</b>	Portpatrick Village Store & Post Office 39-41 Main Street Portpatrick Stranraer DG9 8JW
<b>Effective Date of Transfer</b>	22 November 2021

Colin Brown  
Senior Licensing Officer (Boards)

Ext: 63373

Date of Report: 17 January 2022

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

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

**THE LICENSING (SCOTLAND) ACT 2005: SECTION 28(6)  
SURRENDER OF PREMISES LICENCE**

<b><u>No. 1 – Ref 0009W</u></b>	
<b>Name &amp; Address of Licence Holder</b>	John James Alexander Laurie 24 Hanover Square Stranraer DG9 7AF
<b>Name &amp; Address of Premises</b>	Prestons 109 Fairhurst Road Stranraer DG9 7QA
<b>Date Licence Surrendered</b>	5 November 2021

Colin Brown  
Senior Licensing Officer (Board Services)  
Licensing  
Ext: 63373

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

Date of Report: 17 January 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 30**

**APPLICATION: MAJOR VARIATION**

**PREMISES: INCH SERVICES, CASTLE KENNEDY, STRANRAER**

**PREMISES LICENCE HOLDER: PENNY PETROLEUM (SCOTLAND) LIMITED, 303  
BALLARDS LANE, LONDON**

**1. Reason for Report**

1.1 As this is a major variation application, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 16 December 2021 and detailed in **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 (SFRS)
- NHS Dumfries and Galloway
- Neighbours: Persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises).

2.2 There is no Community Council currently established for this area so consultation wasn't possible.

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 **Friday 24 December 2021 to Saturday 15 January 2022**.

2.5 Signed satisfactory Confirmation of Site Notice confirming the above display dates has also been received.

**3. Objections and Representations**

The last date for objections/representations was **Friday 14 January 2022** and no objections/representations have been received.

**4. Responses**

The following responses have been received:

- LSO report: no adverse comments **Appendix 2**
- Police: no adverse comment
- Environmental Health: no comments
- Planning: no issues

- Building Standards: no adverse comments
- SFRS: no comment

## 5. Determining 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 The section 30(5) grounds for refusal are:-

- The application must be refused under
  - Section 32(2) (where the Board has refused a premises licence variation application in respect of the same premises and seeking the same variation 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 justifying the sale of a 24 hour operation have not been proven)
  - Section 65(3) (the application is for off sales outwith 10am to 10pm)

- Licensing Objectives ground of refusal

The Licensing Board considers that the granting of the application *would be inconsistent with one or more of the licensing objectives* (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm)

- Unsuitability of the premises

That having regard to:-

- a) the nature of the activities proposed to be carried on in the premises
- b) the location, character and condition of the premises; and
- c) the persons likely to frequent the premises

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation.

- Overprovision

That the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises (taking account of the variation), 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

17 January 2022

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**Wigtown Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	Penny Petroleum (Scotland) Limited Per TLT LLP Solicitors Hobart House 80 Hanover Street Edinburgh EH2 1EL
<b>Address of Premises</b>	Inch Services Castle Kennedy Stranraer DG9 8RY
<b>Nature of Variation</b>	<p><b><u>Addition to Operating Plan</u></b></p> <ul style="list-style-type: none"> <li>• To amend the off sales terminal hour to 10pm</li> <li>• Add recorded music within and outwith core hours</li> <li>• Add “background music may be played outwith core hours for the benefit of customers and staff”</li> <li>• Add wording at 5(f) “The sale of non-alcoholic items, various customer services, forecourt provision of fuel and other customer services found on the forecourt, general groceries and non-grocery products. The premises may open from 6am to facilitate the sale and provision of the aforementioned products.”</li> </ul> <p><b><u>Variation to any other information contained or referred to in the licence</u></b></p> <ul style="list-style-type: none"> <li>• To amend the name of the premises to “Penny Petroleum – Inch Services”</li> </ul>
<b>Last Date for Objections/Representations</b>	<b>Friday 14 January 2022</b>

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

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**LICENSING (SCOTLAND) ACT 2005 :  
APPLICATION FOR VARIATION OF PREMISES LICENCE  
PREMISES: INCH SERVICES, CASTLE KENNEDY DG9 8RY  
APPLICANT: PENNY PETROLEUM (SCOTLAND) LIMITED**

1. The variation application is in respect of the following:
  - Amend the off sales terminal hour to 10pm
  - Add recorded music within and outwith core hours
  - Add “background music may be played outwith core hours for the benefit of customers and staff”
  - Add wording at 5(f) “The sale of non-alcoholic items, various customer services, forecourt provision of fuel and other customer services found on the forecourt, general groceries and non-grocery products. The premises may open from 6am to facilitate the sale and provision of the aforementioned products.”
  - Amend the name of the premises to “Penny Petroleum – Inch Services”
  
2. The Premises Licence was transferred to Penny Petroleum (Scotland) Ltd on 25 October 2021. The company is a large independent forecourt operator in the UK.
  - 2.1 Inch Services provides the only shop in the village of Castle Kennedy and is located adjacent to the A75 trunk road.
  
3. The application seeks to extend the shop’s current off-sale terminal hour from 9pm to 10pm Monday to Sunday, which hours are within policy of the Wigtown Divisional Licensing Board and are the standard operating hours for off-sales in Scotland.
  - 3.1 At the same time, other changes to the operating plan have been applied for, consistent with this type of premises.
  
4. The application was advertised on the Board’s website page from 24 December 2021, simultaneously a notice must be displayed at the premises.
  - 4.1 The Notice was checked on 31 December 2021 at which time it was prominently displayed on a lamp-post at the entrance to the premises.
  
5. I have no adverse comments to make.

*Julia Farroll*  
Licensing Standards Officer

06 January 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23**

**APPLICATION: NEW PREMISES LICENCE**

**PREMISES: PORTPATRICK BREWERY, 24 MAIN STREET, KIRKCOLM, STRANRAER**

**APPLICANT: THE PORTPATRICK BREWERY LIMITED, 24 MAIN STREET,  
KIRKCOLM, STRANRAER**

**1. Reason for Report**

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

1.2 Members are asked to consider the application for a new premises licence received on 22 December 2021 and detailed in **Appendix 1** to this report.

**2. Background**

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

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- NHS Dumfries & Galloway
- Local Community Council
- Neighbours (those within 4 metres in any direction of any boundary of the premises)

2.2 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene and a 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 **Friday 24 December 2021 until Saturday 15 January 2022**.

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

**3. Objections and Representations**

3.1 The last date for objections/representations was **Friday 14 January 2022**.

3.2 An objection has been received from Alastair Wilson **Appendix 2**

**4. Responses**

The following responses have been received:

- LSO report no adverse comment: **Appendix 3**
- Police Scotland – clear report
- Environmental Health – no adverse comment

- Building Standards – no adverse comments
- SFRS – no comment
- Planning comment: **Appendix 4**

## 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 otherwise , 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 that, if the application were to be granted, there would, as a result, be overprovision of licensed premise 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

17 January 2022

## APPENDIX 1

<b>Applicant/Agent</b>	The Portpatrick Brewery Limited 24 Main Street Kirkcolm Stranraer DG9 0NN
<b>Address of Premises</b>	Portpatrick Brewery 24 Main Street Kirkcolm Stranraer DG9 0NN
<b>Description</b>	Small converted outbuilding. Typically will be one person working at a time brewing/bottling/casking beer. There will be no public access and no on-sales. Off-sales will be to trade and public and will take place over the phone or online with delivery to the customer. This is a secure premises for production and storage of beer.
<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>	In 'Any Other Activities' add – alcohol will be delivered to customers (industry and consumer).
<b>Capacity</b>	4 sq metres
<b>Last Date for Objections/Representations</b>	14 January 2022

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**From:** Alastair Wilson  
**Sent:** 31 December 2021 09:06  
**To:** Licensing  
**Cc:** P & E - Nithsdale Planning; Scobie, William;  
**Subject:** EXTERNAL: Ref 0214W Portpatrick Brewery 24 Main Street Kirkcolm Stranraer DG9 ONN OBJECTION  
**Attachments:** 20\_1466\_FUL-Decision\_Notice-1060572.pdf

> Dear Sirs,

>

> I object to the application for the retail off sales of beer and the use of the premises as a sales and marketing operation. I highlight two important constraints on the granting of the original planning permission;

>

> “2. That, notwithstanding the submitted information, no operations relating to the micro-brewery hereby approved shall take place outwith the hours of 0800 to 1800 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays, except as otherwise agreed in writing with the Planning Authority beforehand.

>

> 3. That the premises hereby granted planning permission shall be used only for the purpose of a micro-brewery and for no other purpose, including any retail use or for events or for other activities which would attract visiting members of the public (workers, deliveries and collections excepted).”

>

> I hope the licensing board will enforce the “Planning Permission” restrictions and reject the licensing application on the grounds of the hours of operation which were limited as detailed above, and that planning permission was granted as a “micro-brewery and for no other purpose” which would exclude “any retail use”.

>

Please acknowledge this email.

>

> Yours faithfully

> Alastair Wilson

> 20 Main Street

> Kirkcolm

> DG9 ONN

>

>

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>> Sent from my iPhone



Your Ref:  
Our Ref: 20/1466/FUL  
Date: 2 February 2021

**Dumfries & Galloway Council**  
**Economy and Resources**  
Development Management  
Kirkbank  
English Street  
Dumfries  
DG1 2HS

Mr Kit Rigg  
Design Resource Ltd  
Towerhouse  
3 Maryfield  
Terregles  
Dumfries  
DG2 9TH

Any enquiries please contact  
**Case Officer:** Iona Brooke  
**Mobile:** 07834 567 839  
**Email:** [iona.brooke@dumgal.gov.uk](mailto:iona.brooke@dumgal.gov.uk)  
**Website:** [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning)

**Town and Country Planning (Scotland) Act 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland)**  
**Regulations 2013**

**Application for Planning Permission**

**PROPOSAL:** CHANGE OF USE OF PART OF DOMESTIC OUTBUILDING TO  
MICROBREWERY AND ALTERATIONS  
**LOCATION:** 24 Main Street, Kirkcolm, DG9 0NN

Dear Mr Rigg

I have pleasure in enclosing formal notice of approval.

Please take careful note of the terms of any conditions attached to this permission and especially the need to comply with any suspensive conditions before either commencing work and / or occupying the development. Failure to comply with such conditions may invalidate your permission. In addition to any conditions, please note the advice given in the Appendix which may be attached to the approval. This may include a requirement to formally notify the Council as planning authority of initiation and completion of development. The relevant Notice forms and guidance notes will be enclosed where appropriate.

It should also be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any

further information in this respect, please contact the relevant Building Standards Surveyor.

If you wish to submit further information in relation to this application, including information to discharge conditions or non material variations (NMV) please submit any documents or plans online via eplanning (<https://www.eplanning.scot/ePlanningClient/>) using the post submission additional document form (PSAD). Documents should be submitted in a PDF format.

Yours faithfully,

*Steve Rogers*

Steve Rogers  
Head of Economy and Development

Economy and Resources  
Steve Rogers  
Head of Economy and Development



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## GRANT OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
Application for Planning Permission

To:

Kit Rigg  
Design Resource Ltd  
Towerhouse  
3 Maryfield  
Terregles  
Dumfries  
DG2 9TH

Dumfries & Galloway Council, having considered the application dated 1 September 2020 reference 20/1466/FUL, hereby **grants Planning Permission**

for:

**PROPOSAL: CHANGE OF USE OF PART OF DOMESTIC OUTBUILDING TO MICROBREWERY AND ALTERATIONS**  
**LOCATION: 24 Main Street, Kirkcolm, DG9 0NN**

in accordance with the details and plans accompanying the application.  
This approval is also subject to compliance with the conditions below, which may override details shown on the approved plans. Reasons for these conditions are also listed below.

Conditions:

01. That no development in respect of this planning permission shall take place unless and until details of any proposed external lighting to be installed within the application site have been submitted to and approved in writing by the planning authority. Thereafter, all the external lighting shall be installed in full accordance with such details as may be so approved. Should any external light or lights within the application site be shown to cause unacceptable light levels or spillage, the

planning authority shall be allowed to require the said light or lights to be either removed, relocated or realigned as appropriate, for the lifetime of the development.

02. That, notwithstanding the submitted information, no operations relating to the micro-brewery hereby approved shall take place outwith the hours of 0800 to 1800 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays, except as otherwise agreed in writing with the Planning Authority beforehand.
03. That the premises hereby granted planning permission shall be used only for the purpose of a micro-brewery and for no other purpose, including any retail use or for events or for other activities which would attract visiting members of the public (workers, deliveries and collections excepted). The micro-brewery shall not be used for any other purpose unless or until a further application for planning permission has been submitted and granted.

**Reasons:**

01. In order to ensure that external light(s) do not adversely impact upon neighbouring amenity.
02. In the interests of residential amenity.
03. In order to define the terms of the planning permission and the precise use of the building.

It must be understood that this document does not imply or comprise any permission, consent or approval necessary for the legitimate undertaking of this proposal under any other legislation.

Signed: *Steve Rogers*

Dated: 2 February 2021

Steve Rogers  
Head of Economy and Development  
on behalf of the Council

20/1466/FUL  
(BW Ref. )

Hierarchy Type: Local  
Decision Level: Delegated

Relevant Drawing Numbers:

Plan Type	Reference	Version No	Received Date
Location Plan	BF3		01.09.2020
Proposed Elevations and	BF1		01.09.2020

Floor Plans			
Site Plan	BF2	amended	10.09.2020
Proposed Floor Plans	BF4		17.09.2020

**REASON FOR DECISION:**

It is considered that the proposal is in accordance with the provisions of the development plan and that there were no material considerations of sufficient weight in this case to justify making a decision otherwise. Consequently, under Section 25 of the Town and Country Planning (Scotland) Act 1997, the application was approved subject to the conditions listed above.

*[NB - Full details of the assessment of this proposal and the resultant decision can be found in the Statutory Report on Handling relative to this case, a copy of which is published on the Council's website at [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning).]*

**APPENDIX:**

20/1466/FUL

This appendix constitutes advice only. However, you should take careful note of the content of the comments below as it may affect the proposals.

Where applicable, copies of the relevant application forms are enclosed.

1. Please note that there is now a formal requirement for the developer to notify the Council as planning authority of Initiation of Development and Completion of Development. The relevant forms are enclosed for your use. Additional forms can be collected from planning offices or downloaded from [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning).
2. In order to comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission will only last for three years from the date of this decision notice unless the development has been commenced within that period.
3. Please note the comments in the letter from Scottish Water, a copy of which is available to view via [eplanning](http://eplanning) on the council website [dumgal.gov.uk](http://dumgal.gov.uk)
4. The applicant/developer should note that no planning permission is granted for any signage on the building, the associated curtilage or host dwelling. Any signage may be subject to separate application for consent to display advertisement and it is recommended that the applicant seek further advice from the planning authority prior to displaying any signs.

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

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

**APPLICATION FOR PREMISES LICENCE**

**PREMISES: PORTPATRICK BREWERY, 24 MAIN STREET, KIRKCOLM DG9 0NN**

**APPLICANT: THE PORTPATRICK BREWERY LIMITED**

1. The applicants purchased the company, Portpatrick Brewery Ltd, over two years ago and have relocated the operation of the business to Kirkcolm in an outbuilding behind 24 Main Street (see photographs attached).

1.1 The business has not been operating since the purchase while the applicants relocated and obtain all necessary permissions and licences to operate.

2.1 The premises will be used for the production and storage of beer.

2.2 There will be no public access to the premises and alcohol sales will be delivered.

2.3 Orders will be taken remotely either online, by phone or via social media.

3. The off-sale hours applied for are:-  
Monday to Sunday 10am to 10pm.

3.1 These hours are within the Wigtown Divisional Licensing Board's Licensed Hours Policy.

4. The following Sections of the Licensing (Scotland) Act 2005 are relevant to the remote sale and delivery of alcohol:-

4.1 Section 65 regulates the licensed hours of off-sales premises which states alcohol must only be sold between the hours of 10am and 10pm.

4.1.1 For online and postal sales of alcohol, this means that the completion of the transaction (payment) can only take place during these hours. However, an order can be placed at any time.

4.2 Section 120 prohibits late night deliveries of alcohol, making it an offence to deliver alcohol (other than to a licensed premises) between the hours of Midnight and 6am.

4.3 Section 119 makes it an offence to deliver alcohol unless the following is in place:

1. a day book recording the order is kept on the premises from where the alcohol was despatched; and
2. a delivery book or invoice is carried by the person delivering the alcohol.

4.3.1 The information required to be entered in the book or invoice is:

1. the quantity, description and price of the alcohol; and
2. the name and address of the person to whom the alcohol is to be delivered.

5. The application was advertised on the Board's website page from 24 December 2021. At the same time a notice must be displayed at the premises.

6.1 The applicant provided photographic evidence of the display of the notice to me on 24 December 2021.

6.2 A visit was made to the premises on 7 January 2022 at which time the notice was clearly displayed on a lamp-post outside 24 Main Street, Kirkcolm.

7. I have no adverse comments.

*Julia Farroll*  
Licensing Standards Officer

07 January 2022



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OFFICIAL

# Internal Memo

Planning and Environment – Planning and Building Standards

22/12/2021

To: Senior Licensing Officer (Development), Chief Executive Service, Municipal Chambers, Dumfries      Your ref:

Drop Point: 261

From: Jessica Taylor, Minor Team Leader, Kirkbank House, English Street, Dumfries      Our ref: LC2013

**DUMFRIES & GALLOWAY LICENSING BOARDS  
APPLICATION FOR PREMISES LICENCE  
APPLICANT: THE PORTPATRICK BREWERY LTD  
PREMISE: PORTPATRICK BREWERY, 24 MAIN STREET, PORTPATRICK**

I refer to your recent consultation in relation to the above. I can advise that planning permission 20/1466/FUL was granted subject to the following condition:

*"2. That, notwithstanding the submitted information, no operations relating to the micro-brewery hereby approved shall take place outwith the hours of 0800 to 1800 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays, except as otherwise agreed in writing with the Planning Authority beforehand."*

The operating hours detailed within question 3 of the submitted application form are noted to exceed the approved operating hours detailed above. In the absence of written agreement from the Council as planning authority to the contrary, failure to adhere to the approved operating hours would constitute a breach of planning control.

OFFICIAL

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN DIVISIONAL LICENSING BOARD**

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23  
APPLICATION: PROVISIONAL PREMISES LICENCE  
PREMISES: KENMUIR ARMS HOTEL, 31 MAIN STREET, NEW LUCE, NEWTON  
STEWART  
APPLICANT: NEW LUCE COMMUNITY TRUST**

**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 on 22 December 2021 and detailed in **Appendix 1** to this report.

**2. Background**

2.1 A copy of the application was forwarded to the following:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- NHS Dumfries & Galloway
- Local Community Council
- Neighbours (those within 4 metres in any direction of any boundary of the premises)

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 **Friday 24 December 2021 until Saturday 15 January 2022**.

2.5 Signed satisfactory Confirmation of Site Notice confirming the above display dates has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations for the application was **Friday 14 January 2022**.

3.2 No objections or representations have been received.

**4. Responses**

The following responses have been received:

- LSO report no adverse comments: **Appendix 2**
- Police Scotland – clear report

- Planning – no issues
- Environmental Health – no adverse comments
- SFRS – no comment
- Building Standards - no adverse comments

## 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 otherwise 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 that, if the application were to be granted, there would, as a result, be overprovision of licensed premise 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

17 January 2022



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## APPENDIX 1

<b>Applicant/Agent</b>	New Luce Community Trust 26 South Main Street Wigtown Newton Stewart DG8 9EH
<b>Address of Premises</b>	Kenmuir Arms Hotel 31 Main Street New Luce Newton Stewart DG8 0AJ
<b>Description</b>	Community owned pub comprising of 3 letting bedrooms with en-suites, owners/tenants accommodation (self-contained), public bar, restaurant, glassed-panelled eating area and outside beer garden. Toilets including ladies, gents, accessible and baby changing.
<b>Core Times</b>	<u>On Sales</u> Monday 11am to 12midnight Tuesday 11am to 12midnight Wednesday 11am to 12midnight Thursday 11am to 1am Friday 11am to 1am Saturday 11am to 1am Sunday 12noon to 12midnight <u>Off Sales</u> Monday 11am to 10pm Tuesday 11am to 10pm Wednesday 11am to 10pm Thursday 11am to 10pm Friday 11am to 10pm Saturday 11am to 10pm Sunday 12noon to 10pm
<b>Activities</b>	Include – Accommodation, Conference Restaurant Facilities, Receptions, Club or other group meetings and Outdoor drinking facilities within and outwith core hours. Restaurant facilities will provide breakfast for guests before core opening hours. Conference facilities, receptions, club meetings and outdoor drinking facilities could start before core opening hours and provide coffee/teas/snacks.  Include - Bar Meals, Recorded Music, Live Performances,

	<p>Gaming, Indoor/Outdoor Sports and Televised Sport within core hours.</p> <p>Any other activities include – Takeaway food, buffets, quiz/charity nights/bingo/dominos etc. TV in bar which can provide televised sport.</p>
<b>Admittance of Children and Young Persons</b>	<p><b>TERMS</b> – Children and Young People accompanied by an adult at all times.</p> <p><b>AGES</b> – 0-17</p> <p><b>TIMES</b> – Start times – Monday to Saturday 11am, Sunday 12noon. Resident children and young persons – all times. Non-resident children and young persons – up to 10pm, unless attending a social function.</p> <p><b>PARTS</b> – Resident children and young persons – all parts. Other children and young persons – all public parts.</p>
<b>Capacity</b>	<p>100 persons – indoors</p> <p>32 persons - outdoors</p>
<b>Last Date for Objections/Representations</b>	14 January 2022

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

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**LICENSING (SCOTLAND) ACT 2005 :  
APPLICATION FOR PROVISIONAL PREMISES LICENCE  
PREMISES : KENMUIR ARMS, 31 MAIN STREET, NEW LUCE  
APPLICANT: NEW LUCE COMMUNITY TRUST**

1. The New Luce Community Trust is an incorporated organisation established for many purposes ultimately to assist in creating a positive, prosperous and attractive community for New Luce by 2040.

1.1 Funds have been awarded to the Trust over the next 20 years from commercial wind farms locally. The Trust carried out a community planning process in 2018 which was collaborative and engaging with the community. At the end of this process, the Trust had a robust Community Action Plan which the community could buy into whereby ensuring maximum effectiveness of the increasing pot of community benefit funds.

1.2 Ultimately, the whole community became involved, the majority voting to re-open the former licensed premise with the vision of it being the hub of the village hosting community events.

2. The premises are situated in the small village of New Luce located next to the river Luce with Stranraer and Newton Stewart being the closest towns nearby.

2.1 The Southern Upland Way takes strollers through New Luce as part of the 212 mile coast to coast walking route. Fishing and shooting is also a keen pastime in the area.

2.2 The premises were previously licensed until November 2018 at which time it was surrendered by the licence holder.

2.3 There are no other licensed premises in the village.

2.4 The premises are undergoing an extensive refurbishment and are now into month 7 of renovation works with the projected completion date around July/August 2022.

2.5 On the ground floor the premises comprise a public bar, restaurant and outside beer garden. The upper floor provides on-site tenant accommodation with 3 en-suite letting bedrooms.

2.6 It is the intention of the Trust to lease the premise to a tenant, albeit the licence holder will remain in the name of the New Luce Community Trust.

3. The on-sale hours applied for are as follows:-  
Monday to Wednesday 11am to 12 midnight;  
Thursday to Saturday 11am to 1am;  
Sundays 12 noon to 12 midnight.

3.1 Generally, it is expected customer demand to determine the terminal hour, however, the applicant has requested the midnight/1am hour to allow flexibility for hosting community/special events.

3.2 The off-sale hours applied for are Monday to Saturday 10am to 10pm and Sunday 12 noon to 10pm.

3.3 All hours applied for are within the Board's Licensing Hours Policy statement.

3.4. The on-sale capacity 100 indoors, 32 outdoors.

3.5. As well as restaurant/bar meals, a range of activities has been included in the operating plan such as such as live and recorded music. These types of events will not be a regular occurrence but would allow the operator to cater for any customer requests or for special/community events.

4. A satisfactory Section 50 provisional planning certificate accompanied the application.

5. The application was advertised on the Board's website page from Friday 24 December 2021. At the same time a notice must be displayed at or near the premises. The last day for lodging an objection being Friday 14 January 2022.

5.1 A visit was made to the premises on 11 January 2022. The notice was correctly displayed at that time on heras fencing at the entrance to the premises.

6. I have no adverse comments.

*Mary Irving*  
Licensing Standards Officer  
14 January 2022