

# Public Document Pack

## **NITHSDALE DIVISIONAL LICENSING BOARD**

Meeting of Thursday 27 January 2022  
at 10.30am - This meeting will be held online

Ivor Hyslop (Convener) – Lochar;  
Jim H Dempster – Mid and Upper Nithsdale;  
Jeff Leaver – Lochar;  
David McKie – North West Dumfries;  
Elaine Murray – Nith;  
Davie Stitt – Abbey;

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

## Nithsdale Divisional Licensing Board

Meeting of Thursday 27 January 2022  
at 10.30am - This meeting will be held online

- |     |   |         |
|-----|---|---------|
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| 2.  | <b>DECLARATIONS OF INTEREST</b>   |         |
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Next Meeting Date: Date Not Specified

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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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**NITHSDALE DIVISIONAL LICENSING BOARD**

**Minute of Meeting of Wednesday 1 December 2021 at 2.00pm  
Remote Hearing**

**MEMBERS PRESENT**

Ivor Hyslop (Convener)	-	Lochar
Jeff Leaver	-	Lochar
David McKie	-	North West Dumfries
Elaine Murray	-	Nith
Davie Stitt	-	Abbey

**APOLOGIES**

Jim Dempster	-	Mid and Upper Nithsdale
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**IN ATTENDANCE**

Michael Collins	-	Licensing Standards Officer
Sergeant Julia McKie	-	Police Scotland
Cheryl Syme	-	Senior Licensing Officer
Caroline Treanor	-	Solicitor

**VLADIMIR VALIENTE**  
**Clerk to the Licensing Boards**

5 Members present

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

5 Members present via MS Teams.

2. **DECLARATIONS OF INTEREST**

**NONE**

3. **MINUTE OF MEETING OF 15 SEPTEMBER 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 7 September 2021 until 22 November 2021:

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

Total number issued      66

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

Total number issued      26

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

Total number issued      10

**Extended Hours**

Total number issued      1

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 authority

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 authority

7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – SCOT FRESH, UNIT 1, 78 GLASGOW STREET, DUMFRIES – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant's Agent, Members **AGREED** to **GRANT** the application as detailed in **Appendix 3**.

8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – CAVENS ARMS, BUCCLEUCH STREET, DUMFRIES - REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant, Members **AGREED** to **GRANT** the application as detailed in **Appendix 4**.

**APPENDIX 1**

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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.6/098N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Iceland Foods Limited Second Avenue Deeside Industrial Park Deeside Flintshire CH5 2NW
<b>Name &amp; Address of Premises</b>	Iceland 165-171 High Street Dumfries DG1 2RD
<b>Nature of variation</b>	Change of Designated Premises Manager to Hayley Sturgeon
<b>Effective Date of Minor Variation</b>	8 June 2021

<b><u>Application No. 2 – Ref L.2/054N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Steamboat Inn Limited c/o Farries Kirk & Mcvean Chartered Accountants Dumfries Enterprise Park Heathhall Dumfries DG1 3SJ
<b>Name &amp; Address of Premises</b>	The Steamboat Inn Carsethorn Kirkbean Dumfries DG2 8DS
<b>Nature of variation</b>	Change of Designated Premises Manager to Enya McGlinchey
<b>Effective Date of Minor Variation</b>	9 September 2021

<b><u>Application No. 3 – Ref L.3/030N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Kilnford Farm Retail Ltd Farries Kirk & McVean Heathhall Dumfries
<b>Name &amp; Address of Premises</b>	Kilnford Steading Old Castle Douglas Road The Glen Dumfries DG2 8PT
<b>Nature of variation</b>	Change of Designated Premises Manager to Maurice McMenemy
<b>Effective Date of Minor Variation</b>	10 September 2021

<b><u>Application No. 4 – Ref L.6/109N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	T J Morris (Scot) Ltd Axis Business Park Portal Way Gillmoss Liverpool L11 0JA
<b>Name &amp; Address of Premises</b>	Home Bargains Unit 2 Dumfries Retail Park College Mains Road Dumfries DG2 0NU
<b>Nature of variation</b>	Change of Designated Premises Manager to Sean Hannah
<b>Effective Date of Minor Variation</b>	14 September 2021

<b><u>Application No. 5 – Ref L.6/020N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Phoenix Wolf Property Limited High Polquheys Farm New Cumnock East Ayrshire KA18 4NX
<b>Name &amp; Address of Premises</b>	One Stop 31-33 High Street Sanquhar DG4 6DG
<b>Nature of variation</b>	Change of Designated Premises Manager to Stacey McLaughlan
<b>Effective Date of Minor Variation</b>	17 September 2021

<b><u>Application No. 6 – Ref L.2/010N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Shane Harry Clark 6 South Lochan Sanquhar DG4 6BL
<b>Name &amp; Address of Premises</b>	The Crown Inn 58 High Street Sanquhar DG4 6BL
<b>Nature of variation</b>	Change of Designated Premises Manager to Shane Clark
<b>Effective Date of Minor Variation</b>	17 September 2021

<b><u>Application No. 7 – Ref L.4/003N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Dumfries and Galloway Council Council Offices English Street Dumfries DG1 2DD
<b>Name &amp; Address of Premises</b>	Dumfries Ice Bowl King Street Dumfries DG2 9AN
<b>Nature of variation</b>	Change of address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	28 September 2021

<b><u>Application No. 8 – Ref L.6/100N</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>	Mr News Convenience Shop 108-112 Friars Vennel Dumfries DG1 2RE
<b>Nature of variation</b>	Change of Designated Premises Manager to Doreen McCulloch
<b>Effective Date of Minor Variation</b>	5 October 2021

<b><u>Application No. 9 – Ref L.1/006N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Premises</b>	Blackaddie House Hotel Blackaddie Road Sanquhar DG4 6JJ
<b>Nature of variation</b>	Change of Designated Premises Manager to Paulo Recina
<b>Effective Date of Minor Variation</b>	5 October 2021

<b><u>Application No. 10 – Ref L.2/018N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Phillip Robertson Hadston House Brasswell Dumfries DG1 3JY
<b>Name &amp; Address of Premises</b>	The Five Arches 345 Annan Road Dumfries DG1 3JR
<b>Nature of variation</b>	Change of Designated Premises Manager to Jillian Robertson
<b>Effective Date of Minor Variation</b>	8 October 2021

<b><u>Application No. 11 – Ref L.2/057N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Kevin McCubbin 28 Willow Lane Summerpark Dumfries DG1 3TZ
<b>Name &amp; Address of Premises</b>	Tam O'Shanter Inn 113/117 Queensberry Street Dumfries DG1 1BH
<b>Nature of variation</b>	Change of Designated Premises Manager to Kevin McCubbin
<b>Effective Date of Minor Variation</b>	12 October 2021

<b><u>Application No. 12 – Ref L.6/021N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	GNE Consultancy Ltd Per. Rasul and Son Scott Street Greystone Avenue Kelloholm DG4 6RX
<b>Name &amp; Address of Premises</b>	Nisa Kelloholm Nith Buildings Greystone Avenue Kelloholm DG4 6RX
<b>Nature of variation</b>	Change to Layout Plan due to refurbishment – no change to capacity
<b>Effective Date of Minor Variation</b>	12 October 2021

<b><u>Application No. 13 – Ref L.2/061N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Keith Munn 82 Southwick Road Dalbeattie DG5 4HN
<b>Name &amp; Address of Premises</b>	Victoria Inn 37 Friars Vennel Dumfries DG1 2RQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Francis Murray
<b>Effective Date of Minor Variation</b>	12 October 2021

<b><u>Application No. 14 – Ref L.6/112N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Dynamic Retail Ltd 1598 Dumbarton Road Glasgow G14 9DB
<b>Name &amp; Address of Premises</b>	Scot Fresh 78 Glasgow Street Dumfries DG2 9AQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Shannon Murphy
<b>Effective Date of Minor Variation</b>	23 November 2021

<b><u>Application No. 15 – Ref L.2/027N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Richard Farish Oaklodge Albany Lane Dumfries DG1 1JL
<b>Name &amp; Address of Premises</b>	Abbey inn Abbey Lane Dumfries DG2 0DQ
<b>Nature of variation</b>	Change of Designated Premises Manager to Ellen Murray
<b>Effective Date of Minor Variation</b>	23 November 2021

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

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

<b><u>Application No 1. – Ref L.2/054N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	The New Steamboat Limited The Steamboat Inn Carsethorn Dumfries DG2 8DS
<b>Name &amp; Address of Transferee or Agent</b>	The Steamboat Inn Limited c/o Farries Kirk and McVean Chartered Accountants Dumfries Enterprise Park Heathhall Dumfries DG1 3SJ
<b>Name &amp; Address of Premises</b>	Steam Boat Inn Carsethorn Kirkbean Dumfries DG2 8DS
<b>Effective Date of Transfer</b>	9 September 2021

<b><u>Application No 2. – Ref L.2/010N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Duncan McLean Park 1 Burns Lodge Sanquhar DG4 6BN
<b>Name &amp; Address of Transferee or Agent</b>	Shane Harry Clark 6 South Lochan Sanquhar DG4 6DE
<b>Name &amp; Address of Premises</b>	The Crown Inn 58 High Street Sanquhar DG4 6BL
<b>Effective Date of Transfer</b>	17 September 2021

<b><u>Application No 3. – Ref L.2/057N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Garde Murray 10 Greenlea Crescent Collin Dumfries DG1 1PR
<b>Name &amp; Address of Transferee or Agent</b>	Kevin McCubbin 28 Willow Lane Summerpark Dumfries DG1 3TZ
<b>Name &amp; Address of Premises</b>	Tam O'Shanter Inn 113/117 Queensberry Street Dumfries DG1 1BH
<b>Effective Date of Transfer</b>	12 October 2021

<b><u>Application No 4. – Ref L.2/061N – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Keith Munn (as Executor) 82 Southwick Road Dalbeattie DG5 4HN
<b>Name &amp; Address of Transferee or Agent</b>	Keith Munn 82 Southwick Road Dalbeattie DG5 4HN
<b>Name &amp; Address of Premises</b>	Victoria Inn 37 Friars Vennel Dumfries DG1 2RQ
<b>Effective Date of Transfer</b>	12 October 2021

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

<b>Applicant/Agent</b>	TLT LLP Per Dynamic Retail Ltd 1598 Dumbarton Road Glasgow G14 9DR
<b>Address of Premises</b>	Scot Fresh Unit 1 78 Glasgow Street Dumfries DG2 9AQ
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>To add in wording “The premises will offer a home delivery service” to Any other Activities.</p> <p>It will now read ‘The premises may open before and after core hours for general retail. The premises will not open before 6.00am or trade beyond 11.00pm. The premises may engage in activities including the provision of goods and services, food to go, deli counter and mail services may also be provided. As a community retailer the premises may also on occasion host community and charity/fundraising events, product launches, tastings, demonstrations and other community initiatives. The premises will offer a home delivery service.’</p>
<b>Last Date for Objections/Representations</b>	<b>Friday 19 November 2021</b>

APPENDIX 4

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

<b>Applicant/Agent</b>	Gary Jeffries Turngree Lochanhead Dumfries DG2 8SB
<b>Address of Premises</b>	Cavens Arms 20 Buccleuch Street Dumfries DG1 2AH
<b>Nature of Variation</b>	<p><b><u>Layout Plan</u></b></p> <p>Amendment to layout plan to show the addition of a new outdoor drinking area.</p> <p><b><u>Operating Plan</u></b></p> <p>To show the outdoor capacity as well as indoor capacity on the Premises Licence. Total 240 (180 – indoors 60 – outdoors)</p>
<b>Last Date for Objections/Representations</b>	<b>Friday 19 November 2021</b>

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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 23 November 2021 until 5 January 2022 the following Occasional Licences and Extended Hours were granted:

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

Total number issued 10

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

Total number issued 7

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

Total number issued 2

**Extended Hours**

Total number issued 10

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

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

Date of Report: 19 January 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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.3/031N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Herries Farm LLP Forsters LLP 31 Hill Street Mayfair London W1J 5LS
<b>Name &amp; Address of Premises</b>	The Boathouse Restaurant & Shop Glencaple Quay Glencaple Dumfries DG1 4RE
<b>Nature of variation</b>	Change of Designated Premises Manager to Denyse Boyle
<b>Effective Date of Minor Variation</b>	1 December 2021

<b><u>Application No. 2 – Ref L.2/023N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Star Pubs & Bars Limited 3-4 Broadway Park South Gyle Edinburgh EH12 9JZ
<b>Name &amp; Address of Premises</b>	Greens 59 St Michael Street Dumfries DG1 2QB
<b>Nature of variation</b>	Change of Designated Premises Manager to Andrew Patsalis
<b>Effective Date of Minor Variation</b>	22 December 2021

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

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

Date of Report: 19 January 2022



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

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

<b><u>Application No 1. – Ref L.2/014N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tam Douglas Enterprises Ltd 4D Auchingramont Road Hamilton ML3 6JT
<b>Name &amp; Address of Transferee or Agent</b>	Lesley Ross 8 Terregles Street Dumfries DG2 9AB
<b>Name &amp; Address of Premises</b>	Douglas Arms 75 Friars Vennel Dumfries DG1 2RQ
<b>Effective Date of Transfer</b>	16 December 2021

<b><u>Application No 2. – Ref L.2/023N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Hole I' The Wa' Ltd 123 Irish Street Dumfries DG1 2PE
<b>Name &amp; Address of Transferee or Agent</b>	Star Pubs & Bars Limited 3-4 Broadway Park South Gyle Broadway Edinburgh EH12 9JZ
<b>Name &amp; Address of Premises</b>	Greens 59 St Michael Street Dumfries DG1 2QB
<b>Effective Date of Transfer</b>	22 December 2021

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

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

Date of Report: 19 January 2022

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

**THE GAMBLING ACT 2005  
SURRENDER OF PREMISES LICENCES**

<b><u>No. 1 – Ref L.8/008N – Betting Premises Licence</u></b>	
<b>Name &amp; Address of Licence Holder</b>	Ladbrokes Coral Group One Stratford Place Montifichet Road London E20 1EJ
<b>Name &amp; Address of Premises</b>	Coral 26 Lochside Road Dumfries DG2 0LW
<b>Date Licence Surrendered</b>	16 December 2021

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

Vlad Valiente  
Interim Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street  
Dumfries

Date of Report: 19 January 2022

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: GREENS, 59 ST MICHAEL STREET, DUMFRIES**

**PREMISES LICENCE HOLDER: STAR PUBS & BARS LIMITED, 3-4 BROADWAY,  
EDINBURGH**

**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 8 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)
- Local Community Council
- 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 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 17 December 2021 to Saturday 8 January 2022**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21 day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 A signed Confirmation of Site Notice confirming the above has been received.

**3. Objections and Representations**

The last date for objections/representations was **Friday 7 January 2022** and the following response/s have been received

- Anna Foden– **Appendix 2**

**4. Responses**

- LSO report: no adverse comment: **Appendix 3**
- Police: No objections
- Environmental Health: No objections
- Planning: No objections
- Building Standards – No adverse comment

- SFRS: no comments to make

## 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 taking into account the following:

5.2 The Board must consider whether any of the grounds for refusal apply and

- (i) If NO ground of refusal applies, 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 19 January 2022

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

<b>Applicant/Agent</b>	Flint Bishop LLP Per Star Pubs & Bars Limited 3-4 Broadway Park South Gyle Broadway Edinburgh EH12 9JZ
<b>Address of Premises</b>	Greens 59 St Michael Street Dumfries DG1 2QB
<b>Nature of Variation</b>	<p><b><u>Layout Plan</u></b></p> <p>Amendment to layout plan to show the availability of mobile baby changing facilities.</p> <p><b><u>Operating Plan</u></b></p> <p>Change of Description to read – ‘Family friendly premises offering food and drink with an external drinking and smoking area’</p> <p>Seasonal Variations to read – ‘The premises’ operators will take advantage of all general extension of permitted hours in accordance with the Dumfries &amp; Galloway Licensing Boards Policy and the Festive Hours Policy’</p> <p>Add Conference Facilities, Restaurant Facilities, Bar Meals, Club and Group Meetings, Dance Facilities, Theatre and Films both within and outwith core hours.</p> <p>Include Televised Sport and Outdoor Drinking Facilities outwith core hours.</p> <p>Outwith Core Hours information to read ‘Allow the premises to open from 8am daily for breakfast, coffee and tea etc. and for all activities permitted outwith core hours. The activity/activities and/or services will be provided during drinking up time’</p> <p>Any Other Activities to read ‘Pub Quiz and Movie Night’</p> <p><b><u>Children &amp; Young Persons</u></b></p> <p>Allow Children and Young Persons to be allowed entry when alcohol is being sold for consumption on the premises.</p> <p>Add <b>TERMS</b> – ‘Children must be accompanied by a responsible adult at all times. Young Persons must be accompanied by a responsible adult from 10pm onwards</p> <p><b>AGES</b> – 0-17 years</p>

	<p><b>TIMES</b> – From opening until 10pm. However, if there is a bona fide function/organised event to which Children and Young Persons are invited and its terminal hour is later than 10pm, then Children and Young Persons may vacate the premises by that later terminal hour for the purposes of the function/event only.</p> <p><b>PARTS</b> – All public parts, toilets and routes to access them.</p>
<b>Last Date for Objections/Representations</b>	<b>Friday 7 January 2022</b>

04 " 01 " 2022

LICENSING,  
NITHSDALE DIVISIONAL  
LICENSING BOARD,  
MUNICIPAL CHAMBERS,  
BUCCLEUCH STREET,  
DUMFRIES

Rcvd.  
05/01/2022  
12:30PM  
①

REF: L.2/023N CS/002

DEAR SIR OR MADAM,

I WISH TO MAKE A FORMAL OBJECTION TO  
THE APPLICATION FOR VARIATION OF PREMISES LICENCE  
PREMISES: GREENS, 59 ST. MICHAEL STREET, DUMFRIES  
DG1 2QB.

MY OBJECTIONS ARE:

- 1) THE EXTENDED HOURS OF OPENING IN BOTH INDOOR AND  
OUTDOOR SPACES,
- 2) THE OUT WITH OF CORE HOURS FOR ANY CHANGE OF  
ACTIVITIES,
- 3) THE TIMES THAT CHILDREN AND YOUNG PERSONS WILL  
BE ALLOWED ON THE PREMISES.

MY HOME IS ATTACHED TO GREENS AND MY GARDEN SHARES  
THE BOUNDARY WITH THEM.

IN THE PAST I HAVE HAD TO ENDURE THE NOISE AND BAD  
BEHAVIOUR OF THE CLIENTELE WHICH TAKES THE FORM  
OF BOTTLES, CANS, GLASSES, ASHTRAYS, CIGARETTE STUBS  
AMONG OTHER THINGS BEING THROWN OVER THE WALL  
AND FENCES. ON ONE OCCASION EVEN ONE OF THE  
WOODEN PICNIC TABLES. IT WAS FORTUNATE THAT  
IT DID NOT RESULT IN A FATALITY.

I CANNOT OPEN THE UPPER, REAR WINDOWS OF MY  
HOME BECAUSE OF THE CIGARETTE SMOKE, NOISE AND  
BAD LANGUAGE WHICH OCCURS WHEN THE BEER  
GARDEN IS BUSY AND AS THE EVENING PROGRESSES.  
I HAVE ALSO CONCERNS ABOUT CHILDREN HAVING ACCESS  
TO ALL AREAS AND LEFT TO THEIR OWN DEVICES WHILE

PARENTS DRINK TO 10 PM. AND LONGER HOURS.

I HAVE STATED THE PROBLEMS I HAVE HAD WITH THE LICENCE HOURS AS THEY STAND BUT WITH AN EXTENSION, PROBLEMS COULD INCREASE FOR ME. I FEEL I HAVE A RIGHT TO SLEEP AT NIGHT.

THERE ARE MANY FLATS AROUND THE PUB THAT HOUSE ELDERLY AND DISABLED PERSONS WHO WILL ALSO BE INCONVENIENCED BY THESE CHANGES.

I KNOW THAT THE POLICE HAVE BEEN CALLED OUT ON MANY OCCASIONS WHEN GROUPS HAVE BEEN PLAYING.

I HOPE THAT YOU WILL TAKE MY CONCERNS INTO CONSIDERATION ESPECIALLY WITH THE OUTSIDE AREAS.

YOURS FAITHFULLY,  
ANNA FODEN

*A. Foden*

**Appendix 3*****DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT***

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: GREEN'S, 59 St MICHAELS STREET, DUMFRIES.**

1. This application has been submitted by Flint Bishop LLP on behalf of Star Pubs & Bars Limited, seeking to make changes to the current operating plan relating to 'Greens' Public House situated at 59 St Michaels Street, Dumfries.
2. These premises are a long established, traditional two storey building operating as a town centre sports bar, popular with a wide range of customers.
3. The property consists of a single bar serving a lounge area, public bar area and games room to the rear of the building. There is an exit to a beer garden which is used as an external drinking and smoking area.
4. The licensed premises are surrounded by various other commercial retail outlets and several residential properties in the immediate vicinity.
5. This application seeks to amend the current layout plan to show the availability of mobile baby changing facilities. In addition, changing the description to read 'family friendly premises offering food and drink with an external drinking and smoking area.'
6. Additional "seasonal variations" have been added to read 'the premises' operators will take advantage of all general extension of permitted hours in accordance with the Dumfries & Galloway Licensing Boards Policy and the Festive Hours Policy.'
7. Further changes seeks to add Conference Facilities, Restaurant Facilities, Bar Meals, Club and Group Meetings, Dance Facilities, Theatre and Films both within and outwith core hours and to include televised sport and outdoor drinking facilities outwith core hours.
8. Other changes in the application seek to amend the "Outwith Core Hours" information to read 'Allow the premises to open from 8am daily for breakfast, coffee and tea etc. and for all activities permitted outwith core hours. The activity/activities and/or services will be provided during drinking up time'

Any Other Activities, to read 'Pub Quiz and Movie Nights.'

9. Further changes are being applied for in respect of "Children and Young Persons" with changes requested to allow Children and Young Persons to be allowed entry when alcohol is being sold for consumption on the premises; Add **TERMS** – 'Children must be accompanied by a responsible adult at all times.

Young Persons must be accompanied by a responsible adult from 10pm onwards with **AGES** being 0-17 years and **TIMES** from opening until 10pm.

However, if there is a bona fide function/organised event to which Children and Young Persons are invited and its terminal hour is later than 10pm, then Children and Young Persons may vacate the premises by that later terminal hour for the purposes of the function/event only.

**PARTS** – All public parts, toilets and routes to access them.

10. The application is self-explanatory and unlikely to cause any issues, problems or concerns locally. The premises have been closed for some time but the applicant wishes to amend the operating plan to permit these activities to cater for customer demand.
11. The application was advertised on the Board's website page from 17 December 2021, simultaneously a notice was displayed at the premises.

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

12. The application has been submitted in keeping with the Boards Licensed Hours Policy.
13. I have no adverse comments to be made in respect of this application.

*Michael Collins*  
Licensed Standards Officer

22 December 2021

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

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**LICENSING (SCOTLAND) ACT 2005: SECTION 59**

**APPLICATION: OCCASIONAL LICENCES**

**PREMISES: THE HITCHING POST, 42 EASTFIELD ROAD, DUMFRIES**

**APPLICANT: LEE DAWES (PERSONAL LICENCE HOLDER)**

**1. Reason for Report**

1.1 The Board will be aware that most applications for occasional licences are granted via delegated authority.

1.2 Paragraph 1.6.37 of Dumfries and Galloway Licensing Boards' Policy Statement advises that where 'repeated applications for occasional licences for the same unlicensed premises are received, and which are 1) not for detailed specific events; and/or 2) for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months they will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority. They will require a hearing before the Board. The Board expects such premises to be operating under a Premises Licence in the interests the statutory licensing objective of securing public safety.

1.3 As the applicant has had 26 applications granted to date via delegated authority (**Appendix 1**) the Board is asked to consider a further 11 applications received and detailed at **Appendix 2**.

**2. Background**

2.1 The Board may grant an occasional licence in respect of unlicensed premises for a maximum 14 day period in respect of the following applicants:

- A premises licence holder;
- A personal licence holder or
- A representative of any voluntary organisation.

2.2 Whilst there is a limit to the number of occasional licences that may be granted to a representative of a voluntary organisation, there is no limit in law currently as to the number of occasional licences that may be granted to a premises licence holder (or personal licence holder – relevant to these applications).

2.3.1 The Board is asked to consider the following occasional licence applications for the following dates:

- 31 January 2022 to 13 February 2022
- 14 February 2022 to 27 February 2022
- 28 February 2022 to 13 March 2022
- 14 March 2022 to 27 March 2022
- 28 March 2022 to 10 April 2022
- 11 April 2022 to 24 April 2022
- 25 April 2022 to 8 May 2022
- 9 May 2022 to 22 May 2022
- 23 May 2022 to 5 June 2022
- 6 June 2022 to 19 June 2022

- 20 June 2022 to 3 July 2022

2.3.2 The hours requested in each application are 12 noon to 10.30pm daily.

2.4 In terms of procedure, the Board must give notice of occasional licence applications received to both the Chief Constable and the Licensing Standards Officer.

2.5 On or around the same day as the Board gives this notice, it must publish details of the application on its website for a continuous period of seven days.

2.6 Within this seven day period, any person may by notice to the Board object to the application or make representations.

2.7 The Board advertised the applications on its website from 7 January 2022 to 15 January 2022.

### 3. Objections and Representations

3.1 Any person within this seven day period may by notice to the Board object to the application/make representations.

3.2 The last date for objections/representations in respect of the applications was 14 January 2022

3.3. No objections/representations have been received in respect of any of the 11 applications.

### 4. Responses

4.1 The following responses have been received:-

Police Scotland: no objection to any of the 11 applications;  
LSO report: **Appendix 3** (applies to all 11 applications)

### 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 taking into account the following:

5.2 If the Board does not receive a report from the Licensing Standards Officer setting out the Officer's comments on the application or a notice of objection or representation, then the Board *must* grant the application unless it must be refused for the following reasons:

- the occasional licence limit is being exceeded in respect of applications from a representative of a voluntary organisation;
- the request is for 24 hour trading and no exceptional circumstances exist to justify such or
- the proposed hours for off sales trading are outwith the statutory permitted hours of 10am to 10pm.

5.3 In any other case the Board must consider whether any of the grounds for refusal applies and,

- if none of them applies, the Board must *grant* the application or

- if any of them applies, the Board must *refuse* the application.

5.4 In terms of section 59 (6) the grounds for refusal are:-

- The premises are excluded premises
- The application must be refused under
  - Section 56(6A) the granting of the application would result in the occasional licence limit being exceeded in respect of an application from a representative of a voluntary organisation;
  - Section 64(2) - 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 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);
- 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 premises
 the Board considers that the premises are unsuitable for use for the sale of alcohol

#### **6. Recommendation**

Members are asked to either GRANT or REFUSE the occasional licence applications detailed at paragraph.

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

19 January 2022

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**Applications granted under delegated authority**

	App Date	OL No	Start Date	End Date	No of days	Activities	Application Status
1.	21/09/2021	10944	17/01/2022	30/01/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
2.	21/09/2021	10943	03/01/2022	16/01/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
3.	21/09/2021	10942	20/12/2021	02/01/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
4.	21/09/2021	10941	06/12/2021	19/12/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
5.	21/09/2021	10940	22/11/2021	05/12/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
6.	21/09/2021	10939	08/11/2021	21/11/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
7.	21/09/2021	10938	25/10/2021	07/11/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
8.	21/09/2021	10937	11/10/2021	24/10/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
9.	02/08/2021	10649	27/09/2021	10/10/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
10.	02/08/2021	10648	13/09/2021	26/09/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
11.	02/08/2021	10647	30/08/2021	12/09/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
12.	02/08/2021	10646	16/08/2021	29/08/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
13.	02/08/2021	10645	02/08/2021	15/08/2021	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Granted
14.	08/06/2021	10331	19/07/2021	01/08/2021	14	Daily dining with the offer of both a lunch and dinner service. the property will not be used for private functions and will be operated in accordance with the latest Covid-19 regulations.	Granted

## PUBLIC

15.	08/06/2021	10330	05/07/2021	18/07/2021	14	Daily dining with the offer of both a lunch and dinner service. the property will not be used for private functions and will be operated in accordance with the latest Covid-19 regulations.	Granted
16.	08/06/2021	10329	21/06/2021	04/07/2021	14	Daily dining with the offer of both a lunch and dinner service. the property will not be used for private functions and will be operated in accordance with the latest Covid-19 regulations.	Granted
17.	08/06/2021	10328	10/06/2021	20/06/2021	14	Daily dining with the offer of both a lunch and dinner service. the property will not be used for private functions and will be operated in accordance with the latest Covid-19 regulations.	Granted
18.	20/04/2021	10083	24/05/2021	06/06/2021	14	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
19.	20/04/2021	10082	10/05/2021	23/05/2021	14	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
20.	20/04/2021	10081	27/04/2021	09/05/2021	13	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
21.	12/11/2020	9858	29/12/2020	11/01/2021	14	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
22.	12/11/2020	9857	15/12/2020	28/12/2020	14	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
23.	09/12/2020	9884	11/12/2020	14/12/2020	4	Daily dining with the offer of lunch and dinner service. Not used for private functions and operated in accordance with Covid-19 regulations.	Granted
24.	12/11/2020	9856	01/12/2020	14/12/2020	14	Daily dining with lunch/dinner options. Not used for private functions. Operated in accordance with Covid regulations.	Granted
25.	12/11/2020	9853	17/11/2020	30/11/2020	14	Daily dining with the offer of both a lunch and dinner service. No private functions and operated in accordance with the latest Covid-19 regulations.	Granted
26.	15/10/2020	9799	03/11/2020	16/11/2020	14	Daily dining with the offer of both lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest COVID-19 regulations.	Granted

**Applications granted received on 6 January 2022**

	App Date	OL No	Start Date	End Date	No of days	Activities	Application Status
1.	06/01/2022	11334	20/06/2022	03/07/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
2.	06/01/2022	11333	06/06/2022	19/06/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
3.	06/01/2022	11332	23/05/2022	05/06/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
4.	06/01/2022	11331	09/05/2022	22/05/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
5.	06/01/2022	11330	25/04/2022	08/05/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
6.	06/01/2022	11329	11/04/2022	24/04/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
7.	06/01/2022	11328	28/03/2022	10/04/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
8.	06/01/2022	11327	14/03/2022	27/03/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
9.	06/01/2022	11326	28/02/2022	13/03/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
10.	06/01/2022	11325	14/02/2022	27/02/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board
11.	06/01/2022	11324	31/01/2022	13/02/2022	14	Daily dining with the offer of both a lunch and dinner service. The property will not be used for private functions and will be operated in accordance to the latest Covid-19 regulations.	Await Board

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PUBLIC

**From:** Collins, Michael - Licensing <[Michael.Collins2@dumgal.gov.uk](mailto:Michael.Collins2@dumgal.gov.uk)>  
**Sent:** 10 January 2022 06:50  
**To:** Licensing Applications <[LicensingApplications@dumgal.gov.uk](mailto:LicensingApplications@dumgal.gov.uk)>  
**Subject:** FW: Nithsdale - Occasional Licence applications 11324-11334, Lee Dawes (The Hitching Post)

OFFICIAL

Hi Colin

The attached 11 x applications for occasional licences have been submitted by Lee Keith Dawes on behalf of the Hitching Post, 42 Eastfield Road, Dumfries seeking permission to be able to sell alcoholic drinks and food inside/outside the premises between the hours of 12.00 & 22.30 hrs on the following dates;

31 January to 13 February 2022,  
14 to 27 February 2022,  
28 February to 13 March 2022,  
14 to 27 March 2022,  
28 March to 10 April 2022,  
11 to 24 April 2022,  
25 April to 8 May 2022,  
9 to 22 May 2022,  
23 May to 5 June 2022,  
6 to 19 June 2022, &  
20 June to 3 July 2022.

As all the applications are in keeping with Nithsdale Divisional Licensing Board Policy I have no adverse comments to add.

Regards  
Mickey

Michael Collins  
HMO, Landlord Registration & Licensing Standards Officer  
Community Enforcement  
Dumfries & Galloway Council  
Buccleuch Street  
Dumfries  
DG1 2AD  
Email [Michael.collins2@dumgal.gov.uk](mailto:Michael.collins2@dumgal.gov.uk)  
Mobile 07824 708174

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

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 74  
APPLICATION FOR A PERSONAL LICENCE  
APPLICANT: CAROL FLEMING**

**1. Reason for Report**

Carol Fleming submitted an application for a Personal Licence on 2 December 2021. As the Chief Constable has submitted a Notice under section 73(3)(b) of the Act notifying a relevant offence this matter is to be determined by the Board at a Hearing.

**2. Background**

2.1 A Personal Licence, issued by a Licensing Board, authorises the licence holder to supervise or authorise the sale of alcohol.

2.2 The pre-licence conditions that must be met in law before an application can be granted have been met. Namely, that the applicant:

- is aged 18 or over;
- possess a licensing qualification;
- does not already hold a Personal Licence; and
- has not held a Personal Licence that has previously been revoked within the last five years (other than it being revoked for failure to produce to the Board evidence of renewed Personal Licence Holder training)

**3. Police Response**

In terms of Section 73(1) of the Act, a copy of the application was forwarded to the Chief Constable and, within the 21-day statutory timeline, the Chief Constable responded with a Notice in terms of section 73(3)(b) of the Act notifying a relevant offence (**Appendix**).

**4. Determining the application**

4.1 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 taking into account the following:

4.2 In terms of Section 74(6) of the Act, the Board must, after having regard to the Chief Constable's Notice:

- (a) if satisfied that a ground of refusal applies, REFUSE the application or
- (b) if not so satisfied, GRANT the application.

4.3 The grounds for refusal are:

- (a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a Personal Licence;
- (b) That it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives (preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young persons from harm).

**5. Recommendation**

Members are asked to either GRANT or REFUSE the application.

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

Date of Report: 19 January 2022

**OFFICIAL****Appendix 1**24<sup>th</sup> December 2021

Your Ref: DG/N/1045

Our Ref: JMM/HJR/603920

Democratic Services Manager  
Nithsdale Divisional Licensing  
Chief Executive Service  
Municipal Chambers  
Buccleuch Street  
Dumfries  
DG1 2AD



Dumfries & Galloway Division  
Police Headquarters  
Cornwall Mount  
Dumfries  
DG1 1PZ

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE****APPLICANT: CAROL FLEMING, BORN 17/11/1988****ADDRESS: 68 OSBORNE CRESCENT, DUMFRIES, DUMFRIES AND GALLOWAY, DG2 9JU**

I refer to the above application.

In terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 (the 2005 Act) I give notice that, based upon the information provided and as far as the Chief Constable is aware, the applicant has been convicted of the following relevant offence.

<b>Date</b>	<b>Court</b>	<b>Crime/Offence</b>	<b>Disposal</b>
10.03.2021	Dumfries Sheriff Court	Criminal Licensing (Scotland) Act 2010 Section 38(1) with Domestic/Knife Aggravator	Community Payback Order 12 months supervision

Circumstances are in the early hours of Sunday 3rd January 2021, the applicant and her partner were within their home address consuming alcohol when they have become involved in an argument over their children.

Due to her abusive course of conduct by shouting and swearing her partner has gone in to their bedroom and closed the door. After about 15 minutes the applicant has forced her way into the bedroom and taken her partner's mobile telephone before leaving and going in to the living room of the property.

**OFFICIAL**

Her partner remained within the bedroom holding the door closed although he could hear the applicant shouting and swearing and making threats to cut him if he didn't come out of the bedroom. Moments later a blade from a knife came through the bedroom door narrowly missing his head.

Police were thereafter contacted and the applicant was arrested however continued with her threatening and abusive behaviour whilst being conveyed to Loreburn Street Police Station, Dumfries. She was thereafter held in Police Custody and appeared at Dumfries Sheriff Court the next lawful day, Tuesday 5th January 2021.

I am unable to confirm the existence of any foreign offence in respect of the applicant.

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application:-

In light of the above, the Chief Constable considers that it is necessary for the purposes of the preventing crime and disorder and public nuisance, that the application be refused due to her not being a fit and proper person and securing public safety.

The Chief Constable accordingly makes a recommendation to that effect in terms of section 73(4) of the 2005 Act.

Yours faithfully



Carol McGuire  
Chief Superintendent