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WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Wednesday, 22nd June, 2022
at 2.00 pm. This meeting will be held online.

Ben Dashper – Stranraer and the Rhins;
Andrew Giusti – Stranraer and the Rhins;
Katie Hagmann – Mid Galloway and Wigtown West;
Chrissie Hill – Stranraer and the Rhins;
David Inglis – Mid Galloway and Wigtown West;
Jackie McCamon – Mid Galloway and Wigtown West;

VLAD VALIENTE
Clerk to the Licensing Board

Wigtown Divisional Licensing Board

Meeting of Wednesday, 22nd June, 2022
at 2.00 pm. This meeting will be held online.

1. **APPOINTMENT OF CONVENER**
2. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
3. **DECLARATIONS OF INTEREST**
4. **MINUTE OF MEETING 18 MARCH 2022** 3 - 10
FOR APPROVAL.
5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 11 - 12
6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 13 - 18
7. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 19 - 20
8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR SURRENDER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 21 - 22
9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR TRANSFER OF PREMISES LICENCE - RUDDICOT HOTEL, LONDON ROAD, STRANRAER - REPORT BY THE CLERK TO THE BOARDS** 23 - 26

Next Meeting Date: Friday 16 September 2022

WIGTOWN DIVISIONAL LICENSING BOARD

**Minute of Meeting of Friday 18 March 2022
at 10.30am by Remote Hearing**

MEMBERS PRESENT

Katie Hagmann - Mid Galloway and Wigtown West
David Inglis - Mid Galloway and Wigtown West
Ros Surtees - Stranraer and the Rhins

APOLOGIES

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

IN ATTENDANCE

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

VLAD VALIENTE
Clerk to the Licensing Board

0. APPOINTMENT OF CONVENER

AGREED to appoint Ros Surtees to chair the meeting as the Convener had submitted his apologies.

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

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

2. DECLARATIONS OF INTEREST

NONE declared.

3. MINUTE OF MEETING 25 JANUARY 2022

Decision

AGREED

4. MINUTE OF MEETING 4 FEBRUARY 2022

Decision

AGREED

5. 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 January 2022 until 3 March 2022:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 14

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 0

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 4

Extended Hours

Total number issued 1

6. 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.

7. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - SAINSBURY'S STORE, NEWTON STEWART – REPORT BY THE CLERK TO THE BOARDS

Decision

Having heard from the agent on behalf of the applicant and the LSO, Members **AGREED to GRANT** the application detailed at **APPENDIX 2**.

**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**

<u>Application No. 1 – 56W</u>	
Name & Address of Applicant or Agent	Sainsbury's SL Limited Per TLT Solicitors 140 West George Street Glasgow G2 2HG
Name & Address of Premises	Sainsbury's Store Goods Lane Newton Stewart DG8 6EH
Nature of variation	Amendment to layout due to internal reconfiguration.
Effective Date of Minor Variation	5 November 2021

<u>Application No. 2 – 81W</u>	
Name & Address of Applicant or Agent	Margaret Gray Meikle Pinminnoch Portpatrick Stranraer DG9 9AB
Name & Address of Premises	Portpatrick Post Office & Village Store 39-41 Main Street Portpatrick Stranraer DG9 8JW
Nature of variation	Change of Designated Premises Manager to Margaret Gray
Effective Date of Minor Variation	25 January 2022

<u>Application No. 3 – 193W</u>	
Name & Address of Applicant or Agent	Isle Futures St Ninian's Hall Isle of Whithorn Newton Stewart DG8 8LH
Name & Address of Premises	Isle Futures St Ninian's Hall Isle of Whithorn Newton Stewart DG8 8LH
Nature of variation	Change of Designated Premises Manager to Emma Frain
Effective Date of Minor Variation	3 February 2022

<u>Application No. 4 – 108W</u>	
Name & Address of Applicant or Agent	Alister Peter Henryson-Caird 1 Coach House Castle Cary Creetown Newton Stewart DG8 7DQ
Name & Address of Premises	Laird's Inn Castle Cary Holiday Park Creetown Newton Stewart DG8 7DQ
Nature of variation	Change of Designated Premises Manager to Sharon Hardman
Effective Date of Minor Variation	7 February 2022

<u>Application No. 5 – 64W</u>	
Name & Address of Applicant or Agent	Fiona Loch Colarn Leswalt High Road Stranraer DG9 0ED
Name & Address of Premises	Loch Food Stores 41 Fairhurst Road Stranraer DG9 7QW
Nature of variation	Change of Designated Premises Manager to Shaun Hilferty
Effective Date of Minor Variation	9 February 2022

<u>Application No. 6 – 47W</u>	
Name & Address of Applicant or Agent	Hamilton Matthews McMillan Milnburn Villa Cairnryan Road Stranraer DG9 8AT
Name & Address of Premises	Craignelder Hotel Cairnryan Road Stranraer DG9 8HA
Nature of variation	Change of Designated Premises Manager to Hamilton M McMillan
Effective Date of Minor Variation	9 February 2022

APPENDIX 2

Wigtown Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Sainsbury's SL Limited Per TLT LLP 140 West George Street Glasgow G2 2HG
Address of Premises	Sainsbury's Store Goods Lane Newton Stewart DG8 6EH
Nature of Variation	<p>Changes to Operating Plan</p> <ul style="list-style-type: none"> • Addition of activities to include live performances both within and outwith core hours. • Add: Recorded background music and live performances (see below) may occur outwith core hours as ancillary to the general retail sale of groceries and other non food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7am or after 11pm. <p>Amendment to 'Any Other Activities'</p> <p>The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and or "click and collect", subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005 as amended, or such law that may be in force from time to time. The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by third party concessions, eg dry cleaner/shoe repair facilities. The premises may, on occasion, be used to launch new products, have product sampling/tasting events and host community and charity events or events in conjunction with third party partners.</p> <p>Capacity of Premises</p> <ul style="list-style-type: none"> • Increase capacity from 25.34m² to 28.125m² due to an internal reconfiguration. <p>Variation to any other information contained or referred to in the licence</p> <p>Amend description to read:</p>

	<ul style="list-style-type: none">• Sainsbury's Supermarket is a local convenience store format offering a wide range of products and services including groceries, alcohol, newsagent, general retail and food to go. The store may also be a platform for innovations including parcel and click and collect services and provide a channel to access products from the brands within the Sainsbury's group.• Amend the name of the premises from Sainsbury's Store to Sainsbury's Supermarket.
Last Date for Objections/Representations	Wednesday 2 March 2022

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

**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 4 March 2022 until 13 June 2022 the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 100

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 19

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 5

Extended Hours

Total number issued 7

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 14 June 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 29
APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES
GRANTED UNDER DELEGATED AUTHORITY**

<u>Application No. 1 – 82W</u>	
Name & Address of Applicant or Agent	Mr James W Scott Inchyra Rowanshill Crescent Stranraer DG9 0HL
Name & Address of Premises	Bar Pazzerello 57 George Street Stranraer DG9 7JP
Nature of variation	Change of Layout Plan to include a fixed bar in outdoor drinking area.
Effective Date of Minor Variation	16 March 2022

<u>Application No. 2 – 128W</u>	
Name & Address of Applicant or Agent	Stephen Donnan Creebridge House Hotel Newton Stewart DG8 6NP
Name & Address of Premises	Creebridge House Hotel Newton Stewart DG8 6NP
Nature of variation	Change of Designated Premises Manager to Kenneth Rudd
Effective Date of Minor Variation	18 March 2022

<u>Application No. 3 – 97W</u>	
Name & Address of Applicant or Agent	Central Bar (Newton Stewart) Ltd 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	Central Bar 2 Victoria Street Newton Stewart DG8 6BT
Nature of variation	Change of Designated Premises Manager to Bryce Lyons
Effective Date of Minor Variation	23 March 2022

<u>Application No. 4 – 37W</u>	
Name & Address of Applicant or Agent	Clashwhannon Restaurant Ltd 28-30 North Street Dalry KA24 5DW
Name & Address of Premises	Clashwhannon Restaurant Drummore Stranraer DG9 9QE
Nature of variation	Change of Designated Premises Manager to David Lonnie
Effective Date of Minor Variation	29 March 2022

<u>Application No. 5 – 201W</u>	
Name & Address of Applicant or Agent	Whiskybroker Limited Barholm Works Creetown Newton Stewart DG8 7EN
Name & Address of Premises	Whiskybroker Limited Barholm Works Creetown Newton Stewart DG8 7EN
Nature of variation	Change of Designated Premises Manager to Raymond Martin Armstrong
Effective Date of Minor Variation	29 April 2022

<u>Application No. 6 – 139W</u>	
Name & Address of Applicant or Agent	Sinead Farrell 4 Old Station Court Newton Stewart DG8 6QY
Name & Address of Premises	Crown Hotel 102 Queen Street Newton Stewart DG8 6JW
Nature of variation	Change of Designated Premises Manager to Aaron McGuire
Effective Date of Minor Variation	3 May 2022

<u>Application No. 7 – 63W</u>	
Name & Address of Applicant or Agent	David Ibbotson Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Name & Address of Premises	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Nature of variation	Change of Designated Premises Manager to Gavin McKinnon
Effective Date of Minor Variation	4 May 2022

<u>Application No. 8 – 57W</u>	
Name & Address of Applicant or Agent	McMillan Hotels North West Castle Hotel Stranraer DG9 8EH
Name & Address of Premises	Northwest Castle Portrodie Stranraer DG9 8EH
Nature of variation	Change of Designated Premises Manager to Graham Cowan
Effective Date of Minor Variation	18 May 2022

<u>Application No. 9 – 80W</u>	
Name & Address of Applicant or Agent	Lidl Great Britain Limited Lidl House 14 Kingston Road Surbiton KT5 9NU
Name & Address of Premises	Lidl Great Britain Limited Belmont Road Stranraer DG9 7AS
Nature of variation	Update to layout plan to show installation of Deposit Return Scheme
Effective Date of Minor Variation	7 June 2022

<u>Application No. 10 – 210W</u>	
Name & Address of Applicant or Agent	Bladnoch Distillery Limited R/O DWF LLP 20 Fenchurch Street London EC3M 3AG
Name & Address of Premises	Bladnoch Visitor Centre Bladnoch Distillery Bladnoch Wigtown Newton Stewart DG8 9AB
Nature of variation	Change of Designated Premises Manager to Samantha Johnson
Effective Date of Minor Variation	7 June 2022

<u>Application No. 11 – 116W</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 30 North Main Street Wigtown DG8 9HJ
Nature of variation	Change of Designated Premises Manager to Shirley Shaw
Effective Date of Minor Variation	8 June 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 14 June 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**

<u>Application No 1. – Ref 97W – SECTION 33</u>	
Name & Address of Applicant or Agent	Nicola Cuthbertson 4 Duncree Terrace Newton Stewart DG8 6DG
Name & Address of Transferee or Agent	Central Bar (Newton Stewart) Limited 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	Central Bar 2 Victoria Street Newton Stewart DG8 6BT
Effective Date of Transfer	9 March 2022

<u>Application No 2. – Ref 130W – SECTION 33</u>	
Name & Address of Applicant or Agent	McMillan Hotels per TLT LLP
Name & Address of Transferee or Agent	Guelder Four Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Fernhill Hotel Heugh Road Portpatrick DG9 8TD
Effective Date of Transfer	1 June 2022

<u>Application No 3. – Ref 57W – SECTION 33</u>	
Name & Address of Applicant or Agent	McMillan Hotels per TLT LLP
Name & Address of Transferee or Agent	Guelder Two Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Northwest Castle Portrodie Stranraer DG9 8EH
Effective Date of Transfer	1 June 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 14 June 2022

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

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

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

<u>Ref 0137W</u>	
Name & Address of Licence Holder	Andrea Jane Deschamps & Nicolas Emmanuel Deschamps Rowallan Guest House Corsbie Road Newton Stewart DG8 6JB
Name & Address of Premises	Rowallan Guest House Corsbie Road Newton Stewart DG8 6JB
Date Licence Surrendered	11 March 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 14 June 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**

LICENSING (SCOTLAND) ACT 2005: SECTION 33

APPLICATION: TRANSFER OF PREMISES LICENCE

PREMISES: RUDDICOT HOTEL, LONDON ROAD, STRANRAER DG9 8AJ

TRANSFEROR: JOSEF HENRY ROTHMUND

PROPOSED TRANSFEREE: DAVID AND SARAH HENRY (PARTNERSHIP)

1. Reason for Report

Due to the terms of the Chief Constable's statutory notice with regard to transfer of a premises licence application, the Board must, in law, hold a Hearing.

2. Background

2.1 Mr Josef Henry Rothmund is the current premises licence holder in respect of the above named premises and, on 16 March 2022, he submitted an application to transfer the premises licence to the Partnership of David and Sarah Henry.

2.2 A copy of the application was forwarded to Police Scotland on 16 March 2022.

2.3 On 22 March 2022, the Chief Constable responded with a notice advising that the transferee – David Henry – has been convicted of relevant offences. Said letter also provides additional information and recommends that the transfer be refused (**Appendix**).

3. Determination of the application

3.1 As democratically elected individuals, decision making power rests with elected Members and not Council Officers. Whilst Officers can give advice and guidance, they cannot clearly make decisions at Hearings. Ultimately, the Board must come to a lawful decision.

3.2 In terms of the law the Board must, having regard to the Chief Constable's notice and the additional information contained therein:

- If satisfied that a ground for refusal applies, REFUSE THE APPLICATION or
- If not so satisfied, GRANT THE APPLICATION

3.3 The grounds for refusal are:

- That, having regard to the licensing objectives, the transferee is not a fit and proper person to be the holder of a premises licence;
- That it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.

4. Recommendation

Members are asked to either GRANT or REFUSE the transfer application.

Vlad Valiente

Agenda Item 9

PUBLIC

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

14 June 2022

OFFICIAL SENSITIVE: POLICE AND PARTNERS

22 March 2022

Your Ref:

Our Ref: JM/COS/621998

Democratic Services Manager
Wigtown Divisional Licensing
Municipal Chambers
Buccleuch Street
Dumfries
DG1 2AD



**POLICE
SCOTLAND**

Keeping people safe
Carol McGuire
Chief Superintendent

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE TRANSFER
OF A PREMISES LICENCE ON APPLICATION OF LICENCE HOLDER
PREMISES: RUDDICOT HOTEL, LONDON ROAD, STRANRAER, DG9 8AJ
TRANSFeree: DAVID HENRY, 29/08/1980
TRANSFeree: SARAH HENRY, 15/06/1984**

I refer to the above application.

In terms of Section 33(6)(b)(i) of the Licensing (Scotland) Act 2005 (the 2005 Act) I give notice that the transferee David Henry has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
21/03/2022	Stranraer Sheriff	Road Traffic Act 1988 Sect 5(1)(A)	Fine £225, disqualified 12 months, licence endorsed, victim surcharge £20
02/03/2022	Stranraer Sheriff	Firearms Act 1968 Sect 1(2)	Fine £500, victim surcharge £20

For clarity, I can confirm that Sarah Henry has not been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the transferee or any connected person.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

In terms of Section 33(7A) of the 2005 Act the Chief Constable provides the following information which is relevant to consideration by the Licensing Board of the application:-

On 16th July 2021, Police attended at the home address of Mr Henry in relation to an unrelated incident. During this time it was discovered that Mr Henry had an unsecured shotgun within a downstairs wardrobe of the property. As a result his weapons and certificates were seized by suitably trained officers. On checking his Shotgun certificate it was established at this time that it was not signed. Mr Henry was thereafter cautioned and charged for not complying with his shotgun certificate and failing to sign same.

On 21 July 2021, following a family disagreement Mr Henry has left his home address whilst under the influence of alcohol and driven his white coloured Ford Transit van from Portpatrick to Stranraer. Due to Mr Henry's emotional state and the fact he was driving whilst under the influence of alcohol the Police were contacted and the vehicle was later traced in Lidl car park, Stoneykirk Road, Stranraer. Mr Henry was traced nearby and required by Police to provide the details of the driver of the Ford Transit Valtra under the terms of Section 172 of the Road Traffic Act 1988. At this time Mr Henry replied "me". Mr Henry agreed to provide a specimen of breath for a breath test which he subsequently failed.

Mr Henry was arrested and conveyed to Stranraer Police Station where he underwent the drink drive station procedure providing two specimens of breath with the lower reading being 67 micrograms of alcohol in 100 millilitres of breath. The legal limit in Scotland is 22 micrograms per 100 millilitres.

The circumstances surrounding both of Mr Henry's convictions show poor judgement and are concerning given the responsible nature of the position of Premises Licence Holder.

In light of the above, the Chief considers that it is necessary for the purposes of the securing public safety licensing objective that the application for the transfer of the licence to the transferee be refused. The Chief Constable accordingly makes a recommendation to that effect in terms of section 33(7).

Yours faithfully

Carol McGuire
Chief Superintendent