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**NITHSDALE DIVISIONAL LICENSING BOARD**

Meeting of Friday 24th June 2022  
at 2.00 pm by Remote Hearing

Tony Berretti – Mid and Upper Nithsdale;  
John Campbell – Nith;  
Ivor Hyslop – Lochar;  
Tracey Little – Lochar;  
Davie Stitt – Abbey;  
Vacancy –

**VLAD VALIENTE**  
Clerk to the Licensing Board

## Nithsdale Divisional Licensing Board

Meeting of Friday 24th June 2022  
at 2.00 pm by Remote Hearing

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Next Meeting Date: Date Not Specified

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

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**APPOINTMENT OF CONVENER**

**1. REASON FOR REPORT**

This report sets out the statutory provisions relating to the position of Convener of a Licensing Board and invites the Board to appoint a Convener for the term until after the next local authority election.

**2. BACKGROUND**

2.1 Schedule 1 to the Licensing (Scotland) Act 2005 (“the Act”) requires a Licensing Board, at their first meeting after each election of members of the Board, to elect one of their number as Convener of the Board.

2.2 The Convener of the Board holds office as such for the period beginning on the day after the Convener’s election and ending with the day on which the election of Convener is next held following a further election of members of the Board consequent to a local authority election.

2.3 The Convener so elected:-

- Is eligible for re-election as Convener of the Board
- May at any time resign by giving notice to the Clerk (a copy of which must be passed to the Council)
- Will cease to be Convener on ceasing to be a member of the Board

2.4 Where there is a vacancy in the office of Convener the Board must, at the first meeting after the vacancy arises, elect one of their members to fill the vacancy.

2.5 Where the Convener is unable to chair any meeting the Board must elect from their number a chairman for that meeting.

2.6 The Convener may be removed from office by the Board. The number of members voting in favour of the decision must exceed one half of the total number of members of the Board.

2.7 If at a meeting of the Board there is an equality of votes on any matter the member chairing the meeting has a casting vote.

**3. RECOMMENDATION**

Members are asked to elect a Convener in terms of the Act for the term until after the next local authority election, who will also chair this meeting.

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

16 June 2022

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**NITHSDALE DIVISIONAL LICENSING BOARD**

**Minute of Meeting of Wednesday 23 March 2022 at 10.30am  
Remote Hearing**

**MEMBERS PRESENT**

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

**APOLOGIES**

Jim Dempster - Mid and Upper Nithsdale  
Ivor Hyslop (Convener) - Lochar

**IN ATTENDANCE**

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

**VLAD VALIENTE**  
**Clerk to the Licensing Boards**

## 0. APPOINTMENT OF CONVENER

**AGREED** to appoint David McKie to chair the meeting as the Convener had submitted his apologies.

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

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

## 2. DECLARATIONS OF INTEREST

**NONE**

## 3. MINUTE OF MEETING 27 JANUARY 2022

### 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 **6 January 2022** until **15 March 2022**:

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

Total number issued      54

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

Total number issued      10

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

Total number issued      7

### 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 authority

6. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – NORMANDY BAR, TROQUEER ROAD, DUMFRIES – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant's representatives, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 2**

**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.2/068N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Poppleston Allen Licensing Solicitors For Southernness Holiday Village Limited c/o Womble Bond Dickison (UK) LLP 2 Semple Street Edinburgh EH3 8BL
<b>Name &amp; Address of Premises</b>	Southernness Holiday Village Southernness DG2 8AZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Peter David John Hughes
<b>Effective Date of Minor Variation</b>	9 February 2022

<b><u>Application No. 2 – Ref L.6/035N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	John Gaunt & Partners For Marks & Spencer plc Waterside House 35 North Wharf Road London W2 1NW
<b>Name &amp; Address of Premises</b>	Marks & Spencer plc 59-65 High Street Dumfries DG1 2DB
<b>Nature of variation</b>	Change to layout plan, no change to capacity
<b>Effective Date of Minor Variation</b>	23 February 2022

<b><u>Application No. 3 – Ref L.6/111N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lockett & Co For Shell UK Oil Products Limited Shell Centre London SE1 7NA
<b>Name &amp; Address of Premises</b>	Shell Collin Annan Road Dumfries DG1 3SE
<b>Nature of variation</b>	Change of address for Designated Premises Manager
<b>Effective Date of Minor Variation</b>	1 March 2022

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

<b>Applicant/Agent</b>	William David Imrie 14 Carrick Road Dumfries DG2 9PR
<b>Address of Premises</b>	Normandy Bar Troqueer Road Dumfries DG2 7DF
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>Change the opening times for on-sales, Monday to Sunday, from 11am to 9am to cater for customer demand</p> <p>Increase opening times for off-sales, Monday to Sunday, from 11am to 10am to cater for customer demand</p> <p>Change the terminal hour, Monday to Wednesday, from 11pm to 12 midnight</p> <p>Include Restaurant Facilities and Bar Meals within and outwith core hours</p> <p>Inclusion of Seasonal Variation – Utilising any additional ‘seasonal variations’ as permitted/at discretion of Nithsdale Divisional Licensing Board</p> <p>Include Receptions outwith core hours</p> <p><b>Outwith Core Hours information</b> – Include Restaurant Facilities for the provision of breakfasts, lunches, meals including snacks, teas, coffees, both within/outwith core hours. Provision of bar meals and snacks for the provision of breakfasts, lunches, meals including snacks, teas, coffees, both within and outwith core hours. Inclusion of ‘receptions’ both within and outwith core hours to cater for events such as weddings, funerals etc.</p> <p><b>Any Other Activities</b> – In addition to providing bar meals, restaurant facilities, we will be providing food to take away and also facilitating deliveries of food.</p> <p><b>Capacity</b> – amend capacity to show Indoor capacity 130, total outdoor capacity 40 consisting of 20 seated and 20 standing (<i>Currently 130</i>)</p> <p><b>Children and Young Persons</b></p>

	<p><b>TERMS</b> – Children and Young Persons will be permitted entry when accompanied by an appropriate adult</p> <p><b>AGES</b> – From Birth to 17</p> <p><b>TIMES</b> – Between 9.00am to 10.00pm, and after 10pm to terminal hour of a specific function at the discretion of the duty manager</p> <p><b>PARTS</b> – Children and Young Persons will be permitted access to all public areas of the premises except general bar, unless the bar is being used to access other parts of the building</p> <p><b><u>Layout Plan</u></b></p> <p>The layout plan is being amended to upgrade the existing kitchen and to extend the current outdoor drinking area to cater for customer demand.</p>
<p><b>Last Date for Objections/Representations</b></p>	<p><b>Friday 11 March 2022</b></p>

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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 16 march 2022 until 8 June 2022 the following Occasional Licences and Extended Hours were granted:

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

Total number issued 88

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

Total number issued 19

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

Total number issued 14

**Extended Hours**

Total number issued 5

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: 16 June 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.6/035N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Marks and Spencer PLC Waterside House 35 North Wharf Road London W2 1NW
<b>Name &amp; Address of Premises</b>	Marks & Spencer Plc 59-65 High Street Dumfries DG1 2DB
<b>Nature of variation</b>	Change of Designated Premises Manager to Jill Hill
<b>Effective Date of Minor Variation</b>	24 March 2022

<b><u>Application No. 2 – Ref L.1/015N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Friars Carse Country House Limited Friars Carse Auldgirth Dumfries DG2 0SA
<b>Name &amp; Address of Premises</b>	Friars Carse Country House Hotel Auldgirth Dumfries DG2 0SA
<b>Nature of variation</b>	Change of Designated Premises Manager to Ellen Stewart
<b>Effective Date of Minor Variation</b>	24 March 2022

<b><u>Application No. 3 – 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 Store 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>	30 March 2022

<b><u>Application No. 4 – Ref L.3/004N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tabussum Abbas 20 Woodgrove Avenue Dumfries DG1 1RR
<b>Name &amp; Address of Premises</b>	India Palms 46-50 Buccleuch Street Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to Khalid Naqvi
<b>Effective Date of Minor Variation</b>	30 March 2022

<b><u>Application No. 5 – Ref L.2/056N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Walker & Sharpe Solicitors For Ian Wylie Jardine 20 Haining Avenue Summerpark Dumfries DG1 3FY
<b>Name &amp; Address of Premises</b>	Déjà vu 38-40 Academy Street Dumfries DG1 1BZ
<b>Nature of variation</b>	Change to layout plan to reflect refurbishment – no increase to capacity
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 6 – Ref L.2/052N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For Hawthorn Leisure Scotco Limited Pinewood Court Coleshill Road Marston Green Birmingham B37 7HG
<b>Name &amp; Address of Premises</b>	Stag Bar 48 Bank Street Dumfries DG1 2PA
<b>Nature of variation</b>	Change of Designated Premises Manager to John Maxwell
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 7 – Ref L.6/2/024N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For C J Lang & Son Limited 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	Spar 121-122 Drumlanrig Street Thornhill DG3 5LS
<b>Nature of variation</b>	Change of layout plan due to reconfiguration of store – decrease in capacity from 20.50m <sup>2</sup> to 19.93m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 8 – Ref L.6/2/029N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For C J Lang & Son Limited 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	Spar Gillbrae Road Georgetown Dumfries DG1 4AT
<b>Nature of variation</b>	Change of layout plan due to reconfiguration of store – decrease in capacity from 29.38m <sup>2</sup> to 26.96m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 9 – Ref L.1/026N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	JHS Law For Firm of Paul Jones Bar & Grill 17 Solway Park Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Edward Walker
<b>Effective Date of Minor Variation</b>	7 April 2022

<b><u>Application No. 10 – Ref L.2/044N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Milan Cvetkovic Buon Riposa Dock Park Dumfries DG1 2RY
<b>Name &amp; Address of Premises</b>	The Riverside Bar Dock Park Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to David Coulter
<b>Effective Date of Minor Variation</b>	20 April 2022

<b><u>Application No. 11 – Ref L.1/017N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Nature of variation</b>	Change of Designated Premises Manager to Rachel Hurley
<b>Effective Date of Minor Variation</b>	26 April 2022

<b><u>Application No. 12 – Ref L.6/015N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
<b>Name &amp; Address of Premises</b>	Tesco Superstore Peel Centre Lockerbie Road Dumfries DG1 3PF
<b>Nature of variation</b>	Change of Designated Premises Manager to Sean McCarter
<b>Effective Date of Minor Variation</b>	13 May 2022

<b><u>Application No. 13 – Ref L.6/083N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Licensing Matters 54 Fairfield Drive Clitheroe Lancashire BB7 2PE
<b>Name &amp; Address of Premises</b>	J&J Wilson Supermarket Gillfoot Southernness Holiday Park Southernness Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to Gavin Johnstone
<b>Effective Date of Minor Variation</b>	13 May 2022

<b><u>Application No. 14 – Ref L.1/026N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Firm of Paul Jones Bar & Grill Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change Home Address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 15 – Ref L.2/068N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Poppleston Allen 37 Stoney Street The Lace Market Nottingham NG1 1LS
<b>Name &amp; Address of Premises</b>	Southernness Holiday Village Sandy Lane Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Ashleigh Smith
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 16 – Ref L.1/007N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	ADW Licensing For. Jousting Limited Dunsborough House Dunsborough Park Rippley Woking Surrey, GU23 6AL
<b>Name &amp; Address of Premises</b>	Buccleuch & Queensberry Hotel 112 Drumlanrig Street Thornhill DG3 5LU
<b>Nature of variation</b>	Change of Designated Premises Manager to Ralph Mercer
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 17 – Ref L.1/017N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Hurley The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Nature of variation</b>	Change to home address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	7 June 2022

<b><u>Application No. 18 – Ref L.6/063N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	CJ Lang & Son Limited 78 Longtown Road Dumdee DD4 8JU
<b>Name &amp; Address of Premises</b>	Spar Convenience Store 1 Rosevale Street Dumfries DG1 2EP
<b>Nature of variation</b>	Change to home address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	7 June 2022

<b>Application No. 19 – Ref L.6/006N</b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lidl Great Britain Limited Lidl House 14 Kingston Road Surbiton KT5 9NU
<b>Name &amp; Address of Premises</b>	Lidl Great Britain Limited Brooms Road Dumfries DG1 2DZ
<b>Nature of variation</b>	Change to layout plan, no change to capacity
<b>Effective Date of Minor Variation</b>	7 June 2022

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: 16 June 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.1/026N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	JHS Law 8/10 Bank Street Dumfries DG1 2NS
<b>Name &amp; Address of Transferee or Agent</b>	Firm of Paul Jones Bar & Grill 17 Solway Park Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Effective Date of Transfer</b>	7 April 2022

<b><u>Application No 2. – Ref L.1/017N – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Transferee or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Effective Date of Transfer</b>	26 April 2022

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: 16 June 2022

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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: CALLAN MALONEY**

**1. Reason for Report**

Callan Maloney submitted an application for a Personal Licence on 31 March 2022. As the Chief Constable has submitted a Notice under section 73(3)(b) of the Act notifying a relevant offence this matter must 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: 16 June 2022

3 May 2022

Your Ref: DG/N/1065

Our Ref: JMM/HJR/628363

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



**POLICE  
SCOTLAND**

Keeping people safe

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: CALLAN MICHAEL MALONEY, BORN 16/04/1988  
ADDRESS: LIGHTHOUSE LEISURE, SOUTHERNESS, DUMFRIES, DG2 8AZ.**

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.

Date	Court	Crime/Offence	Disposal
05.11.2019	Dumfries JP Court	Road Traffic Act 1988 Section 5(1)(A)	Fine £200, Disqualified for 3 years and Licence Endorsed

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:-

On Thursday 3 October 2019 at about 0315 hours Police were tasked to trace a white Volkswagen motor vehicle as it had been suspected that the driver was under the influence of alcohol.

The vehicle was traced a short time later and stopped in Dumfries Town Centre. The driver and sole occupant of the vehicle identified himself as Callan Michael Maloney, who stated he was the owner of the vehicle.

On speaking with Mr Maloney Officers detected a strong smell of alcohol from his breath.

Mr Maloney was asked by Police if he had consumed an alcoholic drink in the past twenty minutes to which he replied no.

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

He was thereafter required under the term of Section 6 of the Road Traffic Act 1988 to provide a specimen of breath for analysis to which he agreed. He subsequently provided a positive breath test and was thereafter arrested and conveyed to Loreburn Street Police Station, Dumfries. He was thereafter subject to the drink drive procedure by means of an approved device namely the Intoximeter EC/IR eventual breath testing instrument. Mr Maloney provided two specimens of breath as required, the lower of which contained 39 micrograms of alcohol in 100 millilitres of breath.

At 0357 hours, same date, Mr Maloney was cautioned and charged with Section 5 of the Road Traffic Act 1988. He was thereafter bailed to appear at Dumfries Sheriff Court on Tuesday 29 October 2019.

In light of the above, the Chief Constable considers that it is necessary for the purposes of the securing public safety, protecting members of the public and other road users, that the application be refused. 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

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

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**LICENSING (SCOTLAND) ACT 2005 (THE 2005 ACT): SECTION 84A  
CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES  
PERSONAL LICENCE HOLDER: DEMI LEIGH HYNES**

**1. Reason for Report**

1.1 On 7 April 2022, the Chief Constable, in terms of his power under section 84A the 2005 Act, submitted to the Board a report advising that Demi Leigh Hynes, the holder of a personal licence, has acted in a manner that is inconsistent with the licensing objectives of Preventing Crime and Disorder and Preventing Public nuisance. (**Appendix**).

1.2 When the Board receives a section 84A report it must hold 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 In terms of procedure, both the letter and Notice of Hearing have been sent to the licence holder.

**3. Determination**

3.1 At its Hearing the Board may, after giving

- the licence holder concerned and
- such other persons as they consider appropriate an opportunity to be heard and
- if satisfied that it is necessary to do so for the purposes of any of the licensing objectives, make an order to:
  - a) revoke the licence;
  - b) suspend the licence for a maximum 6 month period as the Board considers appropriate; or
  - c) endorse the licence. (an endorsement expires after five years)

3.2 It is also open to the Board to take no further action.

3.3 If, at the Hearing, the Board is satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence then the Board must make an order revoking the licence.

## **4. Recommendations**

4.1 Members are asked to consider whether they wish to revoke, suspend, endorse the licence or take no further action; and

4.2 Note that if a determination is made that the licence holder is not a fit and proper person to be the holder of the personal licence then the Board has no discretion as to which action it wishes to take as it must, in law, revoke the licence.

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

16 June 2022

## OFFICIAL

7 April 2022

Your Ref: SB/LIQ/12876

Our Ref: JM/HJR

Head of Democratic Services  
Nithsdale 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 - SECTION 84A  
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES  
PERSONAL LICENCE HOLDER: DEMI LEIGH HYNES OR HADFIELD-CARNEY  
IMPERIAL BAR, 18 QUEENSBERRY STREET, DUMFRIES, DG1 1HR  
LICENCE NO: SB/LIQ/12876**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Demi Leigh Hynes, has acted in a manner which is inconsistent with the licensing objective(s) articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Preventing Public Nuisance

**History of Personal Licence Holder:**

Demi Leigh Hynes, is the Premises Manager for The Imperial, 18 Queensberry Street, Dumfries.

She was granted her Personal Liquor Licence by the Scottish Borders Board, SB/LIQ/12876 on the 10 December 2019.

Demi is currently in the process of changing her name by deed pole to Demi Hadfield-Carney.

**Sunday 6 February 2022**

On Sunday 6 February 2022 Demi Hynes has been within the Imperial Bar consuming alcohol with a number of friends, including her current partner. During the course of the evening Demi's partner seriously assaulted another male customer within the public bar.

## OFFICIAL

About 2240 hours, same date, a member of bar staff has called last orders and began clearing up and asking customers to finish their drinks. At this time Demi Hynes has begun helping clear tables and asking customers to finish their drinks so that she could lock up.

Demi Hynes has approached the table where the victim of the assault has been seated and asked them to finish their drink and leave. Due to them having been seated at the table next to Demi throughout the evening the male has become argumentative and stated he would leave when he was finished his drink. Demi was in possession of the radio link to Police and requested their assistance due to the male refusing to leave.

Whilst waiting on the arrival of Police Demi Hynes has become involved in an argument with the male refusing to leave at which time her partner has pushed him before punching him in the face causing him to fall onto the ground.

On the arrival of Police about 2250 hours they observed a male with facial injuries holding wipes to his face which was covered in blood. Officers have then been approached by Demi Hynes who identified herself as the Premises Manager of the premises. When asked what had occurred she informed officers that she had been within her flat upstairs at the time of the assault and had not witnessed anything. Demi was requested at this time to show attending officers the CCTV footage however she informed them that it was not working.

Witnesses within the premises have then been spoken to and stated that Demi Hayes had been present when the assault occurred and had been drinking all evening within the premises in the company of the male responsible. Demi Hynes was spoken to again however continued to deny knowing the male and stated she had never seen him before or had any knowledge of his identity.

Demi was again requested to show Police Officers the CCTV footage at which time she stated that it was in fact working however she would have to call in another member of staff to access the footage.

A short time later another member of staff attended at the premises and allowed officers to view the CCTV footage of the incident.

### **CCTV Evidence**

The CCTV footage clearly shows Demi in the company of the male responsible throughout the evening and also identified her as being present at the time of the assault. Prior to the arrival of Police Demi can be seen to get the suspect to leave the premises out of the side exit door.

Demi was again given the opportunity to provide the details of the incident to Police however continued to deny knowing the suspect or having witnesses the assault. She was then shown the CCTV footage and admitted to being in the male's company however continued to deny knowing who he was.

Witness statements were later obtained which identified the male suspect as the boyfriend of Demi Hynes.

Demi was asked by Police Officers why she had been carrying out work related tasks whilst she was off duty and under the influence of alcohol at which time she became argumentative and stated she had not been working. It was explained that she had put herself on duty by collecting glasses, asking customers to leave with the intention of locking and cashing up at the end of the night.

When staff members on duty were spoken to they confirmed that Demi Hynes would be locking and cashing up at the end of their shift.

**OFFICIAL**

In summary Demi Hynes attempted to obstruct Police in their investigations in to a serious assault. She denied being present or knowing the identity of the offender who has now been identified as her partner. Initially stated that the CCTV was not working then stated that it was however required another member of staff to work it. Was observed to help the male responsible leave the premises prior to Police arrival.

Although she was off duty at the time of the incident she put herself on duty within the premises by carrying out work related tasks which has been confirmed by other members of staff.

In terms of Section 83(5)(a) and (b) of the Licensing (Scotland) Act 2005 and having regard to preventing crime and disorder and preventing public nuisance objectives Police Scotland recommend that the Licensing Board take appropriate action towards Demi Hynes Personal Licence status.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Yours faithfully

Carol McGuire  
Chief Superintendent

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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: SPAR, GILLBRAE ROAD, GEORGETOWN, DUMFRIES**

**PREMISES LICENCE HOLDER: C J LANG & SON LIMITED, 77 LONGTOWN ROAD, DUNDEE**

**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 28 April 2022 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 **Monday 9 May 2022 to Tuesday 31 May 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 Signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 30 May 2022**.

3.2 No objections or representations have been received.

**4. Responses**

- LSO report: no adverse comments **Appendix 2**
- Police Scotland: no adverse comments
- Environmental Health: no objections
- Planning: no objections
- SFRS: no comments

**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

16 June 2022

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

<b>Applicant/Agent</b>	TLT Solicitors For CJ Lang & Son Limited 77 Longtown Road Dundee DD4 8JU
<b>Address of Premises</b>	Spar Gillbrae Road Georgetown Dumfries DG1 4AT
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>Add Gaming Within and Outwith Core Hours</p> <p>Change the wording for 'Outwith Core Hours Details' to read – 'The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.'</p> <p>Change wording for 'Any Other Activities' to read – 'the primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread &amp; cakes, crisps/snacks, non-foods, toiletries, frozen &amp; chilled foods, fruit/vegetables/flowers, news &amp; magazines, toys, tobacco &amp; cigarettes, beers/wine/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to Go. Click &amp; Collect. Home Deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling &amp; promotional activities.'</p>
<b>Last Date for Objections/Representations</b>	<b>Monday 31 May 2022</b>

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

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: SPAR, GILLBRAE ROAD, DUMFRIES, DG1 4AT.**

1. This application has been submitted by TLT LLP on behalf of C.J. Lang & Son Limited, seeking to amend the operating plan relating to the 'Spar' licensed premises, situated in Gillbrae Road, Dumfries.
2. Spar is a global retail operation with numerous stores across the country, in addition to running various retail outlets throughout the Dumfries and Galloway region.
3. The Spar shop in Gillbrae Road has been licensed since 2009 and has operated without any notable issues, problems, or concerns from a licensing perspective.
4. The shop consists of a modern retail outlet, offering a wide variety of household goods, fresh and frozen produce, confectionery, stationery, and a wide range of both alcoholic and soft drinks.
5. This application seeks to amend the existing premises licence and operating plan, changing the wording of 'Outwith Core Hours Details' to read *'The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.'*
6. Additionally, the wording of the operating plan will be amended to read *'Add Gaming Within and Outwith Core Hours.'*
7. Other changes will include changing the wording of 'Any Other Activities' to read *'the primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beers/wine/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to Go. Click & collect. Home Deliveries. Pay point payment. National Lottery outlet. External automated cash machine. Sampling & promotional activities.'*

8. This proposal has no impact on the current alcohol display area and will not affect the current operating hours.
9. The application was advertised on the Board's website page from 9 May 2022, simultaneously a notice was displayed at the premises.

The notice has been checked and found to be correctly displayed.

10. The application has been submitted in keeping with the Nithsdale Divisional Licensing Board Policy.
11. I have no adverse comments to be made in respect of this application.

***Michael Collins***  
Licensed Standards Officer

27 May 2022.

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: DOUGLAS ARMS, 75 FRIARS VENNEL, DUMFRIES**

**PREMISES LICENCE HOLDER: LESLEY ROSS, 8 TERREGLES STREET, DUMFRIES**

**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 28 April 2022 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 **Monday 9 May 2022 to Tuesday 31 May 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 At the time of writing this report no signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 30 May 2022**.

3.2 No objections or representations have been received.

**4. Responses**

- LSO report: no adverse comments **Appendix 2**
- Police Scotland: no adverse comments
- Environmental Health: no objections
- Planning: no planning issues
- Building Standards: no adverse comments
- SFRS: no comments

**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

16 June 2022

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

<b>Applicant/Agent</b>	Lesley Ross 8 Terregles Street Dumfries DG2 9AB
<b>Address of Premises</b>	Douglas Arms 75 Friars Vennel Dumfries DG1 2RQ
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>(Q1) Add Off-sales, (Q3) 10am to 10pm Monday to Saturday; 11am to 10pm Sunday.</p> <p>(Q2) Extend licensed hours for on sales to 1am daily; Change licensed hours on Sunday to start at 11am</p> <p>(Q3b) Increase capacity to 80 persons, to reflect increased capacity indoors from removing bench seating and creating recessed seating areas, plus addition of outdoor table space (Breakdown 80 – 72 Indoor/8 Outdoor)</p> <p>(Q4) Operate according to seasonal demand to read 'To utilise any variations for e.g. Christmas and New Year holiday dates'</p> <p>Add Meeting and Conference Facilities, Bar Meals, Receptions, Club or other group meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Indoor/Outdoor Sports, Televised Sport, and Outdoor Drinking both within and outwith core licensed hours</p> <p>Add Adult Entertainment within core licensed hours only</p> <p>'Outwith Core Licensed Hours' wording to read 'Activities also to be provided outside core licensed hours on rare/extraordinary occasions when meeting or conference facilities, or receptions e.g. funeral teas, are required before normal opening times. Activities/entertainments to be provided if required at these pre-arranged events/bookings only.'</p> <p><b><u>Children and Young Persons</u></b></p> <p>(Q6b)TERMS: Children and young persons will be allowed entry to all public areas, except at the bar/service area, during opening times when accompanied by an adult'</p> <p>(Q6d)TIMES: Children and young persons will be allowed entry during opening times</p>

	<p>(Q6e)PARTS: Children and young persons will be allowed entry to all public areas, except at the bar/service area i.e. children and young persons will not be allowed to stand or sit at the bar/service area</p> <p><b><u>Variation to Layout Plan</u></b></p> <p>Changes to the “Parts” of the premises which children and young persons can access when accompanied by an adult.</p> <p>Change to position of bar/service area in snug Changes to Ladies and Gents WCs Addition of small stage area in main bar</p> <p><b><u>Variation to any other information contained or referred to in the licence</u></b></p> <p>Alteration to the description of the premises contained within the premises licence to update description of premises to:</p> <p>‘Public house – bottom/ground floor of three-storey building on corner site located in a pedestrian area. Stone built. Upper two storeys are privately-owned.</p>
<b>Last Date for Objections/Representations</b>	<b>Monday 30 May 2022</b>

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

---

**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: THE DOUGLAS ARMS, 75 FRIARS VENNEL, DUMFRIES,  
DG1 2RQ.**

1. This application has been submitted by Lesley Ross, looking to amend the operating plan relating to the 'Douglas Arms' Public House, situated at 75 Friars Vennel, Dumfries.
2. These premises are a long established and traditional town centre 'pub, with a reputation for serving a wide selection of beer, ales, and wine.
3. The premises are popular with a wide range of customers and are commonly referred to as being the "Dougie" or the "Dougie Arms."
4. The licensed premises consist of a terraced town centre building, surrounded by various other commercial retail outlets and residential properties. The bar occupies the ground floor of a three-storey building.
5. When the current Licence Holder took over the running of the premises, she inherited a 'pub with a basic operating plan and only minimum permitted activities. This application has been submitted to cater for customer demand and to improve the overall visitor experience of patrons visiting the premises.
6. This application seeks to make various changes including the adding of *'off-sales' between 10.00 to 22.00 hrs, Monday to Saturday and between 11.00 and 22.00 hrs on Sundays.*
7. Other changes include extending the current licensed hours for 'on sales' to *01.00 hrs daily with a with a further change to Sunday opening, to start from 11.00 hrs.*
8. The applicant also seeks to increase the capacity from 60 to 80 persons. This was possible by the removal of bench seating and the creation of recessed seating, plus the addition of outdoor table space.

Although the Douglas Arms is fairly a small 'pub, it can house 72 people indoors comfortably with space for 8 people outside, weather permitting.

9. Further reference is made to operating according to seasonal demand to read *'utilise any variations for example, Christmas and New Year holiday dates.'*
10. Other changes include the adding of *'Meeting and Conference Facilities, Bar Meals, Receptions, Club or other group meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Indoor/Outdoor Sports, Televised Sport, and Outdoor Drinking both within and outwith core licensed hours.'*

*Add Adult Entertainment within core licensed hours only*

11. 'Outwith Core Licensed Hours' amend wording to read *'Activities also to be provided outside core licensed hours on rare/extraordinary occasions when meeting or conference facilities, or receptions e.g., funeral teas, are required before normal opening times. Activities/entertainments to be provided if required at these pre-arranged events/bookings only.'*

12. The applicant is also changing the terms, times, and parts of the premises where children and young persons are permitted access.

13. The application is self-explanatory and unlikely to cause any issues, problems or concerns locally although the Licensee must ensure that the peace and privacy of neighbouring domestic properties are not jeopardised in any way by the playing of live or recorded music.

14. The applicant is the holder of a personal licence and is well respected in the local hospitality sector (DG/N0912 refers.)

15. I am satisfied that the extent of this application is not excessive and in keeping with the character of the premises.

The increased capacity is not excessive, and the additional operating hours applied for is within policy and brings the Douglas Arms into line with other licensed premises in the town centre.

16. The application was first advertised on the Board's website page from 9 May 2022, simultaneously a notice was displayed at the premises.

The notice was checked and found to be correctly displayed on 12 May 2022.

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

18. I have no adverse comments to be made in respect of this application.

**Michael Collins**

Licensed Standards Officer

27 May 2022.