

Public Document Pack

ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD

Meeting of Friday 10 March 2023
at 10.30am – Remote Meeting

MEMBERS

Ian Carruthers (Convener) – Annandale South;
Karen Carruthers – Annandale East and Eskdale;
Archie Dryburgh – Annandale East and Eskdale;
George Jamieson – Annandale South;
Gail Macgregor – Annandale North;
Stephen Thompson – Annandale North;

VLAD VALIENTE
Clerk to the Licensing Board

Annandale and Eskdale Divisional Licensing Board

Meeting of Friday 10 March 2023
at 10.30am – Remote Meeting

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING 28 SEPTEMBER 2022** 3 - 16
FOR APPROVAL
4. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD** 17 - 18
5. **LICENSING (SCOTLAND) ACT 2005 : APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD** 19 - 24
6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD** 25 - 28
7. **LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE - REPORT BY THE CLERK TO THE BOARD** 29 - 30
8. **LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR PROVISIONAL PREMISES LICENCE - GREYNA SERVICE STATION, M74 NORTH BOUND, GREYNA - REPORT BY THE CLERK TO THE BOARDS** 31 - 58
9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PREMISES LICENCE - ANNAN NEWS, 84 HIGH STREET, ANNAN - REPORT BY THE CLERK TO THE BOARDS** 59 - 64
10. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A CHIEF CONSTABLES ANNUAL REPORT 2021-2022 - REPORT BY THE CLERK TO THE BOARDS** 65 - 78

Next Meeting Date: Friday, 26 May 2023

ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**Minute of Meeting of Wednesday 28 September 2022 at 2pm
Via Teams****MEMBERS PRESENT**

Ian Carruthers - Annandale South
Archie Dryburgh - Annandale East and Eskdale
George Jamieson - Annandale South
Stephen Thompson - Annandale North

APOLOGIES

Gail Macgregor - Annandale North

IN ATTENDANCE

Mickey Collins - Licensing Standards Officer
Inspector Hugh McCombe - Police Scotland
Cheryl Syme - Senior Licensing Officer
Caroline Treanor - Solicitor

VLAD VALIENTE
Clerk to the Licensing Board

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

3 members were present at the start of the meeting and Councillor Thompson joined during Item 8. As he was late to this Item, he did not take part in the decision. The Convener approved Members' remote participation at the Hearing.

2. **DECLARATIONS OF INTEREST**

NONE

3. **MINUTE OF MEETING 1 JULY 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 Licensing Boards**

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 23 June 2022 until 4 September 2022:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 105

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 10

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 14

Extended Hours

Total number issued 10

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

Decision

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

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

Decision

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

7. **LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE - Report by the Clerk to the Licensing Boards**

Decision

NOTED in **Appendix 3**

8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – SPAR, 3 MELBOURNE AVENUE, EASTRIGGS – REPORT BY THE CLERK TO THE BOARD - Report by the Clerk to the Licensing Boards**

Decision

Having heard from the applicant's agent, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 4**

9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – CROWN HOTEL, 95 HIGH STREET, LOCKERBIE- Report by the Clerk to the Licensing Boards**

Decision

Having read and considered the applicant's agent's written submissions and heard from Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 5**

10. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PROVISIONAL PREMISES LICENCE - PAVILLION AT KINMOUNT HOUSE, ANNAN - Report by the Clerk to the Licensing Boards**

Decision

Having heard from the applicant's agent, Police Scotland and the Licensing Standards Officer, the Board accepted the agent's proposed modifications in

respect of requested terminal hours to align them with the Board's Policy those hours being as follows: in respect of Thursdays, Fridays and Saturdays 1am and the terminal hour in respect of a Sunday being 11pm after which the Board **AGREED** to **GRANT** the application, as detailed in **Appendix 6**

Appendix 1**DUMFRIES AND GALLOWAY LICENSING BOARDS
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD****THE LICENSING (SCOTLAND) ACT 2005 : SECTION 29
APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES
GRANTED UNDER DELEGATED AUTHORITY**

<u>Application No. 1 – Ref L.6/691A</u>	
Name & Address of Applicant or Agent	Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
Name & Address of Premises	Tesco Store Goods Station Road Lockerbie DG11 2DB
Nature of variation	Change of Designated Premises Manager to Callum McIntyre
Effective Date of Minor Variation	1 June 2022

<u>Application No. 2 – Ref L.3/613A</u>	
Name & Address of Applicant or Agent	Leeann Tweedie 21 Preston Park Annan DG12 5HS
Name & Address of Premises	Tweedie's Empire Bar & Eatery 49-55 High Street Annan DG12 6AD
Nature of variation	Change of Designated Premises Manager to Alyson Johnstone and change of premises name to 'Our Place'
Effective Date of Minor Variation	8 July 2022

<u>Application No. 3 – Ref L.2/612A</u>	
Name & Address of Applicant or Agent	John Gaunt and Partners For Away Resorts Ltd Imex 575-599 Maxted Road Hemel Hempstead Hertfordshire HP2 7DX
Name & Address of Premises	The Lakeside Tavern Beattock Country Park Beattock Moffat DG10 9RE
Nature of variation	Change of Designated Premises Manager to Andrew Ewing
Effective Date of Minor Variation	2 August 2022

<u>Application No. 4 – Ref L.1/672A</u>	
Name & Address of Applicant or Agent	Li Zhu Chen 30 Lytton Street Dundee DD2 1EU
Name & Address of Premises	Crown Hotel 95 High Street Lockerbie DG11 2DA
Nature of variation	Change of Designated Premises Manager to Nan Chen
Effective Date of Minor Variation	11 August 2022

<u>Application No. 5 – Ref L.1/601A</u>	
Name & Address of Applicant or Agent	TLT Solicitors For Greene King retailing Limited Westgate Brewery Bury St Edmunds Suffolk IP33 1QT
Name & Address of Premises	Stag Hotel 21-23 High Street Moffat DG10 9HL
Nature of variation	Change of Designated Premises Manager to Jennifer Miller
Effective Date of Minor Variation	16 August 2022

Application No. 6 – Ref L.6/702A

Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op Annan Road Gretna DG16 5DH
Nature of variation	Change of Designated Premises Manager to Edward Turner
Effective Date of Minor Variation	24 August 2022

Application No. 7 – Ref L.2/633A

Name & Address of Applicant or Agent	Steven Ceates Greenlea Standalane Annan DG12 5JR
Name & Address of Premises	The Shed 7 Lady Street Annan DG12 5DA
Nature of variation	Change of address of Designated Premises Manager
Effective Date of Minor Variation	25 August 2022

Application No. 8 – Ref L.6/695A

Name & Address of Applicant or Agent	Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
Name & Address of Premises	Tesco Store Scotts Street Annan DG12 6JH
Nature of variation	Change of Designated Premises Manager to Mathew Bell
Effective Date of Minor Variation	2 September 2022

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

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

<u>Application No 1. – Ref L.3/613A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Leeann Park Tweedie 21 Preston Park Annan DG12 5HS
Name & Address of Transferee or Agent	The Wee Pub Group Ltd 272 Bath Street Glasgow G2 4JR
Name & Address of Premises	Our Place 49-55 High Street Annan DG12 6AD
Effective Date of Transfer	27 July 2022

<u>Application No 2. – Ref L.1/672A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Punch Partnership (PTL) Limited Elsley Court 20-22 Great Titchfield Street London W1 8BE
Name & Address of Transferee or Agent	Li Zhu Chen 30 Lytton Street Dundee DD2 1EU
Name & Address of Premises	Crown Hotel 95 High Street Lockerbie DG11 2DA
Effective Date of Transfer	11 August 2022

Appendix 3

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

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

<u>No. 1 – Ref L.6/620A</u>	
Name & Address of Licence Holder	Solway Spirits Ltd 1 Railway Cottage Cummertrees Annan DG12 5QG
Name & Address of Premises	Solway Spirits Ltd Unit 2 Annan Business Park Stapleton Road Annan DG12 6TZ
Date Licence Surrendered	16 August 2022

<u>No. 1 – Ref L.1/676A</u>	
Name & Address of Licence Holder	Stephen Frederick Montgomery The Townhead Hotel Townhead Street Lockerbie DG11 2AG
Name & Address of Premises	The Townhead Hotel Townhead Street Lockerbie DG11 2AG
Date Licence Surrendered	12 September 2022

Annandale & Eskdale Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	TLT Solicitors For CJ Lang & Son Limited 77 Longtown Road Dundee DD4 8JU
Address of Premises	Spar 3 Melbourne Avenue Eastriggs Annan DG12 6PP
Nature of Variation	<p><u>Operating Plan</u></p> <p>Q5) add gaming as an activity during and outwith core hours (to cover the use of the National Lottery outlet etc);</p> <p>Q5) amend and add the following wording – 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>Q5f) amend and add the following wording - 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. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling & promotional activities.’</p> <p>Q7) amend capacity to 19.92m²</p> <p><u>Layout Plan</u></p> <p>Reconfiguration of store resulting in an increase in the alcohol display capacity to 19.92m²</p>
Last Date for Objections/Representations	Friday 17 June 2022

Appendix 5**Annandale & Eskdale Divisional Licensing Board**
Application for Variation of Premises Licence

Applicant/Agent	Brunton Miller Solicitors For Li Zhu Chen 30 Lytton Street Dundee DD2 1EU
Address of Premises	Crown Hotel 95 High Street Lockerbie DG11 2DA
Nature of Variation	<u>Operating Plan</u> At 5(f) Add – Takeaway Facility for Food
Last Date for Objections/Representations	Friday 26 August 2022

Applicant/Agent	TLT Solicitors Per Kinmount Castle Limited Estate office Hoddom Lockerbie DG11 1BE
Address of Premises	Pavilion at Kinmount House Annan DG12 5RH
Description	Multi purpose event/function space with outdoor area located in grounds of Kinmount House.
Core Times	<p><u>On Sales</u></p> <p>Monday 11.00am – 11.00pm Tuesday 11.00am – 11.00pm Wednesday 11.00am – 11.00pm Thursday 11.00am – 02.00am 1am Friday 11.00am – 02.00am 1am Saturday 11.00am – 02.00am 1am Sunday 11.00am – 12 midnight 11.00pm</p> <p><u>Off Sales</u></p> <p>Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm</p>
Activities	<p>Add Conference Facilities, Restaurant Facilities, Bar Meals, Receptions and Club and other group meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Televised Sport and Outdoor Drinking Facilities both within and outwith core licensed hours.</p> <p>Add Gaming within core licensed hours only.</p> <p>Outwith core hours information – ‘Column 4 activities may commence prior to core hour but not normally before 0800 hours unless to cater for a special event including but not limited to a booking made in connection to a wedding or birthday or private function. For example breakfasts,</p>

	<p>coffees, breakfast meetings or the like. Also the showing of televised sports that commence prior to licensed hours. Alcohol will not be sold outwith hours unless in receipt of an extended hours certificate. Dance or theatre rehearsals for a performance later that day may take place prior to core licensed hours.'</p> <p>Any other Activities – 'These premises are a multi purpose event space catering for a wide array of functions and events.'</p>
Children and Young Persons	<p>TERMS – Children will be permitted when accompanied by an adult for the purposes of having a meal or attending a suitable function. Young Persons will be permitted unaccompanied for the purposes of having a meal or attending a suitable function.</p> <p>AGES – 0-17 years</p> <p>TIMES – Until 22.00 hours normally, or the end of a private function or suitable event.</p> <p>PARTS – All public parts but not remaining at or adjacent to the bar.</p>
Capacity	<p>Off Sales – 12.25m²</p> <p>On Sales – 200 persons (including 168 persons outdoors however the whole capacity will not exceed 200 persons)</p>
Last Date for Objections/Representations	Friday 19 August 2022

This page is intentionally left blank

**DUMFRIES AND GALLOWAY LICENSING BOARDS
ANNANDALE & ESKDALE 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 5 September 2022 until 19 February 2023, the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 203

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 29

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 27

Extended Hours

Total number issued 9

Cheryl Syme
Senior Licensing Officer
Licensing
Ext: 63353

Date of Report: 2 March 2023

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

This page is intentionally left blank

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

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

<u>Application No. 1 – Ref L.6/695A</u>	
Name & Address of Applicant or Agent	Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
Name & Address of Premises	Tesco Store Scotts Street Annan DG12 6JH
Nature of variation	Change of Designated Premises Manager to Leonard McEwan
Effective Date of Minor Variation	29 September 2022

<u>Application No. 2 – Ref L.1/618A</u>	
Name & Address of Applicant or Agent	Lorraine Stewart Crown Hotel 8 Bruce Street Lochmaben DG11 1PD
Name & Address of Premises	Crown Hotel 8 Bruce Street Lochmaben DG11 1PD
Nature of variation	Change of Designated Premises Manager to Sinclair Brough
Effective Date of Minor Variation	30 September 2022

<u>Application No. 3 – Ref L.6/685A</u>	
Name & Address of Applicant or Agent	Thieepan Veeravaku 51B Tarmachan Road Dunfermline KY11 8LA
Name & Address of Premises	Tennant House Stores High Street Ecclefechan Lockerbie DG11 3DF
Nature of variation	Change of Designated Premises Manager to Doreen McCulloch
Effective Date of Minor Variation	13 October 2022

<u>Application No. 4 – Ref L.2/613A</u>	
Name & Address of Applicant or Agent	Heather Morrison 22 Warriston Place Moffat DG10 9DH
Name & Address of Premises	The Coachman Bar High Street Moffat DG10 9ET
Nature of variation	Change of Designated Premises Manager to Heather Morrison
Effective Date of Minor Variation	2 November 2022

<u>Application No. 5 – Ref L.1/617A</u>	
Name & Address of Applicant or Agent	The Crown Hotel (Langholm) Limited High Street Langholm DG113 0JH
Name & Address of Premises	Crown Hotel High Street Langholm DG13 0JH
Nature of variation	Change of Designated Premises Manager to Hayley Evenden
Effective Date of Minor Variation	12 December 2022

<u>Application No. 6 – Ref L.6/638A</u>	
Name & Address of Applicant or Agent	Pureplay Retail Limited 1 Fleet Place London EC4M 4WS
Name & Address of Premises	Moffat Woollen Mill Ladyknowe Moffat DG10 9EP
Nature of variation	Change of home address of Designated Premises Manager
Effective Date of Minor Variation	16 December 2022

<u>Application No. 7 – Ref L.1/626A</u>	
Name & Address of Applicant or Agent	Lonsdale Hotels Limited 71-75 Shelton Street Covent Garden London WC2H 9JQ
Name & Address of Premises	Gables Hotel 1 Annan Road Gretna DG16 5DQ
Nature of variation	Change of home address of Designated Premises Manager
Effective Date of Minor Variation	4 January 2023

<u>Application No. 8 – Ref L.6/702A</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op Annan Road Gretna DG16 5DH
Nature of variation	Change of Designated Premises Manager to Shona Mckenna
Effective Date of Minor Variation	20 January 2023

<u>Application No. 9 – Ref L.6/677A</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op Station Yard Moffat DG10 9EP
Nature of variation	Change of Designated Premises Manager to Shona Hines
Effective Date of Minor Variation	10 February 2023

<u>Application No. 10 – Ref L.7/622A</u>	
Name & Address of Applicant or Agent	Proudfoot Indoor Sports Club Mansefield Place Moffat DG10 9DS
Name & Address of Premises	Proudfoot Indoor Sports Club Mansefield Place Moffat DG10 9DS
Nature of variation	Change of Designated Premises Manager to Martin Kerr
Effective Date of Minor Variation	10 February 2023

<u>Application No.11 – Ref L.1/655A</u>	
Name & Address of Applicant or Agent	Gretna Green Group Ltd Gretna Green Dumfries and Galloway DG16 5EA
Name & Address of Premises	Smiths Hotel Headless Cross Gretna Green Gretna DG16 5EA
Nature of variation	Change of Designated Premises Manager to Christopher Ainsworth
Effective Date of Minor Variation	16 February 2023

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

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

Date of Report: 2 March 2023

This page is intentionally left blank

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

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

<u>Application No 1. – Ref L.3/621A – SECTION 34</u>	
Name & Address of Previous Premises Licence Holder	James Hughes Northfield Bungalow Edinburgh Road Moffat DG10 9RY
Name & Address of Transferee or Agent	Sasha Michelle Carlyle 3 Crosslaw Burn Moffat DG10 9LP
Name & Address of Premises	Hugos 4 Bath Place Moffat DG10 9HJ
Effective Date of Transfer	22 September 2022

<u>Application No 2. – Ref L.6/629A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Gian Kaur Sandhu Rurka House Leamingston Square Lochmaben Lockerbie DG11 1QD
Name & Address of Transferee or Agent	Sangaranathan Ravishangar 23 Bellvue Road Bexleyheath Kent DA6 8ND
Name & Address of Premises	G & S Sandhu 4 High Street Lochmaben DG11 1NY
Effective Date of Transfer	27 October 2022

<u>Application No 3. – Ref L.2/613A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	The Buccleuch Limited 123 Irish Street Dumfries DG1 2PE
Name & Address of Transferee or Agent	Heather Morrison 22 Warriston Place Moffat DG10 9DH
Name & Address of Premises	The Coachman Bar High Street Moffat DG10 9ET
Effective Date of Transfer	2 November 2022

<u>Application No 4. – Ref L.1/611A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Douglas Walter Brotherston Kinmount Hotel Carrutherstown Dumfries DG1 4LD
Name & Address of Transferee or Agent	RAD Limited 27 barony Road Auchinleck Ayrshire KA18 2LL
Name & Address of Premises	Kinmount Hotel Carrutherstown Dumfries DG1 4LD
Effective Date of Transfer	4 November 2022

<u>Application No 5. – Ref L.6/665A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	J & A Stores 69 Springbells Road Annan DG12 6LQ
Name & Address of Transferee or Agent	Jeya Trading Ltd 37 Heyton Crescent Tadworth KT20 5FG
Name & Address of Premises	Atwal Convenience Store 69 Springbells Road Annan DG12 6LQ
Effective Date of Transfer	2 December 2022

<u>Application No 6. – Ref L.6/666A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Farah Vaseem Mirza 59 Dundonald Road Kilmarnock KA1 1RY
Name & Address of Transferee or Agent	Pakeerathan Kandiah Mahalingam 23 St Catherines Road Perth PH1 5SA
Name & Address of Premises	Mirza Store Premier 2 High Street Moffat DG10 9DW
Effective Date of Transfer	14 December 2022

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

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

Date of Report: 2 March 2023

This page is intentionally left blank

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

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

<u>No. 1 – Ref L.6/675A</u>	
Name & Address of Licence Holder	C&B Properties Lockerbie Lorry Park Johnstonebridge Lockerbie DG11 2SL
Name & Address of Premises	O’Neil’s Bar Lockerbie Lorry Park Johnstonebridge Lockerbie DG11 2SL
Date Licence Surrendered	11 November 2022

<u>No. 2 – Ref L.3/615A</u>	
Name & Address of Licence Holder	Masarella Restaurants Ltd Thurcroft Hall Brookhouse Laughton Sheffield S25 1XZ
Name & Address of Premises	The Village Restaurant Unit 22A Gretna Gateway Outlet Village Gretna DG16 5GG
Date Licence Surrendered	22 November 2022

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

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

Date of Report: 2 March 2023

This page is intentionally left blank

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

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

APPLICATION: PROVISIONAL PREMISES LICENCE

**APPLICANT: MOTOR FUEL LIMITED, GLADSTONEPLACE, 36-38 UPPER
MALBOROUGH, ST ALBANS**

**PREMISES TO BE LICENSED: GRETNA SERVICE STATION, M74 NORTH BOUND,
GRETNA**

1. Reason for Report

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

1.2 Members are asked to consider the application received 9 September 2022 and detailed at **Appendix 1**.

2. Background

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

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- NHS Dumfries & Galloway
- Community Council
- neighbours - persons having a notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises)

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

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

2.4 Notice of the application was published on the Board's webpage from **Monday 26 September until Tuesday 18 October 2022**.

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations is **Monday 17 October 2022**.

3.2 No objections or representations have been received.

4. Responses

The following responses have been received:

- LSO Report – no adverse comment (**Appendix 2**)
- Police – clear report

- Planning – No planning issues
- Building Standards – No adverse comments
- SFRS – No Comment

5. Excluded Premises

5.1 Section 123 (1) 2005 Act provides that no premises licence has effect to authorise the sale of alcohol on excluded premises.

5.2 In terms of section 123, the definition of excluded premises includes 'premises used as a garage or which form part of premises which are so used'.

5.3 Section 123(5) provides for a statutory exception to the above, whereby if the premises fall within the following definition then they are not excluded premises:

- 'premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv or groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

5.4 The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123 (5) 2005 Act and as such are not excluded premises. Market Research report has been submitted by the applicant to support this position and is detailed at **Appendix 3** to this report.

6. Determination of the Application

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

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

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

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

- The premises are excluded premises (**see paragraph 5 above**);
- The application must be refused under
 - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
 - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
 - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
- The Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, namely: (preventing

crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);

- That having regard to:-
 - i) The nature of the activities proposed to be carried on in the premises
 - ii) the location, character and condition of the premises; and
 - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises in the locality.

7. 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

2 March 2023

This page is intentionally left blank

Appendix 1

Applicant/Agent	Harper Macleod LLP For Motor Fuel Limited Gladstone Place 36-38 Upper Marlborough Road St Albans AL1 3UU
Address of Premises	Gretna Service Station M74 North Bound Gretna DG16 5HQ
Description	<p>The premises are located within Gretna service area on the northbound side of the M74.</p> <p>The premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps.</p> <p>The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.</p> <p>The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123(5) of the Licensing (Scotland) Act and as such are not excluded premises.</p>
Core Times	<u>Off Sales</u> Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
Activities	Recorded Music both within and outwith core hours. Outwith Core Hours information – The premises may play

	<p>background music in the retail areas of the store. The premises are open on a 24 hour basis. The retail shop is accessible between 05.00hours and 23.00 hours each day and therefore music may be played outwith core licensing hours. The premises can use a night pay window during the hours of 23.00 hours and 05.00 hours if required.</p> <p>Any Other Activities – The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt.</p>
Children and Young Persons	N/A
Capacity	6.9298m ²
Last Date for Objections/Representations	Monday 17 October 2022

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR PROVISIONAL PREMISES LICENCE,
PREMISES: GRETNA SERVICE STATION.**

1. This application has been submitted by Harper Macleod LLP, on behalf of Motor Fuel Limited, seeking a provisional premises licence for a licensed garage forecourt retail outlet, situated within the Gretna Service Station, M74 North Bound, Gretna, DG16 5HQ.
2. The premises are located within a general motorway service area, on the northbound side of the M74 and are open 24 hours daily, offering a wide range of facilities, including various fuels and motoring accessories, food, drinks, and other commercial retail outlets in addition to car parking and customer toilets. There is also a hotel situated within the service area for the benefit of commuters.
3. The retail outlet stocks a wide range of confectionery, drinks and foodstuffs and are seeking to offer a wide range of alcoholic drinks, for sale, to cater for customer demand.
4. Customers are primarily drawn from commuters who access the services for fuel, food, and rest, although there does appear to be a healthy degree of local customers who use the service area facilities on a regular basis.
5. Although the general service station is operational on a 24-hour basis, the application seeks to be able to sell alcohol for consumption off the premises, between 10.00 and 22.00 hrs daily (Monday to Sunday.)
6. The application seeks a total 'off-sales' capacity of 6.9298 m² which in comparison, to the overall size and layout of the outlet premises, this display area is not deemed excessive.
7. Section 123 of the Licensing (Scotland) Act 2005 is relevant to this application.

This Section sets out two definitions of "excluded premises":

Effectively, premises forming part of a "motorway service area," and "premises used as a garage or which form part of premises which are so used."

A “garage” is defined as “used for one or more of the following-

- The sale by retail of petrol or derv.
- The sale of motor vehicles, or.
- The maintenance of motor vehicles.”

Normally excluded premises cannot be the subject of a Premises Licence.

If an application for a Premises Licence for excluded premises is lodged, it must be refused. Even if granted through inadvertence, the Premises Licence would not give authority to sell alcohol on the excluded premises.

However, where, as with this application, the excluded premises are “used as a garage or which form part of premises which are so used,” the premises are not to be considered as excluded premises if: -

“persons resident in the locality in which the premises are situated are, or are likely to become, reliant, to a significant extent, on the premises as the principal source of (a) petrol/derv or (b) groceries” and if the Board decides that this is the case, the application for a Premises Licence could competently be granted and operated.

It falls to the applicant to prove to the Board that “persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv or (b) groceries” perhaps through customer surveys and/or other relevant evidence.

8. The application was advertised on the Board’s website page from Friday 26 September 2022, simultaneously a notice was displayed at the premises.

The notice was checked on Wednesday 5 October 2022, during which time it was found to be correctly displayed.

13. The application has been submitted in keeping with Annandale & Eskdale Divisional Licensing Board policy.
14. There are no adverse comments to be made in respect of this application.

Michael Collins
Licensed Standards Officer

5 October 2022

**BP Gretna Service Station
M74 Northbound, Gretna, DG16 5HQ.
Customer Profiling Research Report
Nov/Dec 2021**

Research & Reporting by

Taylor McKenzie Research & Marketing Ltd (TMcK)

TMcK



VAT Registration 774523611

A 107 Douglas Street, Glasgow, G2 4EZ

TAYLOR MCKENZIE RESEARCH & MARKETING LTD

T 0141 221 8030

E info@taylormckenzie.co.uk

Registered in Scotland 210656

W taylormckenzie.co.uk

Executive Summary Page BP Gretna Service Station

Introduction

The following report outlines the findings from a customer research interviewing program carried out between Monday 29th November and Monday 6th December at BP Gretna Service Station, M74 Northbound, Gretna, DG16 5HQ. The research explored the buying behaviours of persons' resident in the locality of the site. Customers were asked to provide information on; their place of residence in relation to the premises, their means of travel to the premises and their purchasing behaviour in relation to fuel and groceries.

This summary page contains the results from the key objective of the research as outlined below.

Key Research Objective

[Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board (5th April 2011)* whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Materially disadvantaged or inconvenienced?



Figure 1 – Fuel Base 5

Groceries Base 0

Either Base 5

Conclusion

The results show that a statistically significant* proportion of persons (20% (+/-35.06%) in the locality) see and treat this service station at Gretna as the principal source from which they, in ordinary course, purchase groceries or fuel and would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

* Statistically significant - In statistics, a result is called **statistically significant** if it is unlikely to have occurred by chance. The likelihood that a result or relationship is caused by something other than mere random chance.

Contents Page

Executive Summary Page	1
Introduction.....	2
Key Research Objective	2
Conclusion	2
Contents Page	3
Research Methodology	4
Sample Size.....	4
Population of Interest.....	4
Defining the Population of interest.....	4
Research Findings – Locality	5
Locality to Premises.....	5
Research Findings–Geo-mapping	6
Research Findings –Demographics	7
Research Findings – Premises Usage	8
Research Findings – Key Findings	9-12
About TMcK	13
About Market Research Society (MRS)	13
Appendix 1 – Research Background	14
Appendix 1 – Research Background (continued)	15
Statistical Representation.....	15
Appendix 2 – Research Questionnaire	16
Appendix 2 – Research Questionnaire (Continued)	17
Appendix 2 – Research Questionnaire (Continued)	18
Appendix 3 – Open Ended Responses	19
Appendix 4 - Postcodes	20

Research Methodology

BP Gretna Service Station

A quantitative research study was carried out from Monday 29th November to Monday 6th December at BP Gretna Service Station, M74 Northbound, Gretna, DG16 5HQ with 480 customers (or 'participants'). All of whom were selected as they were exiting the store. Fieldwork was stratified to cover the core hours of off-sale of alcohol on the premises 10am until 10pm.

The structured questionnaire (please see Appendix 2 for full questionnaire) was executed via Computer Assisted Personal Interviewing (CAPI) with the use of an iPad. The screen was shared with participants so that they could view all images and questions. All participants were asked to give their full postcode in order to help map travel time and distance to location.

Sample Size

All intercepts (interviews) were conducted as participants were exiting via the main front entrance/exit; participants were selected at random to ensure sampling confidence. Upon completion of each survey, interviewers were under strict instruction to approach the second customer that passed them. By completing 480 interviews with current service station users we can be sure that the data and attitudes collected will be statistically representative of the customer base. Importantly this large number of 'base' participants allowed for statistical comparison of sub-groups.

An important sub-group within this research that will form the 'population of interest' are participants who live within the locality of the premises AND use the garage as their principal source for purchasing Fuel or Groceries [Base – 5]. This figure represents 1% of the entire customer population.

Population of Interest

This sub-group of 5 participants will be used to answer the key objective of the research. Whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Defining the Population of interest

Q2 – How far from this Station do you live? (Map 1)

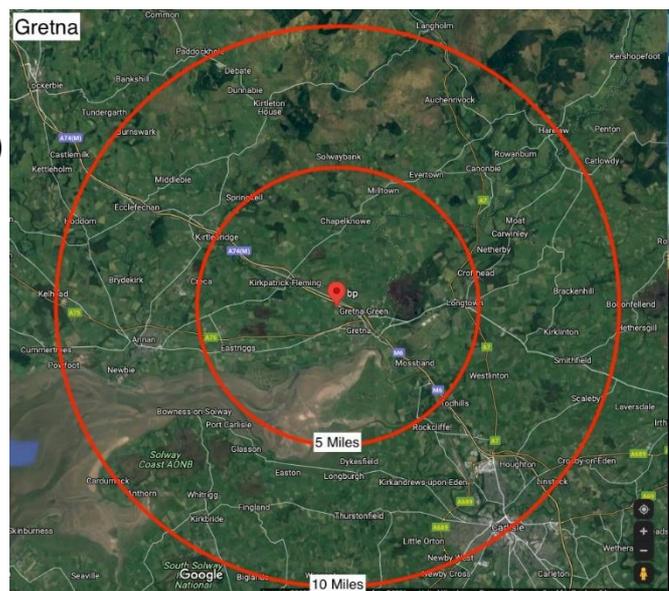
Within 10 miles = continue

10 mile+ = record postal code & close

Q7 – In the ordinary course of your purchasing habits, do you treat these premises as the principal source of: a) Petrol or DERV (Fuel)? b) Groceries?

Yes to a) or b) = Continue

No to a) and b) = Close



Map 1

Research Findings – Locality BP Gretna Service Station

Locality to Premises

Q2 – How far away from this Service station do you live?

If codes 1-6 were selected (under 10 miles) then respondent was categorised as **living within the locality**.

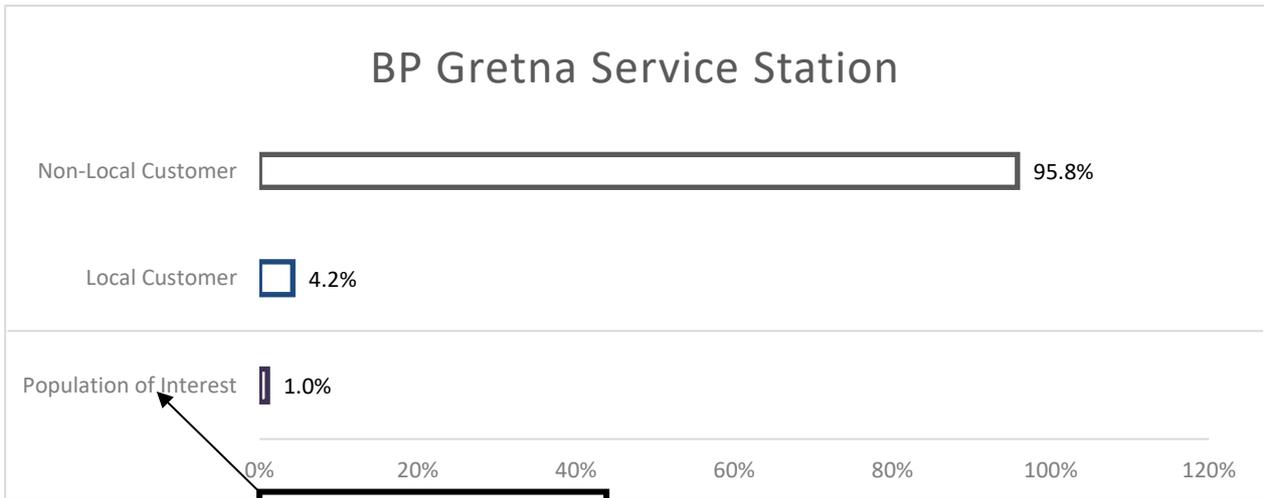


Figure 2 – Base – 480

As defined on page.4

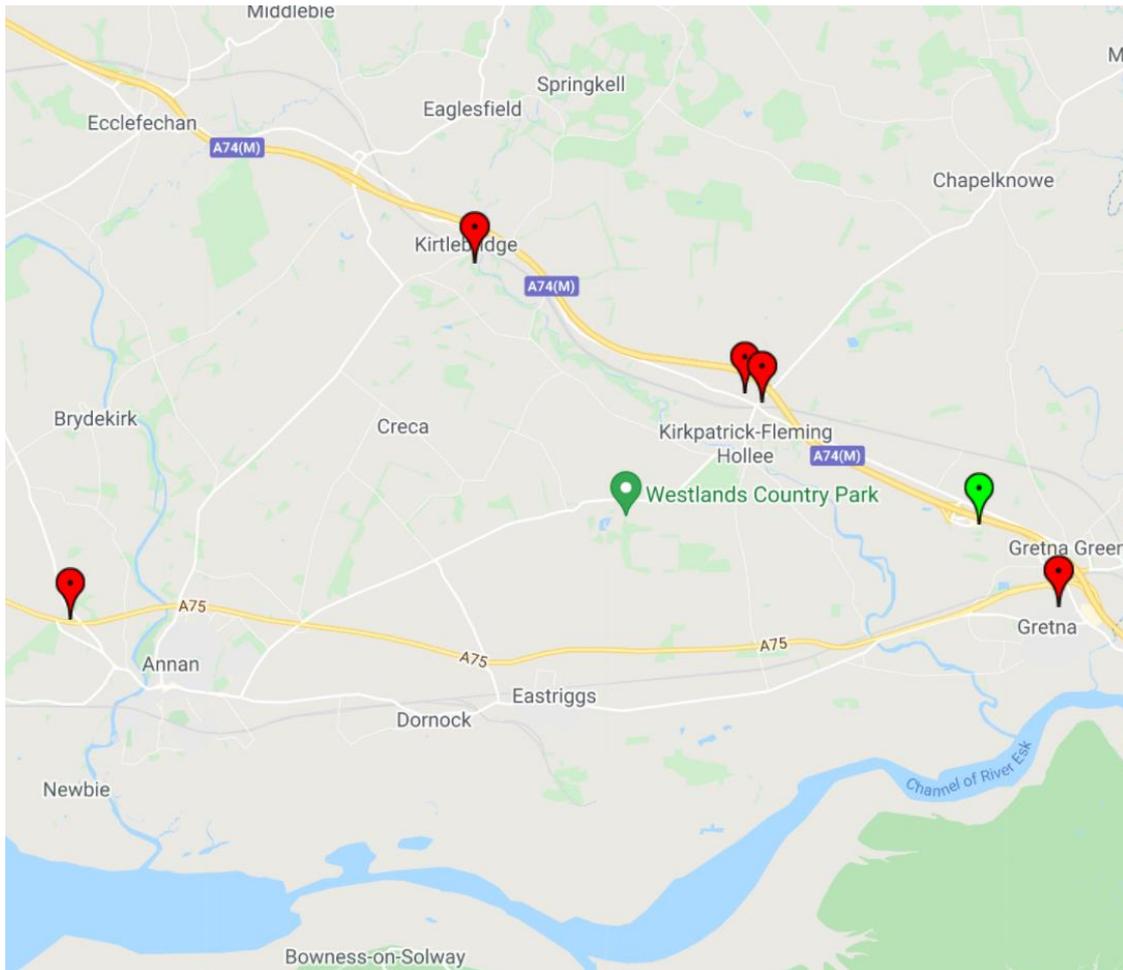
Research Findings–Geo-mapping

BP Gretna Service

Station

All participants were asked to provide their postcode in order to allow for them to be geo-tagged on a map. Out of the 5 participants who fell into **the population of interest** 5 provided a full and complete postcode. They are represented below as red icons, in some cases the same postcode has been given and will be represented by only 1 icon.

Average distance from filling station – 3.69 miles



Map 2

Analysis of the postcode data has shown that the participants from the 'population of interest' live within a locality of 3.69 miles from the service station (green icon) on average.

Research Findings – Demographics

BP Gretna Service

Station

Gender

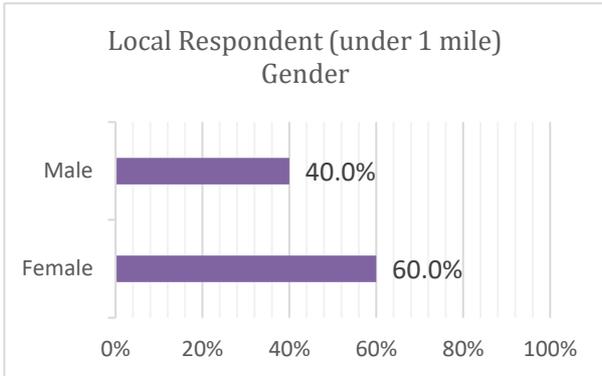


Figure 3 – Base 20

Average visits per week (local users)

Grocery Shopping Base - 9	1.18 visit per week
Fuel Purchase Base - 18	0.69 visits per week

Table 1 – Base varied

Age

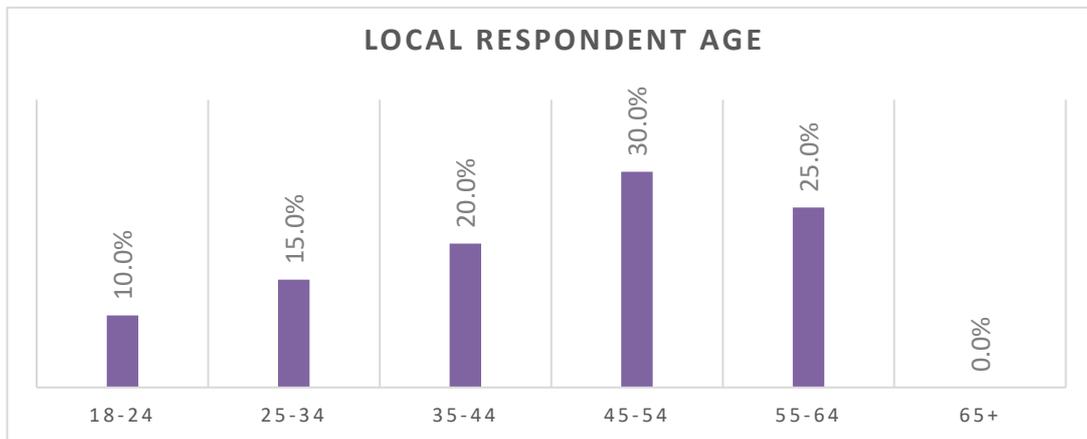


Figure 4 – Base 20

Respondent travel habits

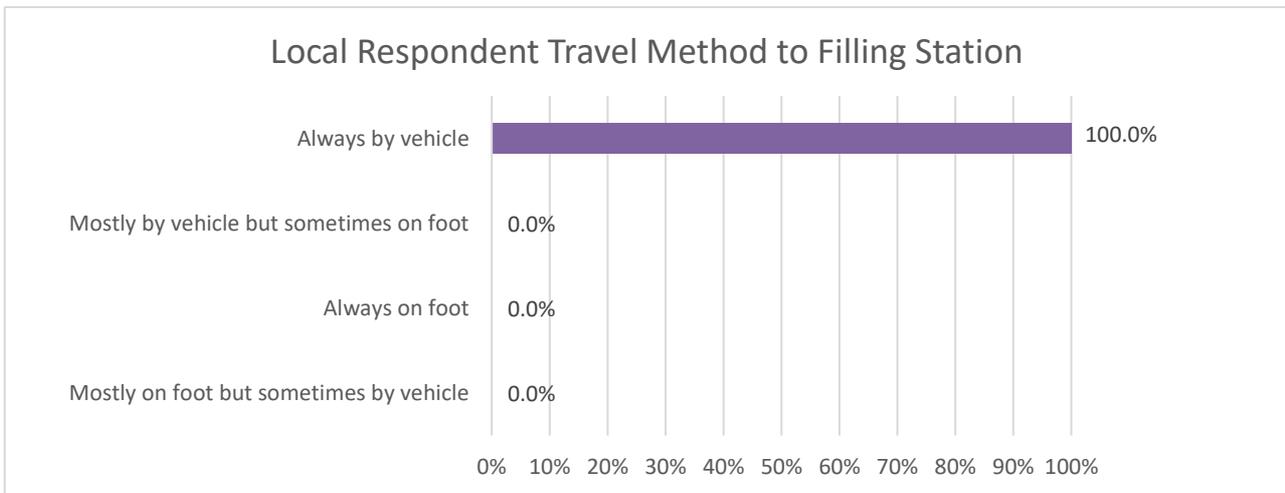
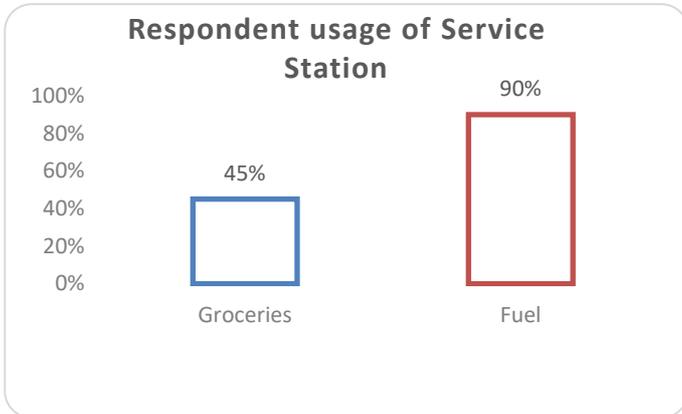


Figure 5 – Base 20

Research Findings – Premises Usage BP Gretna

Service Station

How BP Gretna Service Station is being used



9 participants (45%)

Use service station as a source of **Groceries**

18 participants (90%)

Use service station as a source of **Petrol/DERV (Fuel)**

Figure 6 – Base 20

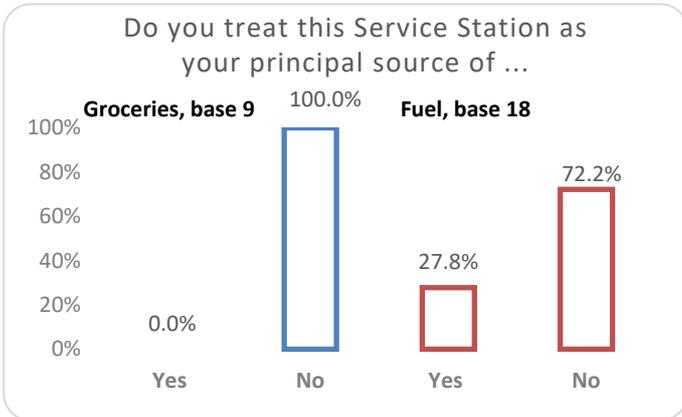


Figure 7 – Base Varied

Defining the population of interest

Participants, who live within the locality (within 10 miles) of the service station [Base 20], were asked how they currently use the Service Station – **Figure 6**.

They were then asked if, in the ordinary course of their purchasing habits, they treated this Service Station as their principal source of Petrol/DERV or Groceries – **Figure 7**.

5 (25%) local customers (participants) answered 'yes' to treating the service station as their principal source of either groceries or fuel. This forms the population of interest as outlined in the introduction – **Figure 8**.

Population of interest
5 participants

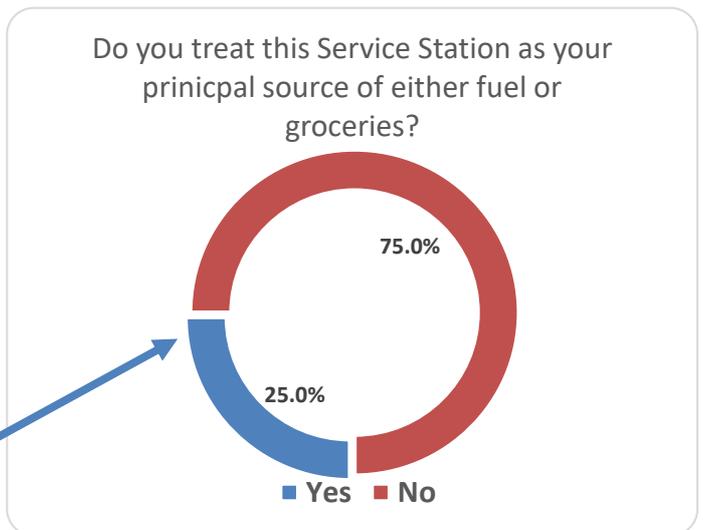


Figure 8 – Base 20

Research Findings – Key Findings Usage^{BP}

Gretna Service Station

Once the population of interest had been defined (Base 110), these participants were asked:
Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?

Materially disadvantaged or inconvenienced?

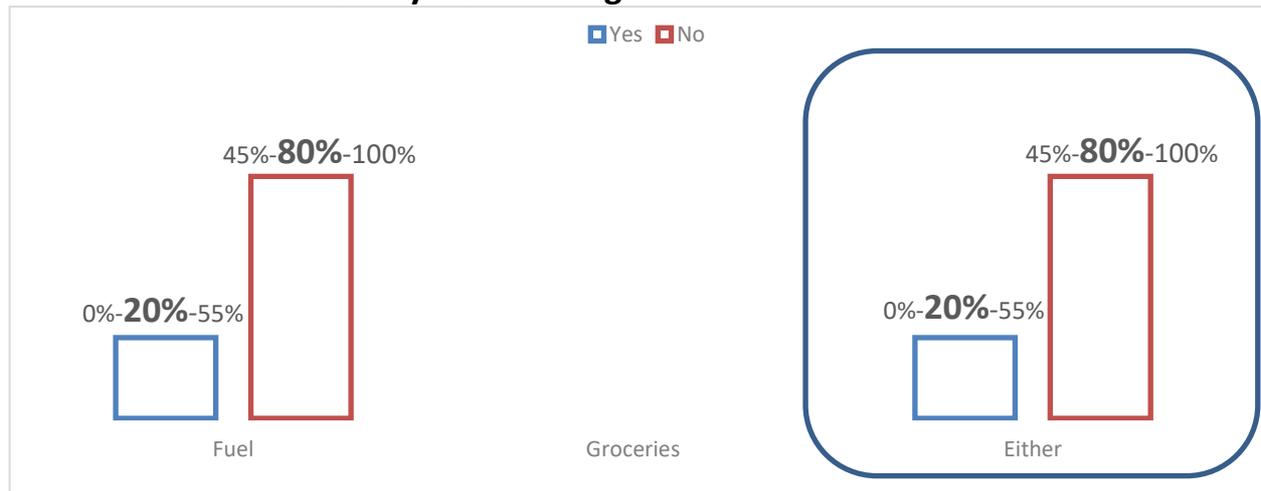


Figure 9 – Fuel Base 5

Groceries Base 0

Either Base 5

The results show that a statistically significant proportion of persons in the locality (20%) see and treat the premises as the principal source from which they, in ordinary course, purchase groceries or fuel and that they would properly consider themselves materially disadvantaged or inconvenienced were any of these retail facilities to no longer be provided from said premises.

Bases explained

Fuel: Overall 5 participants from the locality stated that they used the station as their principal source of fuel, of these participants 20% (1) stated that they would be materially disadvantaged if the premises could no longer provide them with fuel.

Groceries: N/A

Either: The combined base and response for fuel and groceries.

Research Findings – Key Findings

BP Gretna Service

Station

In order to qualify the result all participants who coded yes to being materially disadvantaged if the service station could no longer provide fuel were asked **'Would you have an alternative fuel source you could use?' Base 1**

Yes – 0% (0)

No – 100% (1)

100% (1) of those materially disadvantaged (base 1) confirmed this was still the case after considering alternatives.

Research Findings – Key Findings BP Gretna Service

Station

The graph below highlights participants who live locally and use the garage as their principal source of either fuel or groceries and who, after considering local alternatives, still feel they would be materially disadvantaged or inconvenienced if the premises could no longer provide them with either.

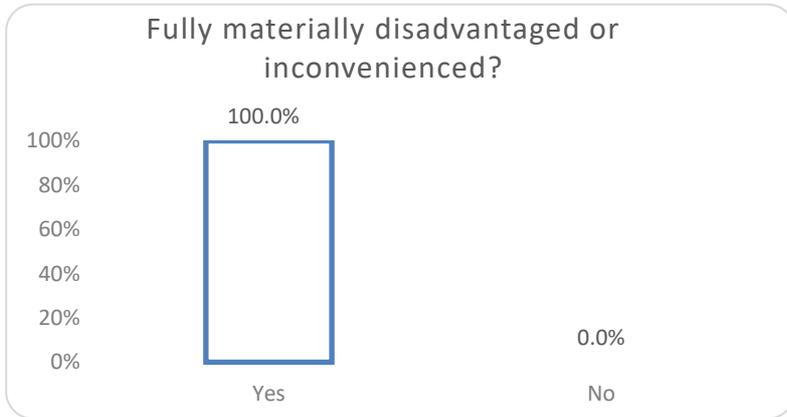
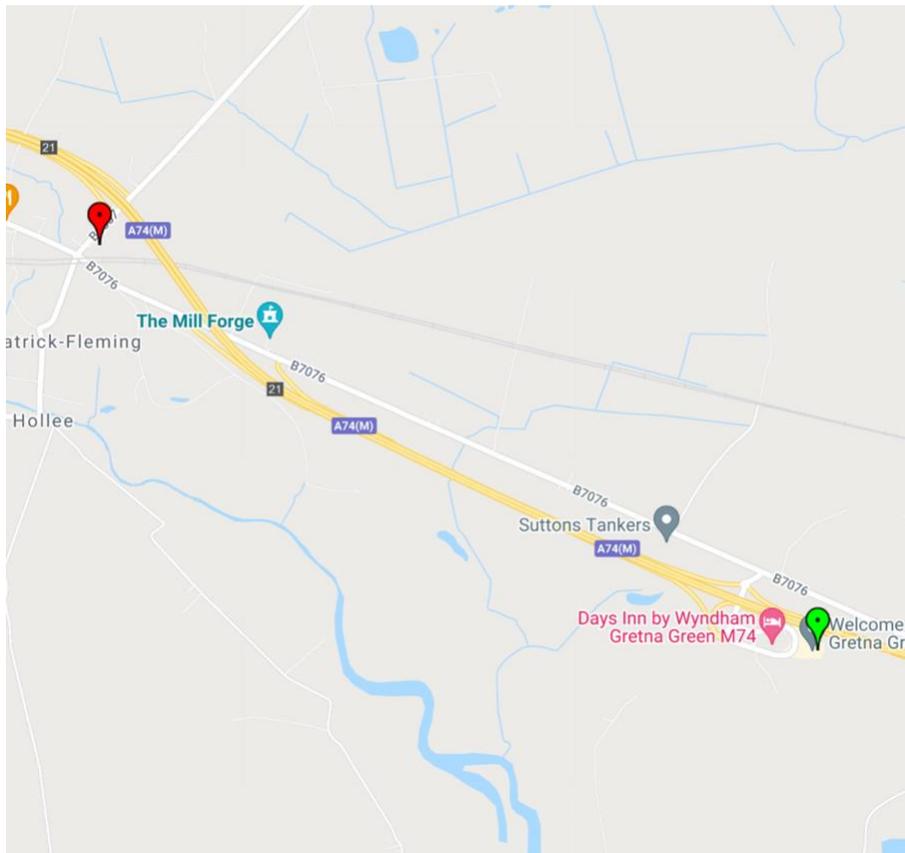


Figure 10, Base 1

The geo-map below shows where the participant who coded 'yes' lives; 2.17 miles from the station.



Map 3

Research Findings – Key Findings BP Gretna Service

Station

The graphs below highlight the demographic of those who are materially disadvantaged or inconvenienced after having considered local alternatives.

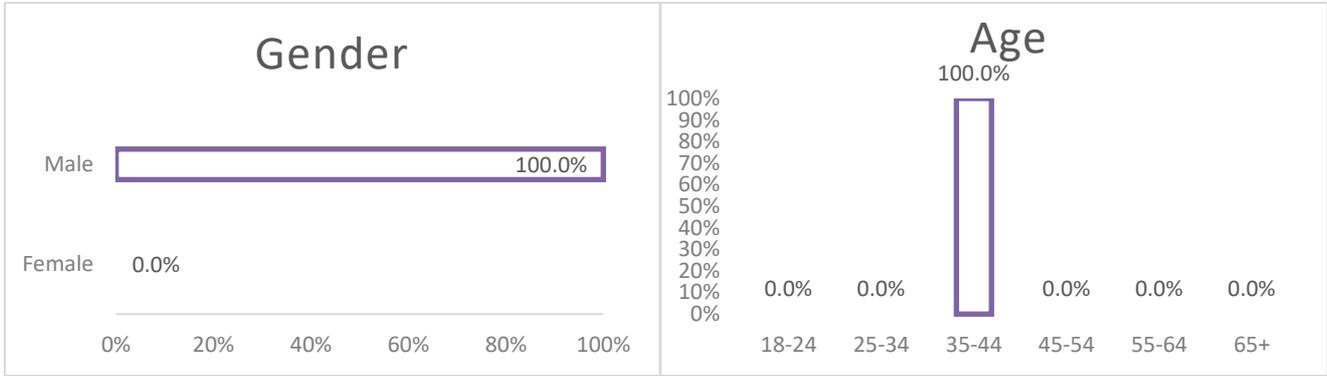


Figure 11 – Base 1

Figure 12 – Base 1

Average visits per week

Grocery Shopping <i>Base 0</i>	N/A
Fuel Purchase <i>Base 1</i>	0.75 visits per week

Table 2 – Base Varied

About TMcK

Taylor McKenzie Research & Marketing (TMcK) are a full service agency and provide all stages in the market research process from fieldwork and recruitment, through to interviewing and analysis of data. We are also proud to host one of the UK's best viewing facilities, known as 'The Glasgow View'.

Based in Glasgow since formation in 2001 our steady growth over the past nineteen years has been down to the dedication of our skilled, reliable and creative staff.

TMcK's research team is headed up by Research Director Nicky Taylor who has extensive knowledge of consumer research in Scotland. In the past 12 months he has headed up similar quantitative research projects for KPMG, Tennent's, AXA amongst others. Nicky acts as the main contact for client and will attend briefings and debriefs and will be aided in the completion of the project by Laura Taylor (Director) and TMcK field. TMcK are Company Partners of the Market Research Society and abide by their code of conduct. This demonstrates that we are one of a small number of Scottish companies who work with the Market Research Society in ensuring that quality standards are consistently upheld within the research industry.

About Market Research Society (MRS)

In the competitive world of market research, one name assures you of instant recognition and respect - that of MRS.

MRS is the 'voice of your profession'. Their role is to represent and communicate good practice in research to the business community, government and the public; to award accreditation and to provide support for our members.

Professional standards

All members of the Society must comply with the [MRS Code of Conduct](#) which is enforced through a disciplinary process. This is the primary means by which market research remains a self-regulated profession. A range of guidelines and advisory services provide support to members in practical implementation of the *Code*.

The *Code of Conduct* embodies the principles of confidentiality and transparency. It provides protection to research users, participants and to researchers themselves. The *Code* has the confidence of the business community, government and regulators. It embraces the principles of data protection legislation. Membership of MRS is your way of showing that you subscribe to these ethical and legislative principles.

Appendix 1 – Research Background

The Licensing (Scotland) Act 2005 defines premises that operate in whole or in part as a garage for the sale of petrol or derv as “excluded premises”. Subject to the provisions of section 123(5) of the Act, garage premises are “excluded premises”. Where premises are “excluded premises”, sale of alcohol is not permitted. The Client wishes to explore the motivations and buying behaviours of the consumers who visit affected forecourt premises with the purpose of ascertaining whether or not their forecourt premises fall to be determined as “excluded premises” or within the exception contain under section 123(5). Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5th April 2011) whether a recognisable number of persons in the **locality**¹ see and treat the said premises as the **principal source**² from which they, in **ordinary course**³, purchase **groceries**⁴ or fuel and who would properly consider themselves **materially disadvantaged** or **inconvenienced**⁵ were these retail facilities to no longer be provided from said premises.

Should the research prove that a substantial % of a **representative sample**⁶ local residents who use the outlet as their principal source of groceries and would be materially disadvantaged or inconvenienced if the outlet stopped selling groceries then it would help to form a case to include the outlet as being ‘not excluded’ from the changing legislation.

¹ **Locality** will be defined on a premises by premises basis. This will be determined via respondent answering what will be Q1 (How far away from this station do you live?) and will be confirmed with geo-mapping postcode software. Those living within the chosen distance will be deemed suitable to represent persons living in the locality and they will be further questioned on purchasing habits. Those living out with the chosen distance will be asked for their postcode and interview will be terminated.

²⁻³ **Principal source / Ordinary course**; these points must be answered by asking each respondent a question that will be interpreted consistently and fully understood.

Generally speaking, do you treat this premises as your principal source for a) Petrol or DERV (a full description of DERV will be provided in Showcard to help understanding) b) Groceries. A simple yes or no answer will be collected.

This will provide the research with its population of interest.

⁴ **Groceries**; will be defined as being food or other things used within the home.

Appendix 1 – Research Background

(continued)

⁵ **Materially disadvantaged or inconvenienced;** the term materially disadvantaged is perhaps not in the general diction of the average respondent, and we would not expect it to be used by a respondent if asked to describe how they felt about a retail outlet closing. However, when it is combined with the word inconvenienced in the Q. “Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with a) petrol (DERV) b) Groceries?” we would expect a good understanding. An open question asking why participants would feel materially disadvantaged or inconvenienced will be asked if ‘yes’ is coded at either a) petrol (DERV) or b) groceries.

⁶ **Representative sample;** in quantitative market research studies which are to be conclusive it is very important that the data collected and the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection should be stratified in terms of opening hours and weekend / weekday footfall and respondent selection should be entirely random.

Statistical Representation

In order for the findings to be conclusive it is very important that the data collected, the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection was stratified in terms of opening hours and weekend / weekday footfall and respondent selection was entirely random.

The table below indicates achieved error thresholds for the overall base of participants and for the population of interest base. Error bars are present throughout each table to represent statistical relevance of each figure.

<u>Population</u>	<u>%GIVING PARTICULAR ANSWER</u>		
	<u>10%/90%</u>	<u>30%/70%</u>	<u>50%</u>
Total Base 480	+ 2.68	+ 4.10	+ 4.47
Local Base 20	+ 13.15	+ 20.08	+ 21.19
Pop of interest Base 5	+ 26.3	+ 40.17	+ 43.83
Inconvenienced Base 1	+ 58.80	+ 89.82	+ 98.00

Appendix 2 – Research Questionnaire

Good morning/afternoon my name is & I am work for Taylor McKenzie Research & Marketing Ltd, an independent Scottish research agency. We are here today to better understand how this filling station is being used by its customers. We only have a few questions to ask and it is important you help so that we can ensure a representative view of all customers. It should only take 2 minutes.

Q1 Interviewer select filling station

BP Gretna Service Station

Q2 How far away from this Service station do you live?

Showcard s2

Within 1/4 of a mile

Go to Q3

Within 1/2 a mile

Within 1 mile

Within 1.5 miles

Within 1.5 to 2 miles

Within 2 to 10 miles

More than 10 miles away (approx.) CLOSE

Q3 Which of these best describes how you travel to this station?

Showcard s3

Always by vehicle Go to Q4

Always on foot Go to Q4

Mostly by vehicle but sometimes on foot Go to Q4

Mostly on foot but sometimes by vehicle Go to Q4

Other (write in)..... Go to Q3

Q4 Including today, in the past 6 months have you used this station as a source of ...

Showcard s4

Interviewer - Read out...

Petrol or DERV (fuel) Go to Q5

Groceries Go to Q6

Both for Petrol or DERV (fuel) and Groceries Go to Q5

**Interviewer note - if respondent queries what qualifies as 'groceries' please give the following description -
Groceries - 'food or other things used within the home'**

Appendix 2 – Research Questionnaire

(Continued)

Q5 How often do you visit this station for the purchase of petrol or DERV (fuel)?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit**

Q6 How often do you visit this station for the purchase of groceries?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit**

Q7 Generally speaking, do you treat this premises as your principal source for:

Showcard s6a & s6b

Interviewer - Read out full statement above for both petrol and groceries

	Yes	No
Purchasing Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Purchasing Groceries	<input type="checkbox"/>	<input type="checkbox"/>

Q8 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with:

Showcard s7

	Yes	No
Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative fuel source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

Appendix 2 – Research Questionnaire

(Continued)

Q9 **Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with...**

Showcard s7b

	Yes	No
Groceries	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative grocery source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative grocery source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

Q10 **Record Gender**

- Male
- Female

Q11 **Which of these age groups do you fall into?**

Showcard s8

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Interviewer Say: Could you please tell me your home postcode, this is so we can get a better understanding of store catchment. This data will never be used for contacting you and will never be passed on with any personal information. Interviewer please enter with a space, as follows.... e.g. G2 4EZ

Postcode

Appendix 3 – Open Ended Responses

"Q8b - Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with Fuel? If yes: Why is this?"

"Long drive to Annan"

Q8e: If NO: Why would this fuel source cause you to be disadvantaged or inconvenienced? Include as much detail as possible:

N/A

Appendix 4 – Postcodes of Population of Interest

Dg16 5dr
Dg11 3az
Dg11 3be
Dg113ly
Dg125ra

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

LICENSING (SCOTLAND) ACT 2005: SECTION 23

APPLICATION: NEW PREMISES LICENCE

PREMISES: ANNAN NEWS, 84 HIGH STREET, ANNAN

APPLICANT: AHMAD BILAL, MAYFLOWER GARDENS, LOANHEAD

1. Reason for Report

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

1.2 Members are asked to consider the application for a new premises licence received on 9 September 2022 and detailed at **Appendix 1**.

2. Background

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

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

2.2 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene and a Disabled Access and Facilities Statement have been received.

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

2.4 Notice of the application was published on the Board's webpage from **Friday 7 October until Saturday 29 October 2022**.

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 28 October 2022**.

3.2 No objections or representations have been received.

4. Responses

The following responses have been received:

- LSO report no adverse comment: **Appendix 2**
- Police Scotland – clear report
- Environmental Health – No objections

- Building Standards – No adverse comments
- SFRS – no comment

5. Determination of the application

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

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

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

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

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

6. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

2 March 2023

Appendix 1

Applicant/Agent	Robert Jordan PR Retail Consultants Ltd For Ahmad Bilal 111 Mayflower Gardens Loanhead EH20 9BF
Address of Premises	Annan News 84 High Street Annan DG12 6DW
Description	The premises is a convenience store open from 06.00 hours to 22.00 hours. Therefore the usual convenience store goods will be available both within and outwith core hours.
Core Times	<u>Off Sales</u> Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
Activities	N/A
Children and Young Persons	N/A
Capacity	16.80m ²
Last Date for Objections/Representations	Friday 28 October 2022

This page is intentionally left blank

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR PREMISES LICENCE,
PREMISES: ANNAN NEWS, 84 HIGH STREET, ANNAN.**

1. This application has been submitted by PR Retail Consultants Ltd, acting on behalf of Mr A Bilal, seeking a premises licence to allow for off sales only at established retail premises Annan News, 84 High Street, Annan, DG12 6DW.
2. The location is already established as a convenience store, serving the local community between the hours of 06.00 and 22:00 Monday to Sunday and offers the usual convenience store goods such as soft drinks, tobacco, newspapers, general convenience store items and services including PayPoint utility top-ups, mobile phone top ups and bill payments.
3. Although the convenience store operates during the hours of 06:00 and 22:00 currently, the application seeks to be able to sell alcohol for consumption off the premises, between 10.00 and 22.00 hrs daily (Monday to Sunday.)
4. The original convenience store at the premises has not presented any issues, problems or concerns from a licensing perspective.
5. The application seeks a total 'off-sales' capacity of 16.80m² and in comparison, the overall size and layout of the existing premises, the display area is not deemed excessive.
6. The application was advertised on the Board's website page from Friday 7th October 2022, simultaneously a notice was displayed at the premises.

The notice was checked on Wednesday 12th October 2022 during which time it was found to be correctly displayed in the front window of the store.
7. The application has been submitted in keeping with Annandale and Eskdale Divisional Licensing Board policy.
8. There are no adverse comments to be made in respect of this application.

Emma Connelly
Licensing Standards Officer
12 October 2022

This page is intentionally left blank

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

**LICENSING (SCOTLAND) ACT 2005: SECTION 12A
CHIEF CONSTABLE'S ANNUAL REPORT 2021/2022**

1. Reasons for Report

1.1 In terms of section 12A Licensing (Scotland) Act 2005 (2005 Act), the Chief Constable must, as soon as reasonably practicable after the end of each financial year, send a report to the Board setting out the matters specified in paragraph 2 below.

1.2 The Chief Constable's report to the Board for the period 1 April 2021 to 31 March 2022 is to be found at the **Appendix**.

2. Content of Chief Constable's annual report

The report must set out:

- a) Chief Constable's views about matters relating to policing in connection with the operation of the 2005 Act in the Board's area during the period of 1 April 2021 to 31 March 2022 *and*
- b) any steps the Chief Constable
 - has taken during that year (2021/2022),
 - intends to take in the following yearto prevent the sale or supply of alcohol to children or young people in that area

3. Discussion of the report

3.1 If the Board so requests, the Chief Constable or his representative must also attend the Board's meeting to discuss the report.

3.2 A request has been made to the Police to attend the Hearing in the event that Members may wish the report to be discussed.

4. Recommendation

Members are asked to receive the Chief Constable's Report for 2021-2022 for the Annandale & Eskdale Divisional Board and to note its terms.

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

2 March 2023

This page is intentionally left blank

ANNANDALE AND ESKDALE

Licensing Report

2021-2022



POLICE
SCOTLAND
Keeping people safe

OFFICIAL
NOT PROTECTIVELY MARKED

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2021/22, in accordance with Section 12(A) Licensing (Scotland) Act 2005. Throughout this year Local Authorities and Police Scotland worked hard to support licensed premises in their road to recovery as Covid-19 restrictions were being lifted.

Collaboration is vital to ensure these businesses can flourish, providing much needed employment for our communities as well as a safe environments for people to socialise. Police Scotland will continue to work closely with Local Authorities, as well as other stakeholders, to ensure there is a fair and consistent approach across all 32 Local Authorities throughout Scotland to aid this recovery. Preventing alcohol fuelled violence, disorder and antisocial behaviour remains a priority for Police Scotland and I believe that working together we can reduce this through early intervention and enforcement.

I would like to take this opportunity to thank our local partnerships and the good work they carry out. With their support Police Scotland and partners can continue to drive improvements in licensing. I will continue to ensure that all officers and staff recognise the importance of working together with key partners, including the Licensing Trade, in an effort to improve licensing standards nationally.

Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Preventions, Partnerships & Community Wellbeing based in Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

OFFICIAL
NOT PROTECTIVELY MARKED

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2021/2022, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Working closely with Licensed Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, encouraging and enforcing.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

ANNALDALE AND ESKDALE LICENSING BOARD

The Annandale and Eskdale Licensing Board area is policed by Dumfries and Galloway Division.

The Local Police Commander is Chief Superintendent Carol McGuire, who has the responsibility for all day-to-day policing functions across the region.

The Local Area Commander for the Annandale and Eskdale board area is Chief Inspector Scott Young who is assisted by Community Policing Inspector Duncan Cameron.

Local Police Officers for Annandale and Eskdale are located at police stations in Lockerbie, Annan and Moffat. There are two further Police hubs within Langholm and Gretna.

OFFICIAL
NOT PROTECTIVELY MARKED

All licensing matters within the Annandale and Eskdale area are processed by Police Scotland via the Divisional Licensing Unit which is overseen by Chief Inspector Stephen Bell and managed on a day to day basis by Sergeant Julia McKie.

Within the Annandale and Eskdale board area there are 157 premise licenses and 382 personal licence holders.

Annandale and Eskdale is a mix of urban and rural areas. The night time economy is focused around the towns of Annan, Lockerbie, Moffat and Langholm. There are no nightclubs within the board area with the latest licensed hour being 0100 hours. Nearly all local towns and villages within the area support licensed premises in the form of public houses or licensed retail units and consequently there is easy access to alcohol within all communities.

The number of visitors to the area increases during the popular holiday season of March to October as a result of a number of holiday complexes in the Annandale and Eskdale area. This can see an increase of instances at and around licensed premises at these locations.

LOCAL POLICING PRIORITIES

Following our public consultation process, the policing priorities for Dumfries and Galloway Division 2020 - 2023, within our Local Policing Plan are;

1. Violent Crime, Disorder and Anti-Social Behaviour
2. Acquisitive Crime
3. Substance Misuse
4. Road Safety and Road Crime
5. Protecting Vulnerable People at Risk of Harm

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Police Scotland within Dumfries and Galloway Division work towards upholding the 5 licensing objectives set out in the Licensing Scotland Act 2005 and the 2018-2023 statement of licensing provisions issued by Dumfries and Galloway Licensing Boards.

The 5 objectives are:

1. Preventing Crime and Disorder
2. Securing Public Safety
3. Preventing Public Nuisance
4. Protecting and Improving Public Health
5. Protecting Children and Young Persons from Harm

OFFICIAL
NOT PROTECTIVELY MARKED

All licensing enquiries within the Annandale and Eskdale area are submitted to Police Scotland via the Divisional Licensing Unit, Cornwall Mount, Dumfries. A standard methodical process ensures each application is run through numerous police systems and the findings assessed. Where further enquiry is deemed appropriate a local community officer is appointed to make contact with the applicant to establish further details. All information is returned to the divisional licensing unit for final assessment and formal response.

To ensure thorough overview of all licensing matters, the divisional licensing unit work closely with operational response and community officers. This allows the early identification of any issues with licensed premises or license holders which in turn permits a co-ordinated response to any interventions requirements.

In circumstances where an application presents concern or a premise or license holder becomes problematic in a sense that their licensing status should be reviewed, the divisional licensing unit will make a representation or objection to the licensing board.

Dumfries and Galloway Division have three officers stationed at Dumfries and Galloway Royal Infirmary, the posts being part funded by the NHS. These officers regularly engage with persons attending accident and emergency during peak night time economy hours where many attendees have consumed alcohol. This link is vital to ensure that NHS staff can work in a safe environment and any trends or concerns linked to alcohol consumption can be identified early.

Dumfries and Galloway Division also has a substance misuse co-ordinator, who is part funded by the Dumfries and Galloway Alcohol and Drugs Partnership (ADP). The officer works with partner agencies and health professionals to identify areas of concern. They also focus on a number of joint campaigns aimed at raising awareness of drug and alcohol misuse within our licensed premises. Alcohol awareness week was held between the 15th and 21st of November 2021 raising awareness with services such as Scottish Drug and Alcohol Services and we are with you setting up drop in centres at their premises.

Throughout the year, officers have attended at license premises with a view of identifying drug misuse and offering licensees a visual identification of areas within their premises which may present an opportunity for patrons to consume drugs. The use of 'cocaine wipes' which readily identifies cocaine residue has led to a number of preventative measures being put in place by licensees in order to combat the misuse of controlled drugs within their premises.

ANTI-SPIKING INITIATIVE

As part of the V Division Festive Safety Plan this year there has been a particular focus on anti-spiking/drugging messages and promotion of anti-spiking kits. Community policing established a positive relationship with a national charity, Spike Aware UK, the founders of which live locally in Moffat which prompted them to set up the charity and work to raise awareness.

OFFICIAL
NOT PROTECTIVELY MARKED

During the busy pre-Christmas period of high visibility patrols in relation to night time economy and joint working was undertaken with Spike Aware UK to educate and raise awareness of spiking amongst the public, licensed premises staff and door stewards. Local funding was used to purchase anti-spiking kits which were publicised within premises and on social media and distributed to members of the public.

This was a very successful initiative which gained significant positive feedback and support from public and partners alike.

COVID19

In March 2020 the World Health Organisation declared the COVID19 Coronavirus outbreak a pandemic. The subsequent Government restrictions placed upon the hospitality industry resulted in long periods of closure for on sales license premises and significant changes to the operating plans of many premises.

Throughout the pandemic Dumfries and Galloway Police division have worked closely with the Local Authority Licensing, Trading Standards and Environmental Health departments. These partnerships have provide the platform to provide support and advice to licensed premise to assist them with complying with the Scottish Government guidelines and legislation. Police Scotland Strategy followed the 4 E's – Engage, Explain, Encourage, Enforce approach towards compliance with the restrictions and regulations.

The Annandale and Eskdale board area has historically had a number of local and national events throughout the year where licensing is prevalent. Unfortunately due to the Coronavirus pandemic large gatherings were not permitted and this led to the cancellation of yearly events such as Annan Riding of the Marches, Lockerbie Riding of the Marches, Langholm Common Riding Eden Festival and local Gala Days.

As the country moves out of the coronavirus restrictions Police Scotland will continue to support the licensed premise trade to re-establish operations and will look to re-invigorate engagement and prevention work in this area.

In order to work towards upholding the 5 licensing objectives Police Scotland also have involvement in a number of non-statutory partnerships and initiatives to support license holders and the wider community.

ANNAN ATHLETIC FC v RANGERS FC

On Saturday 12th February 2022 Annan Athletic FC played Rangers FC at Galabank Stadium in a Scottish Cup Fifth Round match.

Kick-off for the game was at 1730 hours and concluded around 1915 hours. There was a crowd of around 2500 spectators. Due to the risk of the number of supporters

OFFICIAL
NOT PROTECTIVELY MARKED

including fans that may have travelled to Annan to watch the match there was an increased risk of anti-social behaviour and drinking to excess.

Sergeant McKie from Licensing along with an LSO attended at all licensed premises in Annan working alongside DPMs in partnership to ensure that they were sufficiently prepared for the increase of numbers within their premises.

Officers carried out licensed premises visits throughout the day which were recorded on Inn Keeper. There were no recorded incidents within licensed premises and only one arrest at the football ground. Early intervention with the licensed premises and partnership working with the Licensing Standards Officer, licensees and premises managers ensured the match was run safely and was an excellent way to boost the reputation of Annandale and Eskdale area.

PROBLEM SOLVING

Incidents involving licensed premises and people linked with the licensing trade are monitored through the Police Scotland Inn Keeper database. This system is used to identify problem areas, repeat callers and crime trends in terms of violence and anti-social behaviour that can be directly linked to licensed premises or a location nearby.

Inn Keeper is a national system that records and retains information relating to licensed premises and personal licence holders. It is a reporting tool for operational officers to record licensed premises visits and incidents and raise any concerns that arise from such visits and interactions with the premises. Information from this system can be used to highlight issues to licensed premises to allow them to introduce preventative measures.

Dumfries and Galloway Division works closely with the Local Authority Licensing Team, to share information on licensed premises in the Board area. This includes concerns about poor management, disorder and compliance and enables a joint approach from both partners to share and address any licensing concerns.

This allows for problems to be identified early and remedial work to be undertaken with licensees prior to a request to the board to review a license. The Police uses a staged process with options available to assist in a problem solving approach that are flexible, ranging from

Communication – The lowest end of the scale which involves engaging with and advising licensees.

Monitoring – Tasked inspections and increased scrutiny of premises for a specific period of time.

Intervention – Increased interaction with premises and staff, with formal dialogue and the use of agreed 'Licensing Intervention Plans'.

Problematic – This is the final stage and involves requesting a license review in response to more serious matters.

OFFICIAL
NOT PROTECTIVELY MARKED

The proactive use of the above measures ensures that we are supporting licensees and reducing the requirement to present reviews to the board.

SUMMARY RELEVANT TO THE ANNANDALE AND ESKDALE BOARD AREA

During the roadmap out of the Coronavirus pandemic and in to Covid recovery some operating restrictions under the Coronavirus regulations remained in place for licensed premises. Indoor services resumed in May 2021 with various measures still in place including table service and the rule of six.

Due to licensed premises having either been closed or subject to restrictions to close at 2230 hours in 2020/2021 comparing the numbers and types of incidents committed during night time economy hours (Friday and Saturday 2300 hours to 0400 hours) to previous years is not feasible. The below figures represent all incidents that can be linked to licensed premises.

The majority of offences that can be linked with alcohol consumption and licensed premises are assaults and abusive behaviour. At peak times, policing resources are directed to carry out high visibility patrols to deter people from committing offences and to monitor patrons as they leave the area to go home. Police staffing at such times is increased with shift alterations and a longer shift crossover to ensure operational officers are available and visible.

	2019/20	2020/21	2021/22
Crimes specifically linked to licensed premises	96	39	46

There have been additional incidents where the parties involved have been under the influence of alcohol, however, the location given for these incidents is not directly linked to licensed premises and as such have not been included in the above. It is known that alcohol purchased and consumed in private from off sales may contribute to intoxication levels prior to visiting licensed premises and this is an issue to consider but one that is very difficult to quantify.

Any drunkenness or disorder offences/incidents are dealt with robustly by operational officers at the time and thereafter reviewed by the licensing team. Local officers are routinely tasked with making visits to Licensed Premises, not only for visibility and reassurance purposes but also to ensure that Licensing Legislation is being complied with. Each visit, whether or not any offences or issues are identified, are recorded on the Inn Keeper system. All entries are reviewed by the Divisional Licensing Unit, and where necessary additional tasks or activities are allocated to deal with any inconsistent practices. Officers also attend licensed premises in the afternoon to ensure their visibility is present through the day.

OFFICIAL
NOT PROTECTIVELY MARKED

All applications for Premises and Personal Licences received by the Licensing Board are examined by staff from the Divisional Licensing Unit and where relevant, objections and representations are made to the board. We endeavour to bring all relevant information to the board to allow for a full overview of the applications which can then be taken into cognisance during decision making.

In the last reporting year 2021/22 it was necessary to bring one personal license holder to the Annandale and Eskdale Licensing board for review. There were no intervention plans put in place for any premises in this board area.

Given the unprecedented change in the operating of Licensed Premises due to the Coronavirus pandemic, accurate comparison of crime and offending with previous years is not achievable. The above details statistics however, do appear reflective across all boards within Dumfries and Galloway raising no cause for concern.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

Identifying young people that consume alcohol, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed. These complement ongoing enforcement activity within our communities.

Dumfries and Galloway Division have Youth Engagement Officers assigned to each Secondary School and Community Officers who liaise with primary schools across the region. These officers regularly provide talks to Children and Young Persons at school and in other environments. A benefit of this close link between children and these officer is that they are known and can be easily identified as being under age to consume alcohol.

Our Youth Engagement Officers also work closely with Dumfries and Galloway Youth Workers through the year. During school holidays these teams work together to tackle youth disorder which can often be linked to the misuse of alcohol. Diversionary activities are set up by the youth work teams and joint patrols of identified hot spot areas are conducted with a view to engaging with youths and encourage positive behaviours in a community setting.

The coronavirus pandemic has severely restricted our ability to carry out face to face group work with youths however the Youth Engagement Officers have continued to offer support and guidance to community groups and the education department. Maintaining and increased engagement with youths is vital to the supporting appropriate decision making and acknowledgement of risk taking behaviour by our younger communities.

OFFICIAL
NOT PROTECTIVELY MARKED

Dumfries and Galloway Division works closely with partner agencies to protect children from harm. Should a child or young person be found in possession of alcohol or identified as being at risk from alcohol consumption then a concern form is submitted and shared with partner agencies. This allows for a multi-agency approach to be commenced at an early stage and ensures that a whole systems approach to address the needs of the young person is undertaken.

In support of the 'Protection of Children from Harm' licensing objective, applications for premises licences and variations to premises licences go under close scrutiny and may result in a submission to the board in respect of an objection or more commonly representation, especially in relation to the times and terms in which children and young people can be on such premises.

TACKLING SERIOUS AND ORGANISED CRIME

Dumfries and Galloway Division are satisfied that at this time there is not a serious issue with serious and organised crime groups operating within the licensed trade in the area. We are aware of the impact serious and organised crime groups have on our communities and we will continue to evaluate any intelligence which may show this to be the case and act accordingly.

Crime and intelligence systems are continually monitored to analyse any emerging trends. Any identified hot spots are brought to the attention of the divisional licensing unit who report directly to the service delivery Chief Inspector. The division have a robust daily review process which feeds in to tasking and co-ordinating procedures to ensure appropriate oversight and action on any developing issues. The local area commander maintains oversight of resource deployment in terms of response policing and enhanced community policing opportunities.

Should certain premises be identified as becoming problematic the divisional licensing Sergeant will liaise with the local Community Policing Inspector and ensure that the premises are monitored accordingly.

As a division our focus is to reduce to the availability of drugs within our communities and combat acquisitive crime that may be linked to serious and organised crime groups. The Detective Chief Inspector has responsibility for oversight of all divisional activity linked to serious and organised crime groups and provides a link to national divisions. This ensures we are sighted on developing trends or groups who may look to infiltrate our local area with a view to targeting local communities.

The Substance Misuse Officer and Community Policing team also offer training to staff members in relation to identifying signs of drugs misuse.

If required we provide specific premise based crime reduction and security surveys to assist license premise to assist them with meeting their own responsibilities as licensees.

OFFICIAL
NOT PROTECTIVELY MARKED

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Dumfries and Galloway Division will continue a tasked and proactive approach to Alcohol Licensing.

We will continue to identify emerging issues and problematic areas and work in conjunction with licensed premises and licence holders to ensure that we can implement early intervention tactics to address areas of concern. This is something that is beneficial for all parties and is an important method to meet the licensing objectives.

We will continue close engagement with Partner Agencies to address any Licensing concerns at an early stage, to ensure that the licensing standards are maintained and any breaches are notified to the relevant boards. We will work in partnership with Licensing Standards to monitor results in this area.

We will ensure the continued use of social media to deliver key messages regarding the dangers of alcohol.

We will provide assistance and guidance to large organised events such as Eden Festival and local gala events to ensure licensing objectives are adhered to.

Additionally, work will continue around identifying and reducing drug misuse in and around licensed premises with increased tasking and proactive work and working with licensees to introduce ways to reduce use.

We would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, license holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2022/2023.

This page is intentionally left blank