

# Public Document Pack

## WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Wednesday 21st June 2023  
at 11.00am by Hybrid Hearing

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

**VLAD VALIENTE**  
Clerk to the Licensing Board

## **Wigtown Divisional Licensing Board**

Meeting of Wednesday 21st June 2023  
at 11.00am by Hybrid Hearing

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **LICENSING SCOTLAND ACT (2005): PREMISES LICENCE REVIEW (SECTION 36) - PREMISES: LAHORE KARAH, 31 ST JOHN STREET, STRANRAER - PREMISES LICENCE HOLDER: MUHAMMAD AKHTAR - REPORT BY THE CLERK TO THE BOARDS** 3 - 12
4. **LICENSING SCOTLAND ACT (2005): PREMISES LICENCE REVIEW (SECTION 36) - PREMISES: REGGIES BAR & FUNCTION SUITE, 36 DALRYMPLE STREET, STRANRAER - PREMISES LICENCE HOLDER: DAVID RYAN - REPORT BY THE CLERK TO THE BOARDS** 13 - 22

Next Meeting Date: Tuesday 12 September 2023

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

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT)**

**PREMISES LICENCE REVIEW (SECTION 36)**

**PREMISES: LAHORE KARAH, 31 ST JOHN STREET, STRANRAER**

**PREMISES LICENCE HOLDER: MUHAMMAD AKHTAR**

**1. Reason for Report**

As the Board has received a premises licence review application and the Convener has determined that the application should not be rejected, the Board must hold a Hearing in law.

**2. Background**

2.1 Where the Board receives an application for a Premises Licence Review it must hold a Review Hearing within 42 days of the date of the application, unless the Board rejects the application as being vexatious or frivolous or does not disclose any matter relevant to any ground for review.

2.2 The Convener has determined that the application should not be rejected.

2.3 On 11 May 2023, the Licensing Standards Officer submitted a request for review of a premises licence in respect of the above named premises (**Appendix 1**).

**2.4 Ground for review**

A Licensing Standards Officer may make a premises licence review application on the ground that:

- one or more of the conditions to which the premises licence is subject has been breached, only if
- in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14 of the Act and
- the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.

2.5 Said section 14 notice was issued 17 March 2023 on the licence holder by the Licensing Standards Officer and is detailed at **Appendix 2**.

2.6 With regard to non-payment of the annual fee (payment of which is a mandatory condition of a premises licence), records show that a reminder for non-payment was sent to the licence holder on:

- 2 September 2022;
- 17 January 2023 and
- 2 February 2023 (**Appendix 3**)

2.7 To date, the licence holder has failed to pay the annual fee due and therefore has failed to take the action required in the section 14 notice served on him.

2.8 In terms of procedure, notice of the hearing and a copy of the premises licence review application have been sent to the licence holder.

### 3. Determination

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

#### 3.2. Board's Powers on Review

At a Review Hearing, if the Board is satisfied that a ground for review has been established (whether or not on the basis of any circumstances alleged in the Premises Licence Review Application) the Board may take any of the following steps as are considered necessary or appropriate for the purposes of any of the Licensing Objectives.

#### 3.3 The steps that the Board may take are to:-

- issue a written warning to the licence holder;
- make a variation of the licence (the Board can provide that the variation applies for a certain time period only);
- suspend the licence for such period as the Board may determine
- revoke the licence.

3.4 The above steps take immediate effect.

3.5 It is also open to the Board to take no action even if a ground for review is established.

3.6 Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence then the Board must revoke the licence.

3.7 This revocation takes effect after a 28 day period beginning with the day on which the Board makes the decision unless, during that 28 day period:

- the premises licence holder makes an application to transfer the licence and the Board grants that transfer; or
- a variation application is made which seeks to vary the licence and the Board considers that the variation, if granted, would remove the ground on which the licence was revoked.

3.8 If the Board receives either of the above applications and grants that application, then the Board must recall its revocation.

3.9 The Board also retains the power to extend the 28 day period pending determination of either a transfer or variation application.

**4. Recommendations**

4.1 Members are asked to consider

(i) whether a ground for review exists; and

(ii) if a ground for review is established, which discretionary steps (if any) it wishes to take as per paragraphs 3.3 and 3.5 above;

4.2 If no ground for review is established, then no order can be made.

4.3 If a ground for review is established, then an order may or may not be made.

Vlad Valiente  
Clerk to the Licensing Boards  
Dumfries and Galloway Council  
Kirkbank House  
English Street  
Dumfries DG1 2HS

13 June 2023

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J Farroll  
Licensing Standards Officer  
Council Offices  
Sun Street  
Stranraer DG9 7JJ

11 May 2023

Clerk to the Board  
Wigtown Divisional Licensing Board  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Dear Clerk to the Board

**LICENSING (SCOTLAND) ACT 2005**  
**PREMISES: LAHORE KARAH, 31 ST JOHN STREET, STRANRAER DG9 7EW**  
**LICENCE HOLDER: MUHAMMAD AKHTAR**

I hereby make application to Wigtown Divisional Licensing Board for a Premises Licence Review in terms of Sections 14(2)(a)(ii) in respect of the above premises.

The grounds for the application are that one or more of the conditions to which the premises licence is subject has been breached. The Premises Licence Holder has breached the following condition 10:

*Payment of annual or recurring fees*

10. (1) *The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).*
- (2) *The fee must be paid as required by the regulations.*

I confirm that a Notice in terms of Section 14 (2)(a)(i) was served on the licence holder on 17 March 2023 requiring full payment of £220 for the 2022/23 annual fee by 11am on Friday 31 March 2023. The Notice has not been complied with.

The following background information is submitted for your information:

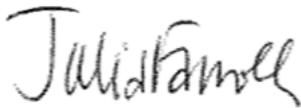
- 2 September 2022 - letter requesting payment of 2022/23 annual fee was sent to the licence holder at the premises address from the Board's Senior Licensing Officer. This letter set out various options to pay.
- 17 January 2023 – I emailed licence holder requesting payment be made.
- 2 February 2023 - further reminder letter sent.
- 9 March 2023 - I spoke in person to licence holder who confirmed he wished to surrender the licence as the business partnership between him

and his brother had ended and he was currently in dispute regarding right of occupation at the premises. A "surrender" form was provided for completion and return to the office.

- 13 March 2023 – I spoke in person to the licence holder who confirmed he had decided not to surrender the licence. I issued the Section 14 compliance notice, by email and to the licence holder's home address.
- 31 March 2023 – spoke to licence holder by phone. He was not in a position to pay the annual fee but confirmed he would hopefully be able to settle this prior to the Licensing Board meeting on 7 June.
- 14 April 2023 – spoke to licence holder by phone. The legal issues in relation to the occupancy rights of the premises are still ongoing. The licence holder will hope to settle the annual fee prior to the Board meeting.

A Premises Licence Review is requested due to the aforementioned circumstances.

Yours sincerely



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Licensing Standards Officer

## LICENSING (SCOTLAND) ACT 2005 COMPLIANCE NOTICE UNDER SECTION 14

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by Julia Farroll being a Licensing Standards Officer for Dumfries & Galloway Licensing Boards.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions outlined below to which the Premises Licence is subject. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to Wigtown Divisional Licensing Board for a review of the Premises Licence.

<b>Premises Licence Holder &amp; Licence No:</b>	Muhammad Akhtar – 0212W
<b>Premises Subject to Notice:</b>	Lahore Karahi 31 St John Street Stranraer DG9 7EW
<b>Date Issued:</b>	17 March 2023
<b>Premises Manager Details:</b>	Muhammad Akhtar
<b>Details to Whom Issued:</b>	Hand delivered to 39 High Street, Stranraer DG9 7LL on 17 March 2023 Emailed to 'makhtar100179@gmail.com' on 17 March 2023
<b>Details of Breach of Condition and Remedy</b> <i>Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice. *</i>	
<p>(1) Breach of Mandatory Condition 10: payment of annual recurring fees  (2) Remedy : Annual Fee 2022/23 to be paid in full (£220). Failure to pay the amount of £220 by 11am on Friday 31 March 2023 will result in a Premises Licence Review application being submitted to the Wigtown Divisional Licensing Board.</p>	
<b>REQUIREMENT TO COMPLY</b>	
<b>(1)</b>	<b>By 11am on Friday 31 March 2023</b>
<b>Licensing Standards Officer (Print Name &amp; Signature)</b>	
Julia Farroll	

\* If you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

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Your Ref:

Our Ref: 0212W/CS

2 February 2023

Muhammad Akhtar  
Lahore Karahi  
31 St John Street  
Stranraer  
DG9 7EW

**Licensing**

Wigtown Divisional Licensing Board  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Any enquiries please contact

**Cheryl Syme**

Direct Dial 01387 245903

E-mail [cheryl.syme@dumgal.gov.uk](mailto:cheryl.syme@dumgal.gov.uk)

Dear Sir

**LICENSING (SCOTLAND) ACT 2005**

**ANNUAL FEE 2022/23 – DUE 1 OCTOBER 2022**

**PREMISES: LAHORE KARAH, , 31 ST JOHN STREET, STRANRAER, DG9 7EW**

I wrote to you recently reminding you that in accordance with Regulation 9 of the Licensing (Fees)(Scotland) Regulations 2007 the annual fee for the premises (£220) was due to be paid on or before 1 October 2022.

As I have not yet received the payment, I would be grateful if you could now arrange for this to be made. Payment can be made by one of the following ways:-

...

..

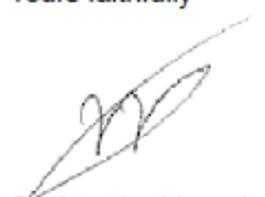
- In Full – by cheque (made payable to Dumfries and Galloway Council) or debit or Credit Card. We will not be accepting cash payments at this time.

- On Invoice – you must contact the Licensing Office on the above telephone number to arrange for an invoice to be issued to you before payment is made. Again, it would be helpful if you could provide an email address to ensure invoices are issued more efficiently.

Please do not make payment by BACS payment without asking for an invoice to be issued. This allows us to match your payment to our system and your customer account.

I would remind you that payment of the annual fee is a specific condition of the Premises Licence (Mandatory Condition 10).

Yours faithfully



Clerk to the Licensing Boards

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

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT)  
PREMISES LICENCE REVIEW (SECTION 36)  
PREMISES: REGGIES BAR & FUNCTION SUITE, 36 DALRYMPLE STREET,  
STRANRAER  
PREMISES LICENCE HOLDER: DAVID RYAN**

**1. Reason for Report**

As the Board has received a premises licence review application and the Convener has determined that the application should not be rejected, the Board must hold a Hearing in law.

**2. Background**

2.1 Where the Board receives an application for a Premises Licence Review it must hold a Review Hearing within 42 days of the date of the application, unless the Board rejects the application as being vexatious or frivolous or does not disclose any matter relevant to any ground for review.

2.2 The Convener has determined that the application should not be rejected.

2.3 On 11 May 2023, the Licensing Standards Officer submitted a request for review of a premises licence in respect of the above named premises (**Appendix 1**).

2.4 Ground for review

A Licensing Standards Officer may make a premises licence review application on the ground that:

- one or more of the conditions to which the premises licence is subject has been breached, only if
- in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14 of the Act and
- the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.

2.5 Said section 14 notice was issued 31 March 2023 on the licence holder by the Licensing Standards Officer and is detailed at **Appendix 2**.

2.6 With regard to non-payment of the annual fee (payment of which is a mandatory condition of a premises licence), records show that a reminder for non-payment was sent to the licence holder on:

- 17 January 2023 and
- 2 February 2023 (**Appendix 3**)

2.7 To date the licence holder has failed to pay the annual fee due and therefore has failed to take the action required in the section 14 notice served on him.

2.8 In terms of procedure, notice of the hearing and a copy of the premises licence review application have been sent to the licence holder.

### 3. Determination

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

#### 3.2. Board's Powers on Review

At a Review Hearing, if the Board is satisfied that a ground for review has been established (whether or not on the basis of any circumstances alleged in the Premises Licence Review Application) the Board may take any of the following steps as are considered necessary or appropriate for the purposes of any of the Licensing Objectives.

#### 3.3 The steps that the Board may take are to:-

- issue a written warning to the licence holder;
- make a variation of the licence (the Board can provide that the variation applies for a certain time period only);
- suspend the licence for such period as the Board may determine
- revoke the licence.

3.4 The above steps take immediate effect.

3.5 It is also open to the Board to take no action even if a ground for review is established.

3.6 Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence then the Board must revoke the licence.

3.7 This revocation takes effect after a 28 day period beginning with the day on which the Board makes the decision unless, during that 28 day period:

- the premises licence holder makes an application to transfer the licence and the Board grants that transfer; or
- a variation application is made which seeks to vary the licence and the Board considers that the variation, if granted, would remove the ground on which the licence was revoked.

3.8 If the Board receives either of the above applications and grants that application, then the Board must recall its revocation.

3.9 The Board also retains the power to extend the 28 day period pending determination of either a transfer or variation application.

**4. Recommendations**

4.1 Members are asked to consider

(i) whether a ground for review exists; and

(ii) if a ground for review is established, which discretionary steps (if any) it wishes to take as per paragraphs 3.3 and 3.5 above;

4.2 If no ground for review is established, then no order can be made.

4.3 If a ground for review is established, then an order may or may not be made.

Vlad Valiente

Clerk to the Licensing Boards

Dumfries and Galloway Council

Kirkbank House

English Street

Dumfries DG1 2HS

13 June 2023

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**APPENDIX 1**

J Farroll  
Licensing Standards Officer  
Council Offices  
Sun Street  
Stranraer DG9 7JJ

11 May 2023

Clerk to the Board  
Wigtown Divisional Licensing Board  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Dear Clerk to the Board

**LICENSING (SCOTLAND) ACT 2005**  
**PREMISES: REGGIE'S BAR AND FUNCTION SUITE, 36 DALRYMPLE**  
**STREET, STRANRAER DG9 7EU**  
**LICENCE HOLDER: DAVID RYAN**

I hereby make application to Wigtown Divisional Licensing Board for a Premises Licence Review in terms of Sections 14(2)(a)(ii) in respect of the above premises.

The grounds for the application are that one or more of the conditions to which the premises licence is subject has been breached. The Premises Licence Holder has breached the following condition 10:

*Payment of annual or recurring fees*

10. (1) *The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).*
- (2) *The fee must be paid as required by the regulations.*

I confirm that a Notice in terms of Section 14 (2)(a)(i) was served on the licence holder on 31 March 2023 requiring full payment of £220 for the 2022/23 annual fee by 11am on Thursday 6 April 2023. The Notice has not been complied with.

The following background information is submitted for your information:

- The premises are closed and have not traded for approximately 6 months.
- 2 September 2022 - letter requesting payment of 2022/23 annual fee was sent to the licence holder at the premises address from the Board's Senior Licensing Officer. This letter set out various options to pay.
- 17 January 2023 – I emailed licence holder enquiring as to the position at the premises and requesting payment be made.
- 2 February 2023 - second reminder letter sent.

- 1 March 2023 – telephone call with licence holder who confirmed he wished to surrender the licence and that he would come in to the office on 3 March 2023 to complete the paperwork. This was not done.
- 17 March 2023 – telephone call with the licence holder who again confirmed he wished to surrender the licence.
- 31 March 2023 – Section 14 compliance notice emailed and hand delivered to licence holder. A “surrender” form was provided but has not been lodged to date.

A Premises Licence Review is requested due to the aforementioned circumstances.

Yours sincerely

A handwritten signature in black ink that reads "Julia Farrell". The signature is written in a cursive, slightly slanted style.

Licensing Standards Officer

## LICENSING (SCOTLAND) ACT 2005 COMPLIANCE NOTICE UNDER SECTION 14

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by Julia Farroll being a Licensing Standards Officer for Dumfries & Galloway Licensing Boards.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions outlined below to which the Premises Licence is subject. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to Wigtown Divisional Licensing Board for a review of the Premises Licence.

<b>Premises Licence Holder &amp; Licence No:</b>	David Ryan – 0168W
<b>Premises Subject to Notice:</b>	Reggies Bar & Function Suite 36 Dalrymple Street Stranraer DG9 7EU
<b>Date Issued:</b>	31 March 2023
<b>Premises Manager Details:</b>	David Ryan
<b>Details to Whom Issued:</b>	Hand delivered to 7 Burnside Court, Stranraer DG9 7LF on 31 March 2023 Emailed to 'reggiesbar22@gmail.com' on 31 March 2023
<b>Details of Breach of Condition and Remedy</b> <i>Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice. *</i>	
<p>(1) Breach of Mandatory Condition 10: payment of annual recurring fees  (2) Remedy : Annual Fee 2022/23 to be paid in full (£220). Failure to pay the amount of £220 by 11am on Thursday 6 April 2023 will result in a Premises Licence Review application being submitted to the Wigtown Divisional Licensing Board.</p>	
<b>REQUIREMENT TO COMPLY</b>	
<b>(1)</b>	By 11am on Thursday 6 April 2023
<b>Licensing Standards Officer (Print Name &amp; Signature)</b>	
Julia Farroll	

\* If you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

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Your Ref:

Our Ref: 0168W/CS

2 February 2023

David Owen Ryan  
Reggies Bar & Function Suite  
36 Dalrymple Street  
Stranraer  
DG9 7EU

**Licensing**

Wigtown Divisional Licensing Board  
Municipal Chambers  
Buccleuch Street  
Dumfries DG1 2AD

Any enquiries please contact

**Cheryl Syme**

Direct Dial 01387 245903

E-mail [cheryl.syme@dumgal.gov.uk](mailto:cheryl.syme@dumgal.gov.uk)

Dear Sir

**LICENSING (SCOTLAND) ACT 2005**

**ANNUAL FEE 2022/23 – DUE 1 OCTOBER 2022**

**PREMISES: REGGIES BAR & FUNCTION SUITE, , 36 DALRYMPLE STREET,  
STRANRAER, DG9 7EU**

I wrote to you recently reminding you that in accordance with Regulation 9 of the Licensing (Fees)(Scotland) Regulations 2007 the annual fee for the premises (£220) was due to be paid on or before 1 October 2022.

As I have not yet received the payment, I would be grateful if you could now arrange for this to be made. Payment can be made by one of the following ways:-

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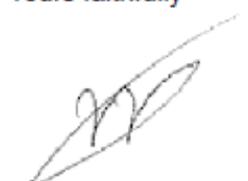
- In Full – by cheque (made payable to Dumfries and Galloway Council) or debit or Credit Card. We will not be accepting cash payments at this time.

- On Invoice – you must contact the Licensing Office on the above telephone number to arrange for an invoice to be issued to you before payment is made. Again, it would be helpful if you could provide an email address to ensure invoices are issued more efficiently.

Please do not make payment by BACS payment without asking for an invoice to be issued. This allows us to match your payment to our system and your customer account.

I would remind you that payment of the annual fee is a specific condition of the Premises Licence (Mandatory Condition 10).

Yours faithfully



Clerk to the Licensing Boards

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