

Public Document Pack

WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Monday 11th December 2023
at 2.00 pm - this will be a hybrid meeting.

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 Monday 11th December 2023
at 2.00 pm - this will be a hybrid meeting.

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF PREVIOUS MEETING 8 NOVEMBER 2023** 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 BOARDS** 17 - 18
5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 19 - 20
6. **LICENSING (SCOTLAND) ACT 2005: UPDATE ON APPLICATION: VARIATION OF PREMISES LICENCE - CHASERS, NORTH STRAND STREET, STRANRAER - REPORT BY THE CLERK TO THE BOARDS** 21 - 26
7. **LICENSING (SCOTLAND) ACT 2005: REVIEW OF PERSONAL LICENCE - RICHARD GRAHAM - REPORT BY THE CLERK TO THE BOARDS** 27 - 30

Next Meeting Date: Thursday 29 February 2024

WIGTOWN DIVISIONAL LICENSING BOARD

**Meeting of Wednesday 8 November 2023
at 2.30pm – hybrid meeting**

MEMBERS PRESENT

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

IN ATTENDANCE

Julia Farroll	-	Licensing Standards Officer
Sergeant Amy Ritchie	-	Police Scotland
Richard Taylor	-	for and on behalf of Gosschalks LLP
Caroline Treanor	-	Solicitor

VLAD VALIENTE
Clerk to the Licensing Boards

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

5 Members present and 1 not present at the start of the meeting. The Convener approved Members' remote participation at the Hearing.

2. DECLARATIONS OF INTEREST

NONE declared initially but prior to Item 10 Katie Hagmann declared that she had a family member connection who worked in the tearoom where they sell wares but she did not believe that the interest meant that she could not participate in consideration of the item.

3. MINUTE OF MEETING OF 7 JUNE 2023

Decision

AGREED

4. MINUTE OF MEETING OF 21 JUNE 2023

Decision

AGREED

5. MINUTE OF MEETING OF 12 SEPTEMBER 2023

Decision

AGREED

6. MINUTE OF CONJOINED LICENSING BOARDS MEETING OF 6 OCTOBER 2023

Decision

AGREED

MEMBER - Chrissie Hill joined the meeting – 6 members present

7. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 30 May 2023 until 25 October 2023:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 187

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 30

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 35

Extended Hours

Total number issued 4

8. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED that the applications in **APPENDIX 1** were granted under delegated powers.

9. LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED that the application in **APPENDIX 2** was granted under delegated powers.

10. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – ISLE FUTURES, ISLE OF WHITHORN, NEWTON STEWART - REPORT BY THE CLERK TO THE BOARDS

Decision

Having heard from the Licensing Standards Officer and the applicant, the Board **AGREED** to **GRANT** the application as detailed in **APPENDIX 3**.

11. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – CREE INN, CREEBRIDGE, MINNIGAFF - REPORT BY THE CLERK TO THE BOARDS**

Decision

Having heard from the applicant the reasons for erroneous display of the site notice in that it did not meet statutory requirements, the Board **AGREED** not to require redisplay of the site notice and accordingly considered the application. Having then heard from the Licensing Standards Officer and the applicant, the Board **AGREED** to **GRANT** the application as detailed in **APPENDIX 4**.

12. **LICENSING (SCOTLAND) ACT 2005: NOTIFICATION OF CONVICTIONS – MORRISONS, STRANRAER - REPORT BY THE CLERK TO THE BOARDS**

Decision

Having heard from Police Scotland, and the applicant's representative, the Board **AGREED** to take no further action.

13. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A CHIEF CONSTABLES ANNUAL REPORT 2022-2023 – REPORT BY THE CLERK TO THE BOARDS**

Decision

AGREED to **RECEIVE** and **NOTE** the terms of the Chief Constable's Report for 2022-2023 for the Wigtown Divisional Board.

APPENDIX 1

**APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES
GRANTED UNDER DELEGATED AUTHORITY**

<u>Application No. 1 – 205W</u>	
Name & Address of Applicant or Agent	Wigtown Festival Company 11 North Main Street Wigtown DG8 9HN
Name & Address of Premises	Number 11 11 North Main Street Wigtown DG8 9HN
Nature of variation	Change of DPM to Kenneth Barr
Effective Date of Minor Variation	28 March 2023

<u>Application No. 2 – 205W</u>	
Name & Address of Applicant or Agent	Wigtown Festival Company 11 North Main Street Wigtown DG8 9HN
Name & Address of Premises	Number 11 11 North Main Street Wigtown DG8 9HN
Nature of variation	Change of DPM to Anne Barclay
Effective Date of Minor Variation	25 May 2023

<u>Application No. 3 – 0176W</u>	
Name & Address of Applicant or Agent	J & M Leisure Parks Ltd Dalton House 9 Dalton Square Lancaster LA1 1WD
Name & Address of Premises	Duck or Grouse Cairnryan Caravan Park Cairnryan DG9 8QX
Nature of variation	Change of Premises name from 'Duck or Grouse' to 'Thistle Heights Clubhouse'
Effective Date of Minor Variation	30 May 2023

<u>Application No. 4 – 0056W</u>	
Name & Address of Applicant or Agent	Sainsbury's SL Limited Per TLT LLP 41 West Campbell Street Glasgow G2 6SE
Name & Address of Premises	Sainsbury's Supermarket Goods Lane Newton Stewart DG8 6EH
Nature of variation	Change to layout of the premises (store reconfiguration) - no change to capacity
Effective Date of Minor Variation	1 June 2023

<u>Application No. 5 – 132W</u>	
Name & Address of Applicant or Agent	Richard Graham 97 Main St Glenluce Newton Stewart DG8 0PT
Name & Address of Premises	Crown Hotel 36 Main Street Glenluce Newton Stewart DG8 0PS
Nature of variation	Change of DPM to Richard Graham
Effective Date of Minor Variation	22 June 2023

<u>Application No. 6 – 0123W</u>	
Name & Address of Applicant	Tai Lam Chan Ryanbank Broadstone Road Stranraer DG9 0EX
Name & Address of Premises	Hong Kong City Restaurant 46 Hanover St Stranraer DG9 7RP
Nature of variation	Appointment of new DPM Yao Lok Chan
Effective Date of Minor Variation	30 June 2023

<u>Application No. 7 – 41W</u>	
Name & Address of Applicant	Wigtownshire County Golf Club Mains of Park Glenluce Newton Stewart DG8 0NN
Name & Address of Premises	Wigtownshire County Golf Club Glenluce Newton Stewart DG8 0NN
Nature of variation	Change of DPM to Richard Graham
Effective Date of Minor Variation	1 August 2023

<u>Application No. 8 – 158W</u>	
Name & Address of Applicant	Derek Hart (Snr) The Bladnoch Inn Wigtown DG8 9AB
Name & Address of Premises	Bladnoch Inn Bladnoch Wigtown DG8 9AB
Nature of variation	New DPM Natasha Broadway
Effective Date of Minor Variation	14 August 2023

<u>Application No. 9 – 62W</u>	
Name & Address of Applicant	Steam Packet Hotel Company Limited Tonderghie House Isle of Whithorn DG8 8HZ
Name & Address of Premises	Steam Packet Hotel Harbour Row Isle of Whithorn DG8 8LL
Nature of variation	New DPM Toni Harvey
Effective Date of Minor Variation	15 August 2023

<u>Application No. 10 – 132W</u>	
Name & Address of Applicant	Richard Graham 97 Main St Glenluce Newton Stewart DG8 0PT
Name & Address of Premises	Crown Hotel 36 Main Street Glenluce Newton Stewart DG8 0PS
Nature of variation	Change of DPM to Richard Graham
Effective Date of Minor Variation	13 September 2023

<u>Application No. 11 – 185W</u>	
Name & Address of Applicant	Quirky Quines Ltd. 33 Barrhead Glasgow G78 1AD
Name & Address of Premises	Reading Lasses Bookshop and Cafe 17 South Main Street Wigtown DG8 9EH
Nature of variation	New DPM Lauren Ann Smith
Effective Date of Minor Variation	15 September 2023

<u>Application No. 12 – 41W</u>	
Name & Address of Applicant	Wigtownshire County Golf Club Mains of Park Glenluce Newton Stewart DG8 0NN
Name & Address of Premises	Wigtownshire County Golf Club Mains of Park Glenluce Newton Stewart DG8 0NN
Nature of variation	New DPM Lindsay Maclean
Effective Date of Minor Variation	15 September 2023

<u>Application No. 13 – 72W</u>	
Name & Address of Applicant	Aldi Stores Limited Holly Lane Atherstone Warwickshire CV9 2SQ
Name & Address of Premises	Aldi Goods Lane Newton Stewart DG8 6EH
Nature of variation	Reconfiguration of store layout - no change to alcohol display area or capacity.
Effective Date of Minor Variation	5 October 2023

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

<u>Application No 1. – Ref 123W – SECTION 33</u>	
Name & Address of Applicant	Tai Lam Chan Ryanbank Broadstone Road Stranraer DG9 0EX
Name & Address of Transferee	Leung Loi Lora Chan Ryanbank Broadstone Road Stranraer DG9 0EX
Name & Address of Premises	Hong Kong City Restaurant 46 Hanover St Stranraer DG9 7RP
Effective Date of Transfer	7 July 2023

APPENDIX 3

Wigtown Divisional Licensing Board
Application for Variation to Premises Licence

Applicant/Agent	Isle Futures St Ninian's Hall Isle of Whithorn Newton Stewart DG8 8LH
Address of Premises	Isle Futures St Ninian's Hall Isle of Whithorn Newton Stewart DG8 8LH
Nature of Variation	<p><u>Operating Plan</u></p> <p>5c - amendment to allow Live performance, Dance facilities, Theatre, Films, Gaming, Indoor/outdoor sports outwith core licensed hours;</p> <p>5c - amendment to allow Televised Sport within/outwith core licensed hours;</p> <p>5b - amendment for Receptions to be provided outwith core licensed hours;</p> <p><u>Amendment to the wording of the outwith hours to read:</u></p> <p>meals and food, coffee/teas available from 9am - clubs/meetings/events may take place before 11am - background music played between 8am and 10pm throughout tea room, kitchen, office and hall;</p> <p>5b - Receptions etc - organise receptions that do not require a bar outwith core hours;</p> <p>5c - Entertainment - organise clubs and events outwith core hours which do not require a bar e.g. dance classes, sports, Saturday Film Club, sell raffle tickets</p> <p><u>Change to Description:</u></p> <p>St Ninian's Hall is based in the Isle of Whithorn, a small village in a rural area of Wigtownshire. The building consists of a large hall which is used for clubs and groups to meet in. It is also used as a function room for private parties and events, along with events organised by Isle Futures. In the main hall there are 2 small rooms, one is a control room where the media equipment for Cinema and music is kept. The other, the kiosk is a small functioning bar, which is a large, locked cupboard with a removable locking hatch for serving. There are also ladies & gents toilets.</p> <p>Community shop stocking selection of goods including wine and other drinks.</p>

\Cont'd...	
<p>\Cont'd... Nature of Variation</p>	<p><u>Change to Description (cont'd):</u> Tearoom, with serving area, seating with table and chairs, Ladies, Gents and disabled toilet facilities, large sliding doors to outside terrace area. This area is also containing a bar area used for functions & private parties and events organised by Isle Futures. There is a smaller room at the back of the main hall which is used as a training and meeting room, there is also a fully functioning catering kitchen, a kitchenette, ladies & gents toilets, store room and upstairs office.</p>
<p>Last Date for Objections/Representations</p>	<p>Monday 23 October 2023</p>

APPENDIX 4

Wigtown Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	David P Regan and Patricia Regan 1 Creebridge Minnigaff Newton Stewart DG8 6NP
Address of Premises	Cree Inn Creebridge Minnigaff Newton Stewart DG8 6NP
Nature of Variation	<p><u>Operating Plan</u></p> <p>Add capacity of outdoor drinking area – 40 persons</p> <p>Change to ‘Terms’ for Children and Young Persons to read “Children accompanied by a person over 18 years of age, young persons unaccompanied”</p> <p>Change to ‘Ages’ of Children and Young Persons to read “0-17”</p> <p>Change to ‘Parts’ of Children and Young Persons to read “All public areas”</p> <p>Include ‘Poker’ in any other activities</p> <p><u>Layout Plan:</u></p> <p>Extension to outdoor drinking area</p>
Last Date for Objections/Representations	Friday 27 October 2023

This page is intentionally left blank

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

**THE LICENSING (SCOTLAND) ACT 2005 SECTION 56 AND 68
APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS
GRANTED UNDER DELEGATED AUTHORITY**

For the information of the Licensing Board, during the period from 26 October 2023 to 30 November 2023 the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 23

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 1

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 6

Extended Hours

Total number issued 3

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 63363

Date of Report: 1 December 2023

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

This page is intentionally left blank

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

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

<u>Application No. 1 – 0128W</u>	
Name & Address of Applicant or Agent	Stephen Alexander Donnan Creebridge House Hotel Newton Stewart DG8 6NP
Name & Address of Premises	Creebridge House Hotel Newton Stewart DG8 6NP
Nature of variation	Change to layout plan – addition of bar, food preparation area with pizza oven and toilets in outside drinking area
Effective Date of Minor Variation	6 November 2023

<u>Application No. 2 – 0079W</u>	
Name & Address of Applicant or Agent	Albert Lee Lee Parks Estates Limited Saddlebrook Park Warden Bay Road Leysdown Sheerness KENT ME12 4LT
Name & Address of Premises	The Headland Bar Burrowhead Holiday Village Isle of Whithorn Newton Stewart DG8 8JB
Nature of variation	Change of DPM to Frances Stafford
Effective Date of Minor Variation	10 November 2023

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 63363

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

Date of Report: 1 December 2023

This page is intentionally left blank

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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 30
UPDATE ON APPLICATION: MAJOR VARIATION
PREMISES: CHASERS, NORTH STRAND STREET, STRANRAER
PREMISES LICENCE HOLDER: CELESTE SMITH**

1. Reason for Report

To consider the terms of updated reports from both Police Scotland and the Licensing Standards Officer (LSO) in respect of the operation of the outside drinking area which was granted for a trial period of six months at a Board Hearing 7 June 2023.

2. Background

2.1 At its Hearing on 7 June 2023, the Board granted an application for a major variation in its entirety subject to the outside drinking area being granted on a six month trial basis when it would then call for consideration at the Board's next Hearing date December 2023.

2.2 Grant was subject to the following conditions:

- The terminal hour of the outside drinking area shall be 6pm 7 days per week;
- all outside furniture shall be removed inside immediately following 6pm each day;
- no music amplified or otherwise is to be played in the outside drinking area at any time;
- the outside drinking area must be contained by a suitable barrier structure which shall be removed immediately following 6pm each day.

2.3 At this Hearing, the Board requested updated reports from both Police Scotland and the LSO to be submitted to the Board Hearing December 2023 to address as to how the operation of the outside drinking area during the trial period has impacted the Licensing Objectives.

2.4 Said reports have now been received as follows:

- LSO report – no adverse comment (**Appendix 1**)
- Police Scotland report – no adverse comment (**Appendix 2**)

3. Determining the application

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 and take into account the following:

3.2 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.

3.3 The section 30(5) grounds for refusal are:-

- The application must be refused under
 - Section 32(2) (where the Board has refused a premises licence variation application in respect of the same premises and seeking the same variation and this is a subsequent application received within 12 months of the refusal)
 - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances justifying the sale of a 24 hour operation have not been proven)
 - Section 65(3) (the application is for off sales outwith 10am to 10pm)

- Licensing Objectives ground of refusal

The Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm)

- Unsuitability of the premises

That having regard to:-

- a) the nature of the activities proposed to be carried on in the premises
- b) the location, character and condition of the premises; and
- c) the persons likely to frequent the premises

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation.

- Overprovision

That the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises (taking account of the variation), in the locality.

4. Recommendation

Members are asked to consider the updated reports received from both the Police and LSO and agree to either GRANT or REFUSE the application in respect of the outdoor drinking area.

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

1 December 2023

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

**LICENSING (SCOTLAND) ACT 2005 :
OUTDOOR DRINKING AREA AT
CHASERS, 22 NORTH STRAND STREET, STRANRAER DG9 7LD
LICENCE HOLDER: CELESTE SMITH**

1. A variation to add an outdoor drinking area to these premises was granted by the Board on 7 June 2023.

1.1 This was granted for a trial period of six months and the Board requested an update from Police and LSO after that time.

2. The following information is provided for Board Members' consideration:

Date and time of visit	Comments
Wed 14/06/2023 17:05	Sunny day and two tables occupied. Furniture removed by 17:55
Mon 19/06/2023 13:50	Sunny day and 2 tables in use. No issues
Mon 03/07/2023 14:00	Dry day. No tables/chairs out
Sat 22/07/2023 13:00	Dry, cloudy day. No tables/chairs out. Spoke to licence holder who said it had been going well. The furniture is only put out when they are sure its going to be dry as it is alot of work setting up and dismantling.
Wed 02/08/2023 13:30	No tables/chairs out.
Tues 22/08/2023 12:45	Dry, cloudy day. No tables/chairs out.
Tues 12/09/2023 14:00	No tables/chairs out.

3. As far as I am aware, the use of this area has not caused any issues and I have therefore no adverse comments to make.

Julia Farroll
Licensing Standards Officer
22 November 2023

This page is intentionally left blank

30 November 2023

Your Ref: 0093W

Our Ref: AR/COS/721409

Legal and Licensing Manager
Wigtown Divisional Licensing
Kirkbank House
Council Offices
English Street
Dumfries
DG1 2HS



**POLICE
SCOTLAND**

Keeping people safe

John Cairns
T/Chief Superintendent

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
REVIEW OF APPLICATION FOR VARIATION OF A PREMISES LICENCE
PREMISES: CHASERS, 22 NORTH STRAND STREET, STRANRAER,
DG9 7LD.
APPLICANT: CELESTE SMITH, 22 NORTH STRAND STREET, STRANRAER,
DG9 7LD.**

In response to your request for an updated report following the variation of a premises licence application which was considered at the Wigtownshire Divisional Licensing Board on 7 June 2023, where Police Scotland entered an objection to the addition of an outdoor drinking area .

It was agreed at the aforementioned board meeting that an outdoor drinking area be permitted for a trial period of six months when it will call before the Board for consideration at or around 7 December 2023 when the Board would request updated reports as to how the operation of the outside drinking area has impacted the Licensing Objectives.

The following conditions were attached to the licence as they were deemed necessary and appropriate pursuant to the preventing public nuisance and securing public safety Licensing Objectives "The terminal hour of the outside drinking area shall be 6pm 7 days per week; all outside furniture shall be removed inside immediately following 6pm each day; no music amplified or otherwise is to be played in the outside drinking area at any time; the outside drinking area must be contained by a suitable barrier structure which shall be removed immediately following 6pm each day."

OFFICIAL SENSITIVE: POLICE AND PARTNERS

Police Scotland wish to report that since the granting of the variation on 7 June 2023 and todays date at the premises:

There have been 5 licensed premises checks carried out by Police Scotland. No adverse comment was made regarding any inspection.

Checks of local and national Police systems show no relevant recorded incidents involving the premises. On speaking with community officers they have not seen the outdoor area in operation so could make no comment.

I wish you to consider this report when reviewing this trial period of six months.

Yours faithfully

John Cairns
T/Chief Superintendent

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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 84A
CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: RICHARD GRAHAM**

1. Reason for Report

1.1 On 2 August 2023, the Chief Constable, in terms of his power under section 84A the Act, submitted to the Board a report (**Appendix**) alleging that Richard Graham, the holder of a personal licence, has acted in a manner which is inconsistent with the licensing objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance.

1.2 When the Board receives a section 84A report it must hold a Hearing.

2. Background

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

2.2 In terms of procedure, both the Police letter and Notice of Hearing 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 At its Hearing the Board *may*, after giving

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

3.3 It is also open to the Board to take no action in which case Mr Graham will continue to retain his personal licence.

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

4. Recommendations

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

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

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

1 December 2023

2 August 2023

Your Ref: DG/W/0751

Our Ref: AR/COS

Democratic Services Manager
Wigtown Divisional Licensing
Kirkbank
Council Offices
English Street
Dumfries
DG1 2HS



**POLICE
SCOTLAND**

Keeping people safe

Carol McGuire
Chief Superintendent

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: RICHARD GRAHAM, 97 MAIN STREET,
GLENLUCE, DG8 0PT
LICENCE NO: DG/W/0751**

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

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance

Mr Graham holds a personal licence issued by Wigtownshire Licensing Board which is due to expire on 5 May 2032. At the time of the incident being reported he held the position of Designated Premises Manager and Premises Licence Holder for Crown Hotel, Glenluce.

The following information is provided for the Board's consideration.

About 2342 hours on Saturday 15 July 2023 Police Scotland received a call from Richard Graham reporting an ongoing disturbance at the Crown Hotel, Main Street, Glenluce. The nature of the call was a number of foreign nationals were within the premises making comments about who they were going to hit first and that this group appeared to want to fight with the locals.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

Officers were already within Glenluce dealing with an unrelated matter and diverted to deal with this incident so arrived at the premises at 2356 hours and found no disturbance ongoing. Officers approached Mr Graham who advised that no fighting had taken place and he did not wish to make any criminal complaint. The problematic patrons were seen into a taxi and left without further incident.

It was immediately apparent to attending officers that Mr Graham was under the influence of alcohol due to him slurring his words and being unsteady on his feet. Twice Mr Graham was asked to confirm who was in charge of the premises at that moment in time and on both occasions Mr Graham identified himself as being the person in charge. When informed by officers that it was noted that he was under the influence of alcohol whilst in charge of licensed premises Mr Graham stated that he had returned to the premises after working at a nearby golf club and had been sober when calling the police but had drunk six pints since making the call. Due to Mr Graham's intoxication he was not cautioned and charged at the time however he attended Stranraer Police Station on Monday 17 July 2023 where he was cautioned and charged with Licensing (Scotland) Act 2005 Section 114(1) – Responsible person drunk whilst on relevant premises.

It should be noted that at the time of the incident there was a member of bar staff on duty who called a taxi for the problematic patrons and was completely sober. A check of the Police Innkeeper system shows that there have been no incidents of note in the past year and overall the premises are well run and do not come to regular Police attention.

The Chief Constable's view is that all options open to the Board under Section 84(7) or 84(7A) of the Licensing (Scotland) Act 2005 should be considered.

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

Signed:

Carol McGuire
Chief Superintendent