

Public Document Pack

STEWARTRY DIVISIONAL LICENSING BOARD

Meeting of Friday 26 January 2024
at 10.30am – Remote Meeting

Tony Berretti – Mid and Upper Nithsdale;
Dougie Campbell – Dee and Glenkens;
Iain Howie – Castle Douglas and Crocketford;
Kim Lowe (Convener) – Abbey;
Andy McFarlane – Dee and Glenkens;

VLAD VALIENTE
Clerk to the Licensing Board

Stewartry Divisional Licensing Board

Meeting of Friday 26 January 2024
at 10.30am – Remote Meeting

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING 13 SEPTEMBER 2023** 5 - 14
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** 15 - 16
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Next Meeting Date: Date Not Specified

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STEWARTRY DIVISIONAL LICENSING BOARD

**Minute of Meeting of Wednesday 13 September 2023
at 2.30pm via Teams**

MEMBERS PRESENT

Tony Berretti - Mid and upper Nithsdale;
Ian Howie - Castle Douglas and Crocketford;
Kim Lowe (Convener) - Abbey;

APOLOGIES

Dougie Campbell - Dee and Glenkens;
Andy McFarlane - Dee and Glenkens;

IN ATTENDANCE

Mary Irving - Licensing Standards Officer
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 present via MS Teams, 2 apologies. The Convener approved remote participation.

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTE OF MEETING 28 APRIL 2023**

APPROVED

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

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated authority during the period from 6 April 2023 until 24 August 2023:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 117

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 2

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 29

Extended Hours

Total number issued 4

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

Decision

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

6. LICENSING (SCOTLAND) ACT 2005: CONFIRMATION OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS

Decision

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

7. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – THREAVE ESTATE, CASTLE DOUGLAS - REPORT BY THE CLERK TO THE BOARDS

Decision

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

8. LICENSING (SCOTLAND) ACT 2005: SECTION 9A – ANNUAL FUNCTIONS REPORT 2022/23 – REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED

9. LICENSING (SCOTLAND) ACT 2005: SECTION 9B – ANNUAL FINANCIAL REPORT 2022/23 – REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED

10. LICENSING (SCOTLAND) ACT 2005: SECTIONS 6 AND 7 – RENEWAL OF LICENSING POLICY STATEMENT AND DUTY TO ASSESS OVERPROVISION (2023-2028)

Decision

Having considered the terms of the report giving due regard to the responses received to both Consultations – including the terms of NHS Dumfries and Galloway's Assessment of Overprovision and its associated presentation, the Board **AGREED** as follows:

Licensed Hours

The Board agreed to retain existing on sales licensed hours and make no changes

Outdoor Drinking Areas

The Board decided not to adopt an Outdoor Drinking Policy and consider each case on its own merits.

Licensing Objectives

The Board decided not to follow the suggestions offered in respect of promoting the Licensing Objectives as Members agreed that the suggestions were either covered within the Policy Statement, the law or outwith the remit of the Board.

LSO suggestion

The Board agreed to follow the LSO's suggestion that the Police Drugs Policy be adopted as a local condition and apply to all on sales licensed premises.

Overprovision

The Board determined that there is no overprovision of licensed premises in Stewartry as there is no evidence to support such a finding of overprovision.

The Board also noted that a report will be placed before all four Boards at a Conjoined meeting to be held 6 October 2023 requesting all four Boards to agree the final terms of the Statement of Licensing Policy including Overprovision Assessment (2023-2028).

Appendix 1

**DUMFRIES AND GALLOWAY LICENSING BOARDS
STEWARTRY 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 0033S</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 52 St Cuthbert Street Kirkcudbright DG6 4DZ
Nature of variation	Change of Designated Premises Manager to Callum McIntyre
Effective Date of Minor Variation	4 May 2023

<u>Application No. 2 – Ref 0050S</u>	
Name & Address of Applicant or Agent	Julie Clanahan 53 Kirkland Street St Johns Town of Dalry DG7 3UX
Name & Address of Premises	Cum Ye Inn 94 High Street Dalbeattie DG5 4HB
Nature of variation	Change of Designated Premises Manager to Andrew Clanahan
Effective Date of Minor Variation	17 May 2023

<u>Application No. 3 – Ref 0127S</u>	
Name & Address of Applicant or Agent	Alistair Wallace Investments Ltd Crown Filling Station Queen Street Castle Douglas DG7 1HX
Name & Address of Premises	Crown Filling Station Queen Street Castle Douglas DG7 1HX
Nature of variation	Change of Designated Premises Manager to Margaret Tait
Effective Date of Minor Variation	18 May 2023

<u>Application No. 4 – Ref 0011S</u>	
Name & Address of Applicant or Agent	Masonic Arms Ltd c/o DSM Ltd Dee Walk Kirkcudbright DG6 4DR
Name & Address of Premises	Masonic Arms 10 Ann Street Gatehouse of Fleet
Nature of variation	Change of Designated Premises Manager to Mark McLean
Effective Date of Minor Variation	25 May 2023

<u>Application No. 5 – Ref 0011S</u>	
Name & Address of Applicant or Agent	Masonic Arms Ltd c/o DSM Ltd Dee Walk Kirkcudbright DG6 4DR
Name & Address of Premises	Masonic Arms 10 Ann Street Gatehouse of Fleet
Nature of variation	Change of Designated Premises Manager to Sofia Perez Liano
Effective Date of Minor Variation	6 June 2023

<u>Application No. 6 – Ref 0074S</u>	
Name & Address of Applicant or Agent	Guelder Three Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Cally Palace Hotel Gatehouse of Fleet Dumfries and Galloway DG7 2DL
Nature of variation	Change of Designated Premises Manager to Richard David Wood
Effective Date of Minor Variation	11 July 2023

<u>Application No. 7 – Ref 0057S</u>	
Name & Address of Applicant or Agent	Michelle Robertson 26 Main Street Crossmichael DG7 3AU
Name & Address of Premises	The Thistle Inn 51-55 Main Street Crossmichael DG7 3AU
Nature of variation	Change of Designated Premises Manager to Michelle Robertson
Effective Date of Minor Variation	21 July 2023

<u>Application No. 8 – Ref 0018S</u>	
Name & Address of Applicant or Agent	Philip Papworth 6 Main Street Dalry DG7 3UN
Name & Address of Premises	The Clachan Inn 8-10 Main Street Dalry DG7 3UN
Nature of variation	Change of Designated Premises Manager to Laura Burnie
Effective Date of Minor Variation	23 August 2023

<u>Application No. 9 – Ref 0028S</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-operative Food Cotton Street Castle Douglas DG7 1AN
Nature of variation	Change to Layout Plan – reconfiguration of premises – decrease in capacity from 66.555m ² to 57.51m ²
Effective Date of Minor Variation	25 August 2023

<u>Application No. 10 – Ref 0053S</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 6 St Cuthbert Street Kirkcudbright DG6 4HZ
Nature of variation	Change to Designated Premises Manager to Diane Adamson
Effective Date of Minor Variation	25 August 2023

Appendix 2

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

**THE LICENSING (SCOTLAND) ACT 2005 : SECTION 46
APPLICATION FOR CONFIRMATION OF PROVISIONAL PREMISES LICENCE
GRANTED UNDER DELEGATED POWERS**

Application No 1. – Ref 0141S	
Name & Address of Applicant or Agent	Demijohn Ltd Glenlair House Knockvenie Castle Douglas DG7 3DF
Name & Address of Premises	Glenlair Steading Knockvennie Castle Douglas DG7 3DF
Date of Grant of Provisional Licence	28 April 2023
Effective Date of Confirmation	24 August 2023

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	TLT Solicitors For The National Trust for Scotland Enterprise Ltd Hermiston Quay 5 Cultins Road Edinburgh EH11 4DF
Address of Premises	Threave Estate Castle Douglas DG7 1RF
Nature of Variation	<p><u>Operating Plan</u></p> <p>Q4) remove and replace with following wording – “Extra hours to be added to the terminal hours as per Board guidelines on festive hours and at any other time the Board grants a general extension for special occasions from time to time”</p> <p><u>Any other Changes:</u></p> <p>Amend description of the premises to “A visitor attraction and function venue, situated within 1500 acre estate approximately one mile west of Castle Douglas”</p>
Last Date for Objections/Representations	Friday 23 June 2023

**DUMFRIES AND GALLOWAY LICENSING BOARDS
STEWARTRY 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 25 August 2023 until 10 January 2024 the following Occasional Licences and Extended Hours were granted:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 62

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 2

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 19

Extended Hours

Total number issued 3

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

Date of Report: 18 January 2024

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

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**DUMFRIES AND GALLOWAY LICENSING BOARDS
STEWARTRY 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 0051S</u>	
Name & Address of Applicant or Agent	Gillespie Leisure Ltd Brighthouse Bay Borgue Kirkcudbright DG6 4TS
Name & Address of Premises	Brighthouse Bay Golf & Leisure Club & Shop Borgue Kirkcudbright DG6 4TS
Nature of variation	Change of Designated Premises Manager to Kirsty Roberts
Effective Date of Minor Variation	26 September 2023

<u>Application No. 2 – Ref 0022S</u>	
Name & Address of Applicant or Agent	Ernespie Hotels Ltd 62 Park Road Henley on Thames RG9 1DD
Name & Address of Premises	Ernespie Hotel Ernespie Road Castle Douglas DG7 3JG
Nature of variation	Change of Designated Premises Manager to Shashank Chandra
Effective Date of Minor Variation	28 September 2023

<u>Application No. 3 – Ref 0044S</u>	
Name & Address of Applicant or Agent	The Firm of VRA Partnership 18A Nelson Street Kilmarnock KA1 1BD
Name & Address of Premises	The Birchtree Hotel 1 Maxwell Street Dalbeattie DG5 4AH
Nature of variation	Change of Designated Premises Manager to Stephen Donnan
Effective Date of Minor Variation	4 October 2023

<u>Application No.4 – Ref 0119S</u>	
Name & Address of Applicant or Agent	Blackwater Produce Ltd Strathmore Kendoon St Johns Town of Dalry Castle Douglas DG7 1DX
Name & Address of Premises	Nikos Greek Restaurant 139 King Street Castle Douglas DG7 1DX
Nature of variation	Change of Designated Premises Manager to Samantha Priest
Effective Date of Minor Variation	9 October 2023

<u>Application No. 5 – Ref 0037S</u>	
Name & Address of Applicant or Agent	Scottish Midland Co-operative Society Ltd Hillwood House 2 Harvest Drive Newbridge EH28 8QJ
Name & Address of Premises	Scotmid 129 King Street Castle Douglas DG7 1LX
Nature of variation	Change of Designated Premises Manager to Michaela McQuinn
Effective Date of Minor Variation	26 October 2023

<u>Application No. 6 – Ref 0084S</u>	
Name & Address of Applicant or Agent	Tesco Store Ltd Kestrel Way Shire Park Welwyn Garden City Herts AL7 1TW
Name & Address of Premises	Tesco Store Ernespie Road Castle Douglas DG7 1LD
Nature of variation	Change of Designated Premises Manager to Mark Foley
Effective Date of Minor Variation	27 October 2023

<u>Application No. 7 – Ref 0053S</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Ltd Dept 10227 – Licensing 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 6 St Cuthbert Street Kirkcudbright DG6 4HZ
Nature of variation	Change of Designated Premises Manager to Robert Irving
Effective Date of Minor Variation	27 October 2023

<u>Application No. 8 – Ref 0034S</u>	
Name & Address of Applicant or Agent	Gallagher Property Limited Registered Office 37 George Street Dumfries DG1 1EB
Name & Address of Premises	The Garret 116 High Street Kirkcudbright DG6 4JQ
Nature of variation	Change of Designated Premises Manager to Shirley Jardine
Effective Date of Minor Variation	14 November 2023

<u>Application No. 9 – Ref 0084S</u>	
Name & Address of Applicant or Agent	Tesco Stores Ltd Kestrel Way Shire Park Welwyn Garden City Herts AL7 1TW
Name & Address of Premises	Tesco Ernespie Road Castle Douglas DG7 1LD
Nature of variation	Change of Designated Premises Manager to Leonard McEwan
Effective Date of Minor Variation	20 November 2023

<u>Application No. 10 – Ref 0130S</u>	
Name & Address of Applicant or Agent	New Galloway Community Enterprises Ltd High Street New Galloway DG7 3RN
Name & Address of Premises	New Galloway Community Shop High Street New Galloway DG7 3RN
Nature of variation	Change of Designated Premises Manager to Andrea Smith
Effective Date of Minor Variation	14 December 2023

<u>Application No. 11 – Ref 0037S</u>	
Name & Address of Applicant or Agent	Scottish Midland Co-operative Society Ltd Hillwood House 2 Harvest Drive Newbridge EH28 8QJ
Name & Address of Premises	Scotmid 129 King Street Castle Douglas DG7 1LX
Nature of variation	Change of Designated Premises Manager to Callum Docherty
Effective Date of Minor Variation	9 January 2024

Application No. 12 – Ref 0072S	
Name & Address of Applicant or Agent	Alistair Richard Elder Carminnows Dalry Castle Douglas DG7 3TB
Name & Address of Premises	Ken Bridge Hotel New Galloway DG7 3PR
Nature of variation	Change of Designated Premises Manager to Alistair Richard Elder
Effective Date of Minor Variation	12 January 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

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

Ext: 63353

Date of Report: 18 January 2024

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

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

<u>Application No. 1 – Ref 0018S – SECTION 33</u>	
Name & Address of Applicant or Agent	Phillip Papworth 6 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Name & Address of Transferee or Agent	Laura Burnie 6 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Name & Address of Premises	Clachan Inn 8-10 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Effective Date of Transfer	26 September 2023

<u>Application No. 2 – Ref 0072S – SECTION 33</u>	
Name & Address of Applicant or Agent	David & Susan Paterson Ken Bridge Hotel New Galloway DG7 3PR
Name & Address of Transferee or Agent	Alistair Richard Elder Carminnows Dalry Castle Douglas DG7 3TB
Name & Address of Premises	Ken Bridge Hotel New Galloway DG7 3PR
Effective Date of Transfer	12 January 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

Ext: 63353

Date of Report: 18 January 2024

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
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**DUMFRIES AND GALLOWAY LICENSING BOARDS
STEWARTRY DIVISIONAL LICENSING BOARD**

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: KINGS ARMS HOTEL, HIGH STREET, DALBEATTIE

PREMISES LICENCE HOLDER: RHONA WIXON, KINGS ARMS HOTEL, HIGH STREET, DALBEATTIE

1. Reason for Report

1.1 As this is a major variation application, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 2 October 2023 and detailed in **Appendix 1** to this report.

2. Background

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

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

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 20 October 2023 to Saturday 11 November 2023**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21 day advertising period the applicant must submit to the Board signed Confirmation of Site Notice confirming that the site notice has been displayed in accordance with statutory requirements before the Board may determine the application.

2.5 Signed Confirmation of Site Notice has been received stating that the site notice has been displayed from 20 October to 11 November 2023. The date this confirmation is signed, however, is 15 October 2023 – being a date prior to the display dates (**Appendix 2**)

2.6 In terms of the law, where a Board considers that the site notice has for any reason not been in place for the whole of the 21 day period or has been damaged during that period, it may require the applicant to display the notice for a further 21 day period.

2.7 A preliminary matter therefore is to consider, following reasons given by the applicant in respect of the above at paragraph 2.5, whether the Board wishes the notice to be displayed for a further 21 day period.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 10 November 2023**.

3.2 No Objections have been received

4. Responses

- LSO report: no adverse comments (**Appendix 3**)
- Police Scotland: no adverse comments
- Planning: comments (**Appendix 4**)
- Building Standards: no adverse comments
- Environmental Health: no objections
- SFRS: no objections

5. Determining the application

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

5.2 The Board must consider whether any of the grounds for refusal apply and

- (i) If NO ground of refusal applies, the Board must GRANT the application
- (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

6. Recommendation

Members are asked to:

6.1 consider whether they wish the site notice to be displayed for a further 21 day period;

6.2 If yes, note that the consequence shall be consideration of the application at a future Hearing date and

6.3 if the site notice is not to be displayed for a further 21 day period, then consider all material before it and either GRANT or REFUSE the application.

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries

18 January 2024

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Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Rhona Wixon Kings Arms Hotel High Street Dalbeattie DG5 4HA
Address of Premises	Kings Arms Hotel High Street Dalbeattie DG5 4HA
Nature of Variation	<p><u>Operating Plan</u> Change on-sale hours to Monday to Saturday 11am to 12 midnight (1am for approved functions); Sunday 12noon to 12 midnight (1am for approved functions)</p> <p>Include Restaurant Facilities outwith core hours Include Music outwith core hours Include Dance facilities within core hours Include Indoor/Outdoor Sports within core hours Include Outdoor Drinking outwith core hours</p> <p>Outwith Core Hours information – change to ‘Open prior to 11am for breakfasts, background music is played’</p> <p>Include Any other Activities ‘Takeaways, fundraising events, quizzes’</p> <p><u>Children and Young Persons</u> – change of wording to read: TERMS – Children accompanied by an adult; Young Persons unaccompanied until 10pm thereafter must be accompanied by an adult AGES – 0-17 years TIMES – Non-residents - 10am to 10pm unless attending an organised event, then terminal hour; Residents – all times</p> <p>Increase outdoor capacity to 70 persons</p> <p><u>Layout Plan</u> Change to Layout Plan – addition of larger seating area in outdoor drinking area.</p>
Last Date for Objections/Representations	Friday 10 November 2023

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OFFICIAL

**CONFIRMATION OF SITE NOTICE
LICENSING (SCOTLAND) ACT 2005**

Full name of Applicant/Agent & address (include postcode)	Rhona Wixon Kings Arms Hotel High Street Dalbeattie DG5 4HA
Name & address of premises (include postcode)	Kings Arms Hotel High Street Dalbeattie DG5 4HA

A notice regarding an application for a premises licence or for variation of such a licence is required to be displayed for a period of not less than 21 days. If the Licensing Board is not satisfied that this has taken place, it may order the display of the notice for a further 21 days.

Should the notice without any fault or intention of the applicant be removed, obscured or defaced before the end of the 21 days for which it must be displayed, the applicant must take reasonable steps for its protection and if need be its replacement. If this has happened, the applicant must note it and set out what he or she has done to correct the situation (in the box below).

CONFIRMATION OF DISPLAY OF NOTICE

I (full name of applicant)	RHONA WIXON
confirm that a notice regarding an application for a premises licence/variation of such a licence has been displayed as prescribed for a period of not less than 21 days	
The dates of display being	Friday 20 October 2023 to Saturday 11 November 2023
Applicant's signature	R Wixon
Date	15.10.2023

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR VARIATION OF PREMISES LICENCE
KINGS ARMS HOTEL, HIGH STREET, DALBEATTIE
LICENCE HOLDER: RHONA WIXON**

1. This four bedroom hotel with lounge, public bar, snug and dining room is situated within Dalbeattie town centre.

2. The existing total capacity for the premises is 180 persons made up as follows:-

- public bar – 40
- lounge - 80
- snug – 20
- dining room – 40
- outdoor area – 0 (this capacity was not originally required for the calculation).

2.1 On-sale operating hours are:-

- Monday to Saturday 11am to midnight
- Sunday 12 noon to midnight.

3. The main reason behind the application is to extend the existing outdoor drinking area, increased during Covid. The total capacity of this area is 70 persons thereby increasing the overall capacity to 250.

3.1 I enclose a copy of the plan for ease of reference.

3.2 After discussion with the licence holder, the opportunity was taken to include further amendments to the Operating Plan to ensure full compliance consistent with the current operation of the premises. These include the addition of:-

- 1am for approved functions Monday to Sunday (currently, an Extended Hours application is required to 1am)
- Restaurant facilities outwith core hours (to accommodate breakfasts)
- Music outwith core hours (to accommodate background music)
- Dance facilities within core hours
- Indoor/outdoor sports within core hours
- Takeaways, fundraising events and quizzes.

3.3 The other changes relate to “tidying up” of access for children and young persons, which changes are within the Stewartry licensing policy.

4. The application was advertised on the Board's website page from Friday 20 October 2023. Simultaneously a notice must be displayed at the premises.

4.1 Confirmation of this has been received.

5. I have no adverse comments to make.

Mary Irving
Licensing Standards Officer
9 January 2024

Scale 1:100

ACTIVITY	PUBLIC BUILDING	LOUNGE	DINING	BAR	SALE	OUTDOOR SEATING	OUTDOOR SEATING AREA
ACCUMULATION	<input checked="" type="checkbox"/>						
ASSEMBLY	<input checked="" type="checkbox"/>						
BAR	<input checked="" type="checkbox"/>						
BARBERS	<input checked="" type="checkbox"/>						
BEVERAGES	<input checked="" type="checkbox"/>						
CLUB MEETINGS	<input checked="" type="checkbox"/>						
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Appendix 4**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION OF PREMISES LICENCE
KINGS ARMS HOTEL, HIGH STREET, DALBEATTIE**

I refer to your recent consultation in relation to the above and can confirm that in principle the proposed variation raises no issues from a planning perspective. It is, however, noted that the submitted plans make reference to a larger seating area outside, with elements of both fixed and moveable seating therein. It is unknown whether the fixed seating would be a new addition. If this would be the case, it is recommended that the applicant submits a permitted development enquiry with full details of the fixed seating proposed to planning@dumgal.gov.uk for an assessment of whether planning permission would be required.

Kind regards,

Tracy Carnegie
Development Management Assistant

Development Management
Economy and Resources
Dumfries and Galloway Council
Militia House
English Street
Dumfries
DG1 2HR

Mobile: 07827277254
Email: tracy.carnegie@dumgal.gov.uk
Web: www.dumgal.gov.uk



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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: GGS YARD, LAGGAN, GATEHOUSE OF FLEET, CASTLE DOUGLAS

PREMISES LICENCE HOLDER: GGS YARD, LAGGAN, GATEHOUSE OF FLEET, CASTLE DOUGLAS

1. Reason for Report

1.1 As this is a major variation application, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 5 October 2023 and detailed in **Appendix 1** to this report.

2. Background

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

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

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 20 October 2023 to Saturday 11 November 2023**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 On expiry of the 21 day advertising period the applicant must submit to the Board signed Confirmation of Site Notice before the Board may determine the application.

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 10 November 2023**.

3.2 No Objections have been received

4. Responses

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

5. Determining the application

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

5.2 The Board must consider whether any of the grounds for refusal apply and

- (i) If NO ground of refusal applies, the Board must GRANT the application
- (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

6. Recommendation

Members are asked to either GRANT or REFUSE the application.

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries

18 January 2024

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	GGs Yard Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Address of Premises	GG's Yard Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Nature of Variation	<u>Operating Plan</u> In section 5(f) – Any other activities – add the phrases 'Market Operating Stalls and Trade stand Exhibitions' to the operating plan.
Last Date for Objections/Representations	Friday 10 November 2023

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

**LICENSING (SCOTLAND) ACT 2005 :
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE
GG'S YARD, LAGGAN, GATEHOUSE OF FLEET
LICENCE HOLDER: GG'S YARD, LAGGAN, GATEHOUSE OF FLEET**

1. These premises are a wedding and conference venue set within a 1000 acre estate.
2. An application for Premises Licence was granted on 20 November 2019.
3. The application for major variation seeks to include 'Market Operating Stalls and trade Stand Exhibitions' to the Operating Plan. This would allow activities such as Christmas and Wedding Fayres, ideally suited for these premises.
4. The variation sought is in accordance with the Stewartry Licensing Board's Policy Statement.
5. The application was advertised on the Board's website page from Friday 20 October 2023. Simultaneously a notice must be displayed at the premises.
 - 5.1 Confirmation of this has been received.
6. I have no adverse comments to make.

Mary Irving
Licensing Standards Officer

9 January 2024

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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: GATHER, LAGGAN, GATEHOUSE OF FLEET, CASTLE DOUGLAS

PREMISES LICENCE HOLDER: LAGGAN OUTDOOR LTD, LAGGAN, GATEHOUSE OF FLEET, CASTLE DOUGLAS

1. Reason for Report

1.1 As this is a major variation application, the Board is statutorily obliged to hold a Hearing.

1.2 Members are asked to consider the application received 20 December 2023 and detailed in **Appendix 1** to this report.

2. Background

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

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- Local Community Council
- NHS Dumfries and Galloway
- Neighbours – there were no persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises)

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Friday 22 December 2023 to Saturday 13 January 2024**.

2.3 The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

2.4 Paragraphs 4.1 to 4.3 (inclusive) of the LSO report detailed at Appendix 2 state that the Site Notice was checked by the LSO on 9 January, 2023 at which time it was not on display and that the LSO was advised that it was mistakenly removed whilst temporary works were being carried out and that it was re-instated immediately when requested.

2.5 Where the Board considers that the display Notice has – for any reason – not been in place for the whole 21 day period as stipulated above, then it may require the applicant to display the Notice for a further 21 day period.

2.6 On expiry of the 21 day advertising period the applicant must submit to the Board signed Confirmation of Site Notice.

2.7 At the time of writing this report no signed Confirmation of Site Notice has been received.

2.8 A preliminary issue for the Board is whether or not – after hearing the reasons for non display of the site notice for the full 21 day period - it wishes display of the site notice for a further 21 day period.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 12 January 2024**.

3.2 No Objections have been received

4. Responses

- LSO report: no adverse comments but raising site notice issues (**Appendix 2**)
- Police Scotland: no adverse comments
- Planning: no planning issues
- Building Standards: no adverse comments
- SFRS: no adverse comments

5. Determining the application

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

5.2 The Board must consider whether any of the grounds for refusal apply and

- (i) If NO ground of refusal applies, the Board must GRANT the application
- (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

That the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or

similar description as the subject premises (taking account of the variation), in the locality.

6. Recommendation

6.1 Members are asked to make a determination as to whether or not they wish the Site Notice to be redisplayed for a further 21 day period.

6.2 If it is to be redisplayed, note that this application will call again before the Board at a future Hearing date.

6.3 If it is not to be redisplayed, then either GRANT or REFUSE the application.

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries

18 January 2024

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Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Laggan Outdoor Ltd Gatehouse of Fleet Castle Douglas DG7 2ES
Address of Premises	Gather Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Nature of Variation	<p><u>Operating Plan</u></p> <p>Increased internal capacity by 30, giving new totals of Onsales capacity- 190 (was 160) Capacity breakdown 110 indoors (was 80) Outdoors 80</p> <p>Add Bar Meals within and outwith core hours</p> <p>Children and Young Persons – PARTS – new wording should read ‘Café/Bistro, hallway & toilets, private dinning room and outside seating area and terrace, glass dome and surrounding area’</p> <p><u>Layout Plan</u></p> <p>The addition of the glass dome adjacent to the main building of ‘gather’ as illustrated on the new building drawings supplied with this application.</p>
Last Date for Objections/Representations	Friday 12 January 2024

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR VARIATION OF PREMISES LICENCE
GATHER, LAGGAN, GATEHOUSE OF FLEET
LICENCE HOLDER: LAGGAN OUTDOOR LTD**

1. This restaurant/bistro based at Laggan is set within a 1000 acre estate.
2. The existing total capacity for the premises is 160 persons made up as follows:-
 - indoors - 80
 - outdoors - 80
- 2.1 On-sale operating hours are:-
 - Monday to Sunday 10.30 am to midnight or 1am for approved functions.
3. The application seeks to include a glass dome to the main building. The total capacity of this area is 30 persons thereby increasing the overall capacity to 190.
- 3.1 The inclusion of this area is a lovely addition.
- 3.2 Nineteen Occasional Licences have been granted from 1 April 2023 up to and including 18 February 2024 to cover this area.
- 3.3 I enclose a copy of the plan for ease of reference.
- 3.4 Consequently, a change to the description regarding the parts of the premises which children and young persons are allowed entry is also sought to incorporate the dome.
4. The application was advertised on the Board's website page from Friday 22 December 2023. Simultaneously a notice must be displayed at the premises.
- 4.1 The Notice was checked on 9 January 2023, at which time it was not on display.
- 4.2 I subsequently spoke to the Alistair Cooper, the Designated Premises Manager, who advised it had been on display but was mistakenly removed whilst temporary works were being carried out.
- 4.3 This was re-instated immediately when requested.
5. I have no adverse comments to make.

Mary Irving
Licensing Standards Office
9 January 2024

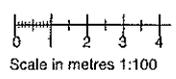
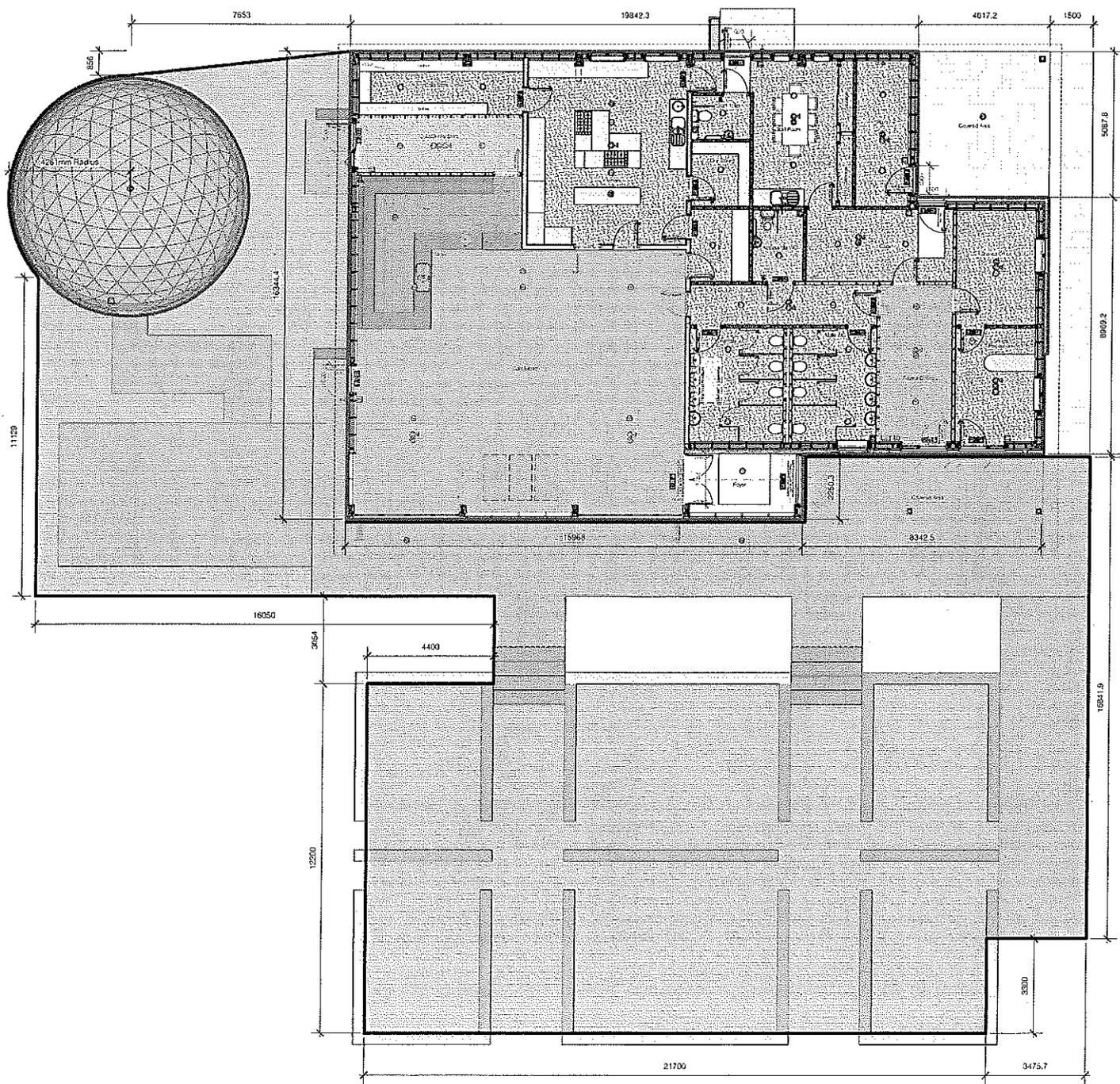
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FIRE SYMBOLS KEY

	Smoke alarm, manual test / battery back-up, interconnected, BS5839 Part 6:2004
	Heat detector, manual test / battery back-up, interconnected, BS 5839 Part 6:2004
	Sounder, BS5839
	Manual Break Glass point, BS EN 54-11:2001
	Fire Alarm Panel
	Emergency lighting as per specification note
	External Emergency lighting as per specification note
	External Emergency lighting as per specification note
	Fire Exit sign & emergency light as per specification note
	Manual fire alarm beacon

- Perimeter Boundary around outdoor area - Total 652m²
- Perimeter Boundary around premises - Total 410m²
- Area to be used for the storage of alcohol
- Area to be used for the display of alcohol
- Area to be used for the consumption of alcohol
The activities highlighted in the operating plan can take place in all areas identified for drinking

Children will have access to all public areas



Site Address: Laggan Outdoor & GG's Yard, Gatehouse of Fleet, DG7 2ES
 Drawing Title: Licence Plan
 Project Type: Replacement Cafe & Hub
 Project Size: A2
 Date: Aug 2023

Drawing No: 190040.McConchie.32AL
 Client: Mr D & Mrs V McConchie

newspace
 ARCHITECTURE

21 The Dairy Barn, West Point, Elyst St Mary, Exeter, EY5 1DJ
 t: 01392 919023
 e: info@newspacearchitecture.com
 w: www.newspacearchitecture.com

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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 74
APPLICATION FOR GRANT OF A PERSONAL LICENCE
APPLICANT: MELISSA MAXWELL**

1. Reason for Report

Following receipt of a letter from Police Scotland advising a relevant offence, the Board is requested to consider whether or not it wishes to hold a Hearing (it is not legally obliged to do so). If it decides to hold a Hearing, then agree whether that Hearing should take place on today's date or, alternatively, at a future Hearing date.

2. Background

2.1 Melissa Maxwell submitted an application for a Personal Licence on 10 October 2023.

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

2.3 The pre-licence conditions that must be met in law before an application can be granted have been met. Namely, that the applicant:

- is aged 18 or over;
- possesses a licensing qualification;
- does not already hold a Personal Licence; and
- has not held a Personal Licence that has previously been revoked within the last five years (other than it being revoked for failure to produce to the Board evidence of renewed Personal Licence Holder training)

3. Police Response

3.1 In terms of Section 73(1) of the Act, a copy of the application was forwarded to the Chief Constable and, within the 21-day statutory timeline, the Chief Constable responded with a Notice in terms of section 73(3)(b) of the Act notifying a relevant offence (**Appendix**).

3.2 As the Chief Constable's Notice does not include a section 73(4) recommendation (namely, that the Chief Constable considers that it is necessary for the purposes of any of the licensing objectives that the personal licence application be refused), the Board may hold a Hearing.

3.3 If the Board decides not to hold a Hearing then it must, in law, grant the application.

3.4 If the Board decides to hold a Hearing, then consider whether it wishes to hold the Hearing today (after considering the views of both the Police and the applicant) or at a future Hearing date.

4. Determining the application

4.1 As democratically elected individuals, ultimate decision making power rests with elected Members and not Council Officers. Whilst Officers can give advice, they cannot

clearly make decisions at Hearings. Ultimately, the Board must come to a lawful decision taking into account the following:

4.2 In terms of Section 74(6) of the Act, the Board must, after having regard to the Chief Constable's Notice:

- (a) if satisfied that a ground of refusal applies, REFUSE the application or
- (b) if not so satisfied, GRANT the application.

4.3 The grounds for refusal are:

- (a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a Personal Licence;
- (b) That it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives (preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health and protecting children and young persons from harm).

5. Recommendation

5.1 Members are asked to determine as a preliminary point whether or not they wish to hold a Hearing given the terms of the Police letter and the views of the applicant.

5.2 If no Hearing is to be held, note that the application must be granted in law.

5.3 If a Hearing is to be held, consider whether it wishes to hold a Hearing today or at a future Hearing date.

5.4 If today, then, after considering all information before it either GRANT or REFUSE the application.

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

Date of Report: 18 January 2024

25th October 2023

Your Ref: DG/S/0507

Our Ref: AR/HJR/764942

Legal and Licensing Manager
Stewartry Divisional Licensing
Kirkbank House
English Street
Dumfries
DG1 2HS



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE DG/S/0507
APPLICANT: MELISSA EARLEY MAXWELL, BORN. 19.09.1990
ADDRESS: 31 HORNEL ROAD, KIRKCUDBRIGHT, DG6 4LH**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, whilst there are no specific objections to the application, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence.

Date	Court	Crime/Offence	Disposal
06.07.2021	Dumfries Sheriff Court	Road Traffic Act 1988 Section 5(1)(A) (driving over limit)	Disqualified for 20 months & Licence Endorsed

Circumstances are that about 2220 hours on 14th June 2021 Police received a report of a Road Traffic Collision outside St Cuthbert's Football Club, Kirkcudbright. The vehicle had made off from the scene and the driver was suspected to be under the influence of alcohol.

Enquiries revealed that the driver of the vehicle was Melissa Maxwell who was traced by Police. Roadside and station procedure was carried out and she was found to be over the prescribed limit. She was arrested and cautioned and charged with a contravention of Section 5(1)(A) of the Road Traffic Act 1988 as detailed above.

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully

John Cairns
T/Chief Superintendent

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

**LICENSING (SCOTLAND) ACT 2005: SECTION 12A
CHIEF CONSTABLE'S ANNUAL REPORT 2022/2023**

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 2022 to 31 March 2023 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 2022 to 31 March 2023 and
- b) any steps the Chief Constable
 - has taken during that year (2022/2023),
 - 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 2022/2023 for the Stewartry Divisional Board and to note its terms.

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

18 January 2024

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Stewarty Licensing Report 2022-2023



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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

Sir Iain Livingstone QPM

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing based at Dalmarnock Police Station, 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.

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 2022/2023, 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.
- 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.

STEWARTRY LICENSING BOARD

The Stewartry 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.

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The Local Area Commander for the Stewartry board area is T/Chief Inspector Emma Dodds who is assisted by Community Policing Inspector Stewart McColm.

Local Police Officers for the Stewartry are located at Castle Douglas Police Station.

All licensing matters within the Stewartry 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 Amy Ritchie.

Within the Stewartry board area there are 112 premise licenses and 216 personal licence holders.

The Stewartry area is a mixed urban and rural area. The night time economy is focused around the towns of Kirkcudbright, Castle Douglas and Dalbeattie. 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 Stewartry 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

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All licensing enquiries within the Stewartry 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.

Throughout the year, officers have attended at licenced 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.

IT'LL COST YOU – PROXY PURCHASE INTIATIVE

In the summer of 2023 Police Scotland launched the 'It'll cost you' proxy purchasing campaign. The initiative is a collaboration between Police Scotland, Local Authorities and alcohol producers and retailers and aims to raise awareness of the damaging effects and criminal nature of buying alcohol for any person under 18 years of age.

Adults who buy alcohol and supply it to any person under 18 years of age may face a fine of up to £5,000 and in some circumstances could also face a prison sentence of up to three months.

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Locally in Dumfries and Galloway we supported this campaign through our social media accounts, community policing interactions with licensees and an engagement and education events.

The collaborative approach aims to reduce the harm caused by the sale or purchase of alcohol to anyone under the age of 18 including health, wellbeing and the number of youth-related offences that occur, particularly during school holidays and weekends. It reflects the joint commitment of all agencies involved to keep young people safe from harm and contributes towards the Licensing Objectives.

YOUR SAFETY MATTERS CAMPAIGN

The Police Scotland 'Your Safety Matters' campaign highlights the Chief Constables commitment to reduce the impact of violence and to improve the safety of our officers and staff. Across the country officers regularly find themselves being assaulted or abused by individuals, where it is evident alcohol consumption has contributed towards this unacceptable behaviour.

Within Dumfries and Galloway, this pledge was developed further by Chief Inspector Stephen Bell and our partners from Dumfries and Galloway emergency and front line services including, NHS Dumfries and Galloway, Scottish Ambulance Service, Scottish Fire and Rescue Service, Scottish Prison Service, Dumfries and Galloway Council. It highlights that nobody should be subjects to such behaviour as 'part of their job'. March 2022 saw the launch of enhanced training and staff awareness sessions alongside a poster campaign, pop up event, a radio campaign and social media messaging across the region.

This pledge and multiagency collaboration is vital moving forward to support our staff and the wider community of emergency and front line responders and raise public awareness.

ANTI - SPIKING INITIATIVE

Spiking is regularly reported via national news broadcasters and locally in Dumfries and Galloway there are robust investigative processes in place in the event of a suspected spiking report being received.

Focussing on prevention and awareness, community policing officers have an established relationship with the Spike Aware UK Charity. Representative of the Charity attended the Youth Beatz festival in 2022 to raise awareness and demonstrate some of the tools that can be used to protect a drink within a licensed premise. Local premises also actively advertise these methods via posters and security personnel.

GAMBLING RELATED HARM PROJECT

In Scotland, there are around 30,000 problem gamblers with a further 180,000 individuals classified as being at-risk of problem gambling (Scottish Health Survey).

Gambling can impact an individual in many ways including debt, bankruptcy, loss of employment, family breakdown, crime, homelessness, physical and mental health

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issues and tragically, suicide. Police Scotland is currently carrying out a gambling related harm pilot in relation to measuring the impact of gambling and the harm it can cause for an individual and the wider community.

As part of this, a data collection pilot is being carried out within Dumfries & Galloway and Renfrewshire & Inverclyde. The purpose of the pilot is to obtain up to date and accurate data, test areas of police business for demand and process and finally to identify and test types of awareness and supporting material

Part of this work includes a proactive awareness phase and the use of self-help guides for individuals. Police have work with the local authority licensing officers and delivered a number of these guides to licensed premises and interacted with licensees to gauge their understanding of gambling at fix machines within their premises.

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.

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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 STEWARTRY AREA

With us well into the recovery from the Coronavirus pandemic the previous operating restrictions under the Coronavirus regulations has now ceased.

The below figures represent all incidents that can be linked to licensed premises. The latest yearly figures show an encouraging trend that there has been a reduction in total number of incidents on going back to normal operating practices. The total crimes for 2022/2023 have also been broken down into crime type.

	2019/20	2020/21	2021/22	2022/23
Crimes specifically linked to licensed premises	96	39	46	33

Crime type breakdown	Number
Assault	13
Assault (drugging)	2
Licensing Offences	1
Resist Arrest/ Obstruction	2
Threatening/ Abusive behaviour	8
Serious Assault	1
Sexual Offences	5
Offences Involving Weapons	1

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.

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.

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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 2022/2023 it was not necessary to bring any Licence holder or premises to the Stewartry Licensing board for review of to introduce any formal intervention work with any premises within the area.

The above detailed 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 officers 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.

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

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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 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 licensees and designated premise managers to achieve their own responsibilities.

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.

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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 the Knockengoroch 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 2023/2024.

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