

Public Document Pack

WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Wednesday 12th June 2024
at 2.00 pm - this meeting will be held online.

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

VLAD VALIENTE
Clerk to the Licensing Board

Wigtown Divisional Licensing Board

Meeting of Wednesday 12th June 2024
at 2.00 pm - this meeting will be held online.

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF PREVIOUS MEETING 13 MARCH 2024** 3 - 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: Thursday 12 September 2024

WIGTOWN DIVISIONAL LICENSING BOARD

**Minute of Meeting of Wednesday 13 March 2024
at 10.30am – online 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

APOLOGIES

Jackie McCamon	-	Mid Galloway and Wigtown West
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IN ATTENDANCE

Julia Farroll	-	Licensing Standards Officer
Acting Sergeant Anna Parker	-	Police Scotland
Sergeant Amy Ritchie	-	Police Scotland
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 apology. The Convener approved Members' remote participation at the Hearing.

2. **DECLARATIONS OF INTEREST**

NONE

3. **MINUTE OF MEETING OF 11 DECEMBER 2023**

Decision

AGREED

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

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 30 November 2023 until 4 March 2024:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 43

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 1

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 11

Extended Hours

Total number issued 5

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

Decision

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

6. 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 applications in **APPENDIX 2** were granted under delegated powers.

7. LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE – LODGE STRANRAER KILWINNING NO 208 MASONIC CLUB - REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED that the application in **APPENDIX 3** was granted under delegated powers.

8. LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE – A & R MCCULLOCH & SONS - REPORT BY THE CLERK TO THE BOARDS

Decision

NOTED that the application in **APPENDIX 4** was granted under delegated powers.

9. LICENSING (SCOTLAND) ACT 2005: SECTION83(7)A PERSONAL LICENCE HOLDER: MICHELLE OFFORD - REPORT BY THE CLERK TO THE BOARDS

Decision

AGREED

9.1 to hold a hearing; and

9.2 to **DEFER** this item to a future date to enable Police Scotland to obtain further information in respect of the conviction from their colleagues in England.

10. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – ALDOURAN LOUNGE, DRUMLOCHART CARAVAN PARK, LESWALT - REPORT BY THE CLERK TO THE BOARDS

Decision

Having heard from the Licensing Standards Officer and the applicant's representative, Robert Stevenson, the Board **AGREED** to **GRANT** the application as detailed in **APPENDIX 5**.

APPENDIX 1

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

<u>Application No. 1 – 214W</u>	
Name & Address of Applicant or Agent	Philip Holmes 27 Murrayfield Terrace Bannockburn Stirling FK7 8NG
Name & Address of Premises	The Portpatrick Brewery 24 Main Street Kirkcolm DG9 0NN
Nature of variation	Change of address of DPM
Effective Date of Minor Variation	13 December 2023

<u>Application No. 2 – 41W</u>	
Name & Address of Applicant or Agent	Wigtownshire County Golf Club 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 Lindsay Maclean
Effective Date of Minor Variation	13 December 2023

APPENDIX 1 cont'd

<u>Application No. 3 – 86W</u>	
Name & Address of Applicant or Agent	Penny Petroleum (Scotland) Limited Old Station House Powburn Alnwick Northumberland NE66 4HU
Name & Address of Premises	Penny Petroleum - Inch Services Inch Services Castle Kennedy DG9 8RY
Nature of variation	Change of DPM to Kathleen McKie
Effective Date of Minor Variation	20 December 2023

<u>Application No. 4 – 56W</u>	
Name & Address of Applicant or Agent	Sainsbury's SL Limited 33 Holborn London EC1N 2HT
Name & Address of Premises	Sainsbury's Supermarket Goods Lane Newton Stewart DG8 6EH
Nature of variation	Change of DPM to Ryan McCall Heron
Effective Date of Minor Variation	12 January 2024

<u>Application No. 5 – 35W</u>	
Name & Address of Applicant or Agent	Summermist Limited Fourth Floor 78 St James's Street London SW1A 1JB
Name & Address of Premises	Portpatrick Hotel Heugh Road Portpatrick Stranraer DG9 8TQ
Nature of variation	Change of DPM to Gaylelouise Lochery
Effective Date of Minor Variation	22 January 2024

APPENDIX 1 cont'd

<u>Application No. 6 – 62W</u>	
Name & Address of Applicant or Agent	Steam Packet Hotel Company Limited Tonderghie House Whithorn Newton Stewart DG8 8HZ
Name & Address of Premises	Steam Packet Hotel Harbour Row Isle of Whithorn Newton Stewart DG8 8LL
Nature of variation	Change of DPM to Alastair Scoular
Effective Date of Minor Variation	25 January 2024

<u>Application No. 7 – 116W</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 30 North Main Street Wigtown DG8 9HJ
Nature of variation	Change of DPM to David McCulloch
Effective Date of Minor Variation	6 February 2024

<u>Application No. 8 – 9W</u>	
Name & Address of Applicant or Agent	McCulloch Stores Limited 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	McCulloch Stores 109 Fairhurst Road Stranraer DG9 7QA
Nature of variation	Appointment of DPM Alexis McCulloch
Effective Date of Minor Variation	19 February 2024

APPENDIX 2

APPLICATIONS FOR TRANSFER OF PREMISES LICENCES GRANTED UNDER DELEGATED AUTHORITY

<u>Application No 1 – Ref 124W – SECTION 33</u>	
Name & Address of Applicant or Agent	Connors Restaurant 1 South Crescent Portpatrick DG9 8JR
Name & Address of Transferee or Agent	Richard Gardiner 65 Cameron Street Dunfermline KY12 8DP
Name & Address of Premises	Connors 1 South Crescent Portpatrick DG9 8JR
Effective Date of Transfer	8 February 2024

<u>Application No 2 – Ref 35W – SECTION 33</u>	
Name & Address of Applicant or Agent	Summermist Limited Fourth Floor 78 St James's Street London SW1A 1JB
Name & Address of Transferee or Agent	Seacare Compass Portpatrick Ltd Ground Floor 4 Broadgate Oldham Broadway Business Park Chadderton Oldham OL9 9XA
Name & Address of Premises	Portpatrick Hotel Heugh Road Portpatrick Stranraer DG9 8TQ
Effective Date of Transfer	12 February 2024

APPENDIX 2 cont'd

Application No 3 – Ref 38W – SECTION 33	
Name & Address of Applicant or Agent	Charles A Dutton & Fiona M Dutton Merchants House Main Street Cairnryan DG9 8QX
Name & Address of Transferee or Agent	Fiona Mary Dutton The Merchants House Main Street Cairnryan Stranraer DG9 8QX
Name & Address of Premises	Merchants House Main Street Cairnryan DG9 8QX
Effective Date of Transfer	8 February 2024

APPENDIX 3

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

<u>Ref 0142W</u>	
Name & Address of Licence Holder	Lodge Stranraer Kilwinning No. 208 Masonic Club Masonic Hall Sun Street Stranraer DG9 7JL
Name & Address of Premises	Lodge Stranraer Kilwinning No. 208 Masonic Club Masonic Hall Sun Street Stranraer DG9 7JL
Date Licence Surrendered	11 January 2024

APPENDIX 4

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

<u>Ref 0189W</u>	
Name & Address of Licence Holder	Alexis McCulloch 17 Nursery Avenue Stranraer DG9 0BS
Name & Address of Premises	A & R McCulloch & Sons 118 John Simpson Drive Stranraer DG9 7PW
Date Licence Surrendered	19 February 2024

Application for Variation of Premises Licence

<p>Applicant</p>	<p>Drumlochard Holiday Park Ltd Ardmillan Castle Holiday Park Ltd Ardmillan Castle Holiday Park Girvan KA26 0HP</p>
<p>Address of Premises</p>	<p>Aldouran Lounge Drumlochard Caravan Park Leswalt Stranraer DG9 0RN</p>
<p>Nature of Variation</p>	<p><u>Variation to Operating Plan</u></p> <p><u>(2) Change of core hours to:</u></p> <ul style="list-style-type: none"> • Monday to Wednesday 11am to 12.30am • Thursday to Saturday 11am to 1am • Sunday 12.30pm to 1am <p>(3) Add off-sales Monday to Sunday 11am to 10pm</p> <p>(4) Remove seasonal operating months March – October as premises open all year round</p> <p>(4) Add festive on-sale hours 24, 25, 26, 31 December and 1 January to 2am</p> <p><u>Add the following within core hours:</u></p> <ul style="list-style-type: none"> • Club/group meetings (5b) • Dance (5c) • Indoor/outdoor sport (5c) • Televised sport (5c) • Outdoor drinking (5d) <p><u>(5f) Any other activities</u> – replace current activities with: “Quiz, charity and fun events, fancy dress nights, hot & cold bar snacks”</p> <p><u>Children and Young Persons</u> (6d) Change times for admittance to “All times” (6e) Change parts for admittance to “All public parts”</p> <p>(7) Add Outdoor capacity – 56 persons (no change to indoor capacity)</p> <p><u>Variation to Layout Plan</u> Addition of 2 outdoor drinking areas – capacity 56 persons</p>
<p>Last Date for Objections/Representations</p>	<p>Thursday 29 February 2024</p>

**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 5 March 2024 to 3 June 2024 the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 84

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 10

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 9

Extended Hours

Total number issued 3

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 63363

Date of Report: 4 June 2024

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

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**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 – 38W</u>	
Name & Address of Applicant or Agent	Fiona Mary Dutton The Merchants House Main Street Cairnryan DG9 8QX
Name & Address of Premises	Merchants House Main Street Cairnryan DG9 8QX
Nature of variation	Change of DPM to Fiona Dutton
Effective Date of Minor Variation	15 March 2024

<u>Application No. 2 – 143W</u>	
Name & Address of Applicant or Agent	Wigtownshire Rugby Football Club Clubhouse Ladies Walk Stranraer DG9 8BN
Name & Address of Premises	Wigtownshire Rugby Football Club Ladies Walk Stranraer DG9 8BN
Nature of variation	Appointment of new DPM Lisa Arkless
Effective Date of Minor Variation	21 March 2024

<u>Application No. 3 – 126W</u>	
Name & Address of Applicant or Agent	Wm Morrison Supermarkets Limited Per Gosschalks LLP 61 Queens Gardens Hull HU1 3DZ
Name & Address of Premises	Morrisons London Road Stranraer DG9 8ES
Nature of variation	Change in layout – no change to size, layout, location or capacity of alcohol display area.
Effective Date of Minor Variation	27 March 2024

<u>Application No. 4 – 56W</u>	
Name & Address of Applicant or Agent	Sainsbury's SL Limited 33 Holburn London EC1N 2HT
Name & Address of Premises	Sainsbury's Supermarket Goods Lane Newton Stewart DG8 6EH
Nature of variation	Reconfiguration of layout to include an increase in size of kiosk tobacco gantries to allow relocation of vaping and e-cig products. No change in alcohol display capacity.
Effective Date of Minor Variation	17 April 2024

<u>Application No. 5 – 12W</u>	
Name & Address of Applicant or Agent	Ross Williams 21 Bayview Road Stranraer DG9 8BB
Name & Address of Premises	The Waterfront Hotel 7 North Crescent Portpatrick DG9 8SX
Nature of variation	Change of DPM to Ross Williams
Effective Date of Minor Variation	18 April 2024

<u>Application No. 6 – 0063W</u>	
Name & Address of Applicant or Agent	David Ibbotson The Granary Mid Kelton Castle Douglas DG7 1SG
Name & Address of Premises	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Nature of variation	Change of DPM to Sean Thorley
Effective Date of Minor Variation	19 April 2024

<u>Application No. 7 – 6W</u>	
Name & Address of Applicant	Iain A W Gillespie Claremont Thornbank Road Stranraer DG9 0EY
Name & Address of Premises	John Gillespie & Sons Ltd 20 Main Street Portpatrick DG9 8JL
Nature of variation	Change of DPM to Iona McGeachie
Effective Date of Minor Variation	27 May 2024

<u>Application No. 8 – 41W</u>	
Name & Address of Applicant	Wigtownshire County Golf Club Mains of Park Glenluce DG8 0NN
Name & Address of Premises	Wigtownshire County Golf Club Mains of Park Glenluce Newton Stewart DG8 0NN
Nature of variation	Change of DPM to Amy Fairhurst
Effective Date of Minor Variation	27 May 2024

Agenda Item 5

PUBLIC

Aideen Sloan
Senior Licensing Officer
Licensing

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

Ext: 63363

Date of Report: 4 June 2024

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

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

<u>Application No 1 – Ref 12W – SECTION 33</u>	
Name & Address of Applicant or Agent	Adrian Richard Evans The Stables Torrs Warren Hotel Greyhill Road Stoneykirk Stranraer DG9 9DH
Name & Address of Transferee or Agent	Ross Williams 21 Bayview Road Stranraer DG9 8BB
Name & Address of Premises	The Waterfront Hotel 7 North Crescent Portpatrick DG9 8SX
Effective Date of Transfer	12 April 2024

<u>Application No 2 – Ref 135W – SECTION 33</u>	
Name & Address of Applicant or Agent	Dark Sky Park Limited T/A House O’Hill Hotel House O’Hill Hotel Bargrennan Newton Stewart Wigtownshire DG8 6RN
Name & Address of Transferee or Agent	Stephen Laing The Hoose House O’Hill Bargrennan Newton Stewart DG8 6RN
Name & Address of Premises	House O’Hill Hotel Bargrennan Newton Stewart DG8 6RN
Effective Date of Transfer	29 April 2024

<u>Application No 3 – Ref 63W – SECTION 33</u>	
Name & Address of Applicant or Agent	David Ibbotson The Granary Mid Kelton Castle Douglas DG7 1SG
Name & Address of Transferee or Agent	Knockinaam Hotel and Lodges Limited Knockinaam Lodge Hotel & Restaurant Portpatrick Stranraer DG9 9AD
Name & Address of Premises	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Effective Date of Transfer	10 May 2024

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 63363

Date of Report: 4 June 2024

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

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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 83(7A)
PERSONAL LICENCE HOLDER: MICHELLE OFFORD**

1. Reason for Report

To consider a personal licence review following deferral from an earlier 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 On 26 October 2023, the Chief Constable, in terms of his power under section 83 (4)(b) to the Act, submitted to the Board a notice advising that Michelle Offord has been convicted of a relevant offence (**Appendix 1**).

2.3 The Board used its discretionary power and held a Hearing on 13 March 2024 to consider the matter.

2.4 At this Hearing, and having heard from all parties, Members deferred consideration of the matter to a future Hearing date to enable Police Scotland to obtain further information in respect of the conviction from their colleagues in England.

2.5 Police Scotland have now provided an updated letter with more information (**Appendix 2**).

2.6 Options available to the Board

The Licensing Board *may*

- having regard to the conviction, and
- after giving the licence holder concerned, and the chief constable 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

(i) revoking,

(ii) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or

(iii) endorsing,

the personal licence held by the licence holder concerned.

2.7 It is also open to the Board to take no action.

2.8 However, where the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board *must* make an order revoking the licence.

3. Recommendations

3.1 Members are asked to decide whether they wish to:

3.2 make an order

> revoking the licence;

> suspending the licence (maximum 6 month period); or

> endorsing the licence; or

3.3 make no order and therefore take no action; and

3.4 if a determination is made that the licence holder is not a fit and proper person to be the holder of a licence then in law the licence must be revoked.

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

4 June 2024

OFFICIAL SENSITIVE: POLICE AND PARTNERS**APPENDIX 1**

26 October 2023

Your Ref: DG/W/0590

Our Ref: AR/COS

Legal and Licensing Manager
 Wigtown Divisional Licensing
 Kirkbank
 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 - PERSONAL LICENCE HOLDER DUTY
 TO NOTIFY LICENSING BOARD OF CONVICTIONS
 MICHELLE OFFORD, 06/09/1972
 FISHERMANS COTTAGE, GRIMSHAW TERRACE, CREETOWN, DG8 7BY.**

I refer to the above and your correspondence. In terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that MICHELLE OFFORD has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
10/10/2023	South Northumbria Magistrates	Driving a Vehicle with Excess Alcohol	Guilty – bailed to reappear on 24/11/2023

As this offence was committed out with Police Scotland I am unable to furnish any further details relating to this conviction.

In terms of Section 83(5)(a)&(b) of the Licensing (Scotland) Act 2005, and having regard to the crime prevention and securing public safety objectives, Police Scotland recommends that the Licensing Board take appropriate action regards Ms Offord's personal license status.

Yours faithfully

John Cairns
 T/Chief Superintendent

OFFICIAL SENSITIVE: POLICE AND PARTNERS

OFFICIAL SENSITIVE: POLICE AND PARTNERS

OFFICIAL SENSITIVE: POLICE AND PARTNERS**APPENDIX 2**

4 April 2024

Your Ref: DG/W/0590

Our Ref: AR/COS

Democratic Services Manager
 Wigtown Divisional Licensing
 Kirkbank
 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 - PERSONAL LICENCE HOLDER DUTY
 TO NOTIFY LICENSING BOARD OF CONVICTIONS
 MICHELLE OFFORD, 06/09/1972
 FISHERMANS COTTAGE, GRIMSHAW TERRACE, CREETOWN, DG8 7BY.**

In response to your request for an updated report following the Wigtownshire Board Hearing held on 13 March 2024 in regards of the below conviction I can advise that the following information has been received from Northumbria Constabulary.

Date	Court	Crime/Offence	Disposal
10/10/2023	South Northumbria Magistrates	Driving a Vehicle with Excess Alcohol	Fine £533, Costs £85, Disqualified from driving 15 months

Michelle Offord was arrested in the Northumbria Constabulary force area following a report of a female being slumped behind the wheel of a vehicle. Upon officer attendance Michelle Offord was traced and there was a strong smell of alcohol detected. Michelle Offord appeared very impaired through the effects of alcohol and the keys were in the ignition. Michelle Offord was subsequently arrested for being unfit to drive a motor vehicle and whilst in custody produced a reading of 104ug/100ml of breath.

When in court Michelle Offord received an obligatory but reduced disqualification due to the very short distance she drove whilst under the influence and disqualified from holding a license for 15 months.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

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.

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: CALLUM SCOTT**

1. Reason for Report

As the Board has received a section 84A report from the Chief Constable it must, in law, hold a Hearing.

2. Background

2.1 On 6 May 2024, the Chief Constable, in terms of his power under section 84A of the Act, submitted to the Board a report alleging that Callum Scott, the holder of a personal licence, has acted in a manner that is inconsistent with the licensing objectives (1) Preventing Crime and Disorder, (2) Securing Public Safety and (3) Preventing Public Nuisance (**Appendix 1**).

2.2 In response to the Police letter, Callum Scott has submitted a written statement (**Appendix 2**).

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

3. Determination

3.1 At its Hearing the Board may, after giving

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

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

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

4. Recommendations

4.1 Members are asked to consider whether they wish to:

- revoke;
- suspend; or
- endorse the licence or
- take no action; and

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

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
Dumfries

4 June 2024

OFFICIAL SENSITIVE: POLICE AND PARTNERS**APPENDIX 1**

06 May 2024

Your Ref: DG/W/0718

Our Ref:

Clerk of the Board
Wigtown Divisional Licensing
Kirkbank
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 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: CALLUM JAMES SCOTT
INCHYRA, ROWAN'S HILL CRESCENT, STRANRAER, DG9 0HL
LICENCE NO: DG/W/0718**

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

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

Mr Scott holds a personal licence issued by Wigtownshire Licensing Board on the 22 September 2021, which is due to expire on 21 September 2031. At the time of the incident being reported he worked within the Bar Pazzarello, Stranraer.

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

About 0005 hours on Saturday 4 May 2024, CCTV operatives have made officers aware of an assault that had taken place outside the Bar Pazzarello. Mr Scott was observed on CCTV to exit the premises in an irate manner, pointing a finger at a member of the public. As he approaches the member of the public he is assaulted by this person who then leaves the area and the Police arrive a short time thereafter to establish the circumstances.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

On police arrival Mr Scott refused to engage stating he had not been assaulted and that he had simply been defending his staff. At the time Mr Scott was asked who was in charge of the premises and he identified himself, he was also wearing a staff uniform. He refused to engage with officers and was in an agitated state.

Police raised concerns with Mr Scott regarding his being in charge of the premises as officers believed him to be under the influence of alcohol due to his demeanour and the distinct smell of alcohol emanating from his breath. Mr Scott immediately became hostile and aggressive, shouting and swearing at officers. Mr Scott repeatedly refused to listen and made several attempts to leave the area. Despite being advised to calm down and desist Mr Scott continued to be verbally abusive and as such was arrested under the Criminal Justice and Licensing (Scotland) Act 2010 Section 38, for Threatening and Abusive Behaviour.

After being arrested Mr Scott resisted by pulling his arms away, grabbing at the officers' handcuffs and body armour which led to him being taken to the ground. Once on the ground Mr Scott again tried to take possession of the handcuffs and pull his arms away. When being led to the police van, he continued to shout and swear at officers.

Mr Scott was taken to Stranraer Police Station where he was also charged with Licensing (Scotland) Act 2005 Sect 114, Licence Holder Drunk on Relevant Premises and Resist Arrest.

Police Scotland are committed to maximising the safety of our communities and minimising the risk to our officers. Having completed the necessary training to apply for and be granted a personal licence Mr Scott would be well aware of his requirement to adhere to the licensing objectives and co-operate with Police Scotland's enquiries. The behaviour shown falls far below that which could be reasonably expected of licence holder working at one of the busier premises within Stranraer.

It is the Chief Constable's view that the Board should consider all options open to them under Sect 84(7) or 84(7A) of the Act.

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

Signed:

John Cairns
T/Chief Superintendent

The following information is provided for the board's consideration
Callum Scotts personal licence review statement

About 00.05 on Saturday 4th May 2024 Courtney Davies who was working at the front door refused a group of boys entry as they were being verbally abusive towards her. I finished my shift at 22.00 hrs and I stayed out to have a few drinks as I was going away to Lanzarote on holiday the next day, the door steward Mark was upstairs dealing with an issue in the toilets so I went outside and told the lads they were not getting in and to move on as they were not gaining entry to the building and the police were about tonight. Someone at this point has tried to swing for me and it led to a bit of commotion outside and the police then arrived, the police officer I felt was trying to pressurise me into giving a statement against a well known individual to them, I told him I wasn't giving a statement as I didn't think it was much of an issue and I don't think he was very pleased with me as I just wanted to go back into the bar and continue with my evening. The police officer then kept going on about giving a statement I said again I didn't think it was a big deal and didn't want to press charges and tried to walk away, then I was grabbed and took up the alleyway beside the bar by the policeman who I thought was being heavy handed with me. In the alleyway I was forced to the ground and handcuffed to which I was very unhappy and aggrieved with as I felt I had done nothing wrong apart from not giving a statement against the person who had allegedly assaulted me.

I never told any officer at any time that I was on duty and in charge of the bar, I told them I finished at 10 and that my dad would be in later and he was in charge. I have worked in Bar Pazz for 7 years and worked my way up to help run our family business, I understand my obligations as a personal licence holder when I am working in bar but I was off duty at the time of the incident, I did have a few drinks but felt I had done nothing wrong outside to justify being arrested and treated so harshly.

Thanks

Callum Scott

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

LICENSING (SCOTLAND) ACT 2005 (THE ACT)

PREMISES LICENCE REVIEW (SECTION 36)

PREMISES: COCK INN, AUCHENMALG, GLENLUCE, NEWTON STEWART DG8 0JT

PREMISES LICENCE HOLDER: KATHRYN HUMPHRIES

1. Reason for Report

As the Board has received a premises licence review application and the Convener has determined that the application should not be rejected on the grounds that it is vexatious, frivolous or does not disclose any matter relevant to any ground for review, the Board must hold a Hearing in law.

2. Background

2.1 On 8 May 2024, the Licensing Standards Officer submitted a request for review of a premises licence in respect of the above named premises (**Appendix 1**).

2.2 Ground for review

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

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

2.3 Said section 14 notice was issued 4 April 2024 on the licence holder by the Licensing Standards Officer and is detailed at **Appendix 2**.

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

- 29 August 2023 and
- 29 November 2023 (**Appendix 3**)

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

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

3. Determination

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

3.2. Board's Powers on Review

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

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

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

3.4 The above steps take immediate effect.

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

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

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

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

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

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

4. Recommendations

4.1 Members are asked to consider whether:

- (i) a ground for review exists;
- (ii) if a ground for review is established, which discretionary steps (if any) it wishes to take as per paragraphs 3.3 and 3.5 above;
- (iii) if a ground for review is established consider whether, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a licence (in which case the Board must revoke the licence)

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

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

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

4 June 2024

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APPENDIX 1

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

8 May 2024

Clerk to the Board
Wigtown Divisional Licensing Board
Kirkbank House
English Street
Dumfries DG1 2HS

Dear Clerk to the Board

LICENSING (SCOTLAND) ACT 2005
PREMISES: COCK INN, AUCHENMALG, GLENLUCE DG8 0JT
LICENCE HOLDER: KATHRYN HUMPHRIES

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

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

Payment of annual or recurring fees

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

I confirm that a Notice in terms of Section 14 (2)(a)(i) was served on the licence holder on 4 April 2024 requiring full payment of £220 for the 2023/24 annual fee by 11am on Friday 12 April 2024. The Notice has not been complied with.

The following background information is submitted for your information:

- The premises are open and currently selling alcohol.
- 29 August 2023 - letter requesting payment of 2023/24 annual fee was sent to the licence holder at her home address. This letter set out various options to pay.
- 29 November 2023 – reminder letter was sent to licence holder's home address.

- 1 March 2024 – I emailed licence holder with a further copy of the reminder letter. The licence holder replied saying she would resolve the matter.
- 18 March 2024 – I sent a reminder email to the licence holder.
- 27 March 2024 – telephone call with licence holder who confirmed she had sent a cheque in payment of the fee. No cheque was received.
- 4 April 2024 – Section 14 compliance notice emailed and hand delivered to licence holder at the premises. Discussed the missing cheque and she confirmed she would send another.
- 25 April 2024 – telephone call with licence holder. She confirmed she would contact Dumfries Office. No contact was made.

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

Yours sincerely

Julia Farroll
Licensing Standards Officer

LICENSING (SCOTLAND) ACT 2005 COMPLIANCE NOTICE UNDER SECTION 14

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

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

Premises Licence Holder & Licence No:	Kathryn Humphries – 069W
Premises Subject to Notice:	Cock Inn Auchenmalg Glenluce Newton Stewart DG8 0JT
Date Issued:	4 April 2024
Premises Manager Details:	Kathryn Humphries
Details to Whom Issued:	Hand delivered to Cock Inn, Auchenmalg, Glenluce, on 4 April 2024 Emailed to katyturner30@yahoo.co.uk on 4 April 2024
Details of Breach of Condition and Remedy <i>Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice. *</i>	
<p>(1) Breach of Mandatory Condition 10: payment of annual recurring fees (2) Remedy : Annual Fee 2023/24 to be paid in full (£220). Failure to pay the amount of £220 by 11am on Friday 12 April 2024 will result in a Premises Licence Review application being submitted to the Wigtown Divisional Licensing Board.</p>	
REQUIREMENT TO COMPLY	
(1)	By 11am on Friday 12 April 2024 (telephone 01776 888428 or 01387 245903 to make card payment)
Licensing Standards Officer (Print Name & Signature)	
Julia Farroll	XXXXXXXXXXXXXXXXXXXX <i>Julia Farroll</i>

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

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Your Ref:
Our Ref: 0069W
29 November 2023

Kathryn Humphries
22 Honeywood Avenue
Bamber Bridge
Preston
PR5 6DS

Licensing

Wigtown Divisional Licensing Board
Council Offices,
Kirkbank House
English Street
Dumfries, DG1 2HS

Any enquiries please contact

Licensing

Direct Dial 01387 245903
E-mail Licensing@dumgal.gov.uk

Dear Sirs

**LICENSING (SCOTLAND) ACT 2005
ANNUAL FEE 2023/24 – DUE 1 OCTOBER 2023
PREMISES: COCK INN, AUCHENMALG, GLENLUCE, NEWTON STEWART DG8 0JT**

I wrote to you recently reminding you that in accordance with Regulation 9 of the Licensing (Fees)(Scotland) Regulations 2007, that the annual fee for the premises referred to above is 220 and was due for payment on or before 1 October 2023. Please note that Rateable Values for premises were reassessed as of 1 April 2023. This may have changed which category of annual fee payment you fall under.

As I have not yet received the payment, I would be grateful if you could now arrange for this to be made.

The annual fees may be paid by one of the following ways:-

- Online Payment – you can make an online payment via the link below or at www.dumgal.gov.uk using search 'online payments', 'Licensing- Premises Licence Annual Fees' and then click on the area relevant to your premises <https://ip.e-paycapita.com/AIP/itemSelectionPage.do?link=showItemSelectionPage&siteId=131&languageCode=EN&source=AIP>
- In Full – by cheque (made payable to Dumfries and Galloway Council) or debit or Credit Card. We will not be accepting cash payments at this time.
- On Invoice – you must contact the Licensing Office at Licensing@dumgal.gov.uk to arrange for an invoice to be issued to you before payment is made. Please do not make payment by BACS payment without asking for an invoice to be issued. This allows us to match your payment.

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

Yours faithfully

XXXX

Clerk to the Licensing Board

Your Ref:
Our Ref: 0069W
29 August 2023

Kathryn Humphries
22 Honeywood Avenue
Bamber Bridge
Preston
PR5 6DS

Licensing
Wigtown Divisional Licensing Board
Council Offices,
Kirkbank House
English Street
Dumfries, DG1 2HS

Any enquiries please contact
Licensing
Direct Dial 01387 245903
E-mail Licensing@dumgal.gov.uk

Dear Sirs

**LICENSING (SCOTLAND) ACT 2005
ANNUAL FEE 2023/24 – DUE 1 OCTOBER 2023
PREMISES: COCK INN, AUCHENMALG, GLENLUCE, NEWTON STEWART DG8 0JT**

I am writing to give you notice in accordance with Regulation 9 of the Licensing (Fees)(Scotland) Regulations 2007, that the annual fee for the premises referred to above is £220 and is due for payment on or before 1 October 2023. Please note that Rateable Values for premises were reassessed as of 1 April 2023. This may have changed which category of annual fee payment you fall under.

The annual fees may be paid by one of the following ways:-

- Online Payment – you can make an online payment via the link below or at www.dumgal.gov.uk using search 'online payments', 'Licensing- Premises Licence Annual Fees' and then click on the area relevant to your premises <https://ip.e-paycapita.com/AIP/itemSelectionPage.do?link=showItemSelectionPage&siteId=131&languageCode=EN&source=AIP>
- In Full – by cheque (made payable to Dumfries and Galloway Council) or debit or Credit Card on or before 1 October 2023. We will not be accepting cash payments at this time.
- By direct debit – in 4 or 12 instalments over the course of the year. If you currently pay by direct debit, this will continue unless you advise me otherwise. If you do not pay by direct debit but would wish to do so, please contact the Licensing office at Licensing@dumgal.gov.uk to request a direct debit mandate form. It would be helpful to provide the email address where you would wish the invoices sent. If you currently pay by Direct debit but choose a different payment option this year, please inform us in order that we cancel your current direct debit arrangement.
- On Invoice – you must contact the Licensing Office at Licensing@dumgal.gov.uk to arrange for an invoice to be issued to you before payment is made. Please do not make payment by BACS payment without asking for an invoice to be issued. This allows us to match your payment.

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

Yours faithfully



Clerk to the Licensing Board

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

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

APPLICATION: MAJOR VARIATION

PREMISES: CREETOWN STORES, 79 ST JOHN STREET, CREETOWN

PREMISES LICENCE HOLDER: ROBERT JAMES YACAMINI

1. Reason for Report

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

2. Background

2.1 Members are asked to consider the application received on 1 May 2024 and detailed in **Appendix 1** to this report.

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

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- NHS Dumfries and Galloway
- Community Council
- Neighbours

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

2.4 Notice of the application was published on the Board's webpage from **3 to 25 May 2024**.

2.5 Site notice display dates are **3 to 25 May 2024**.

2.6 The signed Confirmation of Site notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **24 May 2024**.

3.2 No objections/representations have been received.

4. Responses

The following responses have been received:

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

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 and take into account the following:

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

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

5.3 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
Dumfries and Galloway Council
Kirkbank House
English Street
Dumfries DG1 2HS

4 June 2024

Wigtown Divisional Licensing Board
Application for Variation of Premises Licence

Applicant	Robert James Yacamini Kirklands House Creetown DG8 7DB
Address of Premises	Creetown Stores 79 St John Street Creetown DG8 7JB
Nature of Variation	<p><u>Variation to Operating Plan</u></p> <p><u>(5f) Any other activities</u> Add:</p> <ul style="list-style-type: none"> • Lotto • deliveries through Snappy Shopper • normal convenience store activities, bills etc <p>(7) Change in capacity to 11.87m².</p> <p><u>Variation to Layout Plan</u></p> <ul style="list-style-type: none"> • Add an area for boxed multipacks. • Cigarette gantry removed and replaced with drawers; gantry area allocated for spirits. • Increase in capacity from 3.7m² to 11.87m².
Last Date for Objections/Representations	Friday 24 May 2024

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

APPENDIX 2

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR VARIATION OF PREMISES LICENCE
CREETOWN STORES, 79 ST JOHN STREET CREETOWN, DG8 7JB
LICENCE HOLDER: ROBERT YACAMINI**

1. The application relates to changes to the long-established shop in Creetown which has been run by the applicant since 2011.
- 1.2 The shop sells a range of grocery products and provides general convenience shop services.
2. This application relates to an increase in the alcohol display area, which is located along one wall, partly behind the counter and partly accessible by the public. The display area is shown highlighted on the attached plan.
3. There is no change to the off-sale hours which are:-
 - Monday to Sunday 10am to 9pm.
4. Other changes are to include “lotto”, “deliveries through snappy shopper” and “normal convenience store activities bills etc”.
- 4.1 Deliveries will allow customers to order groceries, food and drinks, including alcoholic drinks, for home delivery from the premises.
- 4.2 The Board’s Licensing policy statement includes the following paragraph relating to home deliveries which include online purchases of alcohol:

The Board acknowledges concerns raised by NHS Dumfries and Galloway at individual meetings held August/ September 2023 with regard to increased levels of online sales of alcohol. The Board encourages applicants for premises licences which will include online sales to provide the Board with details of how the deliveries will operate and in particular :

 - 1. the hours of delivery;*
 - 2. the steps which will be taken to verify the age of the person ordering and accepting delivery of the alcohol ; and*
 - 3. the use of age verification policies such as Challenge 25 or a similar verification scheme for all deliveries.*
- 4.3 Section 119 is relevant confirming it is an offence to deliver alcohol unless the following is in place:
 1. a day book recording the order is kept on the premises from where the alcohol was despatched; and
 2. a delivery book or invoice is carried by the person delivering the alcohol.

The information required to be entered in the book or invoice is:

1. the quantity, description and price of the alcohol; and
2. the name and address of the person to whom the alcohol is to be delivered.

4.4 It will be necessary for age verification to take place at the point of delivery.

4.5 The deliveries will be fulfilled by a third party and there is a policy in place to prevent delivery of alcohol to persons under 18 years of age.

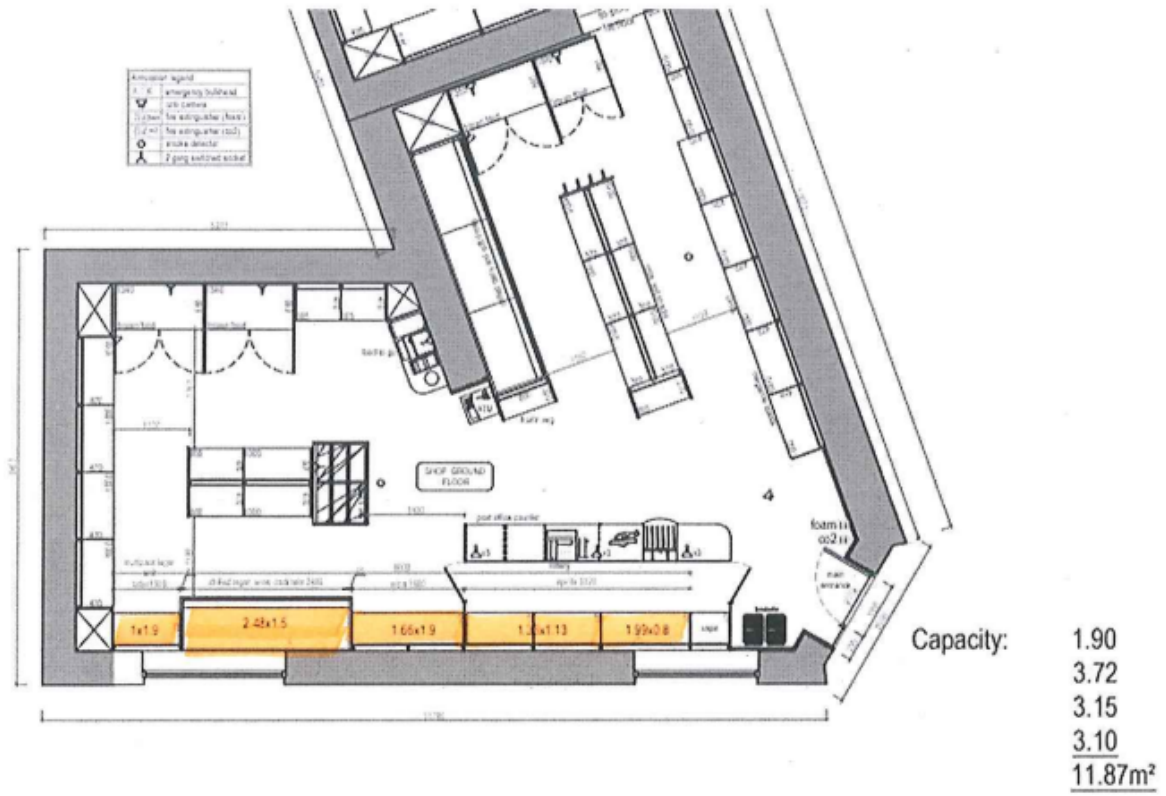
4.6 Section 120 prohibits delivery of alcohol to any premises (other than licensed premises) between the hours of midnight and 6am.

5. The application was advertised on the Board's website page from Friday 3 May 2024. At the same time a notice must be displayed at the premises.

5.1 A visit was made on 15 May 2024, at which time the notice was displayed immediately inside the premises. The notice was relocated to the glass door of the shop on request.

6. I have no adverse comments.

Julia Farroll
Licensing Standards Officer
20 May 2024



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