

Public Document Pack

ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD

Meeting of Wednesday 10 November 2021
at 2.00 pm by Remote Hearing

Archie Dryburgh (Convener) – Annandale East and Eskdale;
Ilan Carruthers – Annandale South;
Doug Fairbairn – Annandale North;
Henry McClelland – Annandale South;
Stephen Thompson – Annandale North;

VLAD VALIENTE
Clerk to the Licensing Board

Annandale and Eskdale Divisional Licensing Board

Meeting of Wednesday 10 November 2021
at 2.00 pm by Remote Hearing

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING - 18 AUGUST 2021** 3 - 10
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** 11 - 12
5. **LICENSING (SCOTLAND) ACT 2005 : APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 13 - 16
6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 17 - 18
7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PREMISES LICENCE - COLVIN FILLING STATION, HIGH STREET, MOFFAT - REPORT BY THE CLERK TO THE BOARDS** 19 - 26
8. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A CHIEF CONSTABLES ANNUAL REPORT 2020-2021 - REPORT BY THE CLERK TO THE BOARDS** 27 - 40

Next Meeting Date: Date Not Specified

ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD

**Minute of Meeting of Wednesday 18 August 2021 at 2.00pm
Via Teams**

MEMBERS PRESENT

Archie Dryburgh - Annandale East and Eskdale
(Convener)
Douglas Fairbairn - Annandale North
Henry McClelland - Annandale South
Stephen Thompson - Annandale North

APOLOGIES

Ian Carruthers -- ~~Annandale South~~

IN ATTENDANCE

Michael Collins - Licensing Standards Officer
Inspector Emma Dodds - Police Scotland
Sergeant Julia McKie - Police Scotland
Caroline Treanor - Interim Clerk to the Licensing Board

VLADIMIR VALIENTE
Clerk to the Licensing Board

4 Members present

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

None

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTE OF MEETING OF 12 MAY 2021**

Agreed

4. **MINUTE OF MEETING OF 25 JUNE 2021**

Agreed

5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – Report by the Clerk to the Licensing Boards**

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 20 April 2021 until 26 July 2021:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 106

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 22

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 3

Extended Hours

Total number issued 0

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

Decision

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

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

Decision

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

8. **LICENSING (SCOTLAND) ACT 2005: NOTICE OF CONVICTIONS – TESCO STORES LTD** - Report by the Clerk to the Licensing Boards

Decision

Members **AGREED** to take **no further action**

Note – Councillor McClelland declared an Interest to Item 9

9. **LICENSING (SCOTLAND) ACT 2005: REVIEW OF PERSONAL LICENCE – SUKHVIR SINGH** – Report by the Clerk to the Licensing Boards

Decision

After hearing from Police Scotland and the Personal Licence holder, Mr Singh, Members **AGREED** to take **No Further Action**.

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

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

<u>Application No. 1 – Ref L.1/681A</u>	
Name & Address of Applicant or Agent	Gretna Green Limited Headless Cross Gretna Green DG16 5EA
Name & Address of Premises	The Old Toll Bar Sark Bridge Gretna DG16 5JD
Nature of variation	Change of Designated Premises Manager to Laura Duff
Effective Date of Minor Variation	26 May 2021

<u>Application No. 2 – Ref L.1/638A</u>	
Name & Address of Applicant or Agent	Keith Douglas Bryan Parr 138 Elliott Street Tyldeslaey Manchester M29 8FS
Name & Address of Premises	Moffat House Hotel High Street Moffat DG10 9HL
Nature of variation	Change of Premises name to 'Moffat House'
Effective Date of Minor Variation	1 June 2021

<u>Application No. 3 – Ref L.1/607A</u>	
Name & Address of Applicant or Agent	McMahon Solutions Ltd 24 Frood Street Motherwell Lanarkshire ML1 3TA
Name & Address of Premises	The Drivers Inn 112 High Street Lockerbie DG11 2EU
Nature of variation	Change of Designated Premises Manager to Siobhan Corcoran
Effective Date of Minor Variation	9 June 2021

<u>Application No. 4 – Ref L.6/704A</u>	
Name & Address of Applicant or Agent	Hill Brown Licensing The Forsyth Building 5 Renfield Street Glasgow G2 5EZ
Name & Address of Premises	W H Smith Annandale Water Motorway Service Area Junction 16 A74(M) Johnstonebridge Lockerbie DG11 1HD
Nature of variation	Change of Designated Premises Manager to Nicola White
Effective Date of Minor Variation	21 July 2021

<u>Application No. 5 – Ref L.6/677A</u>	
Name & Address of Applicant or Agent	Hill Brown Licensing The Forsyth Building 5 Renfield Street Glasgow G2 5EZ
Name & Address of Premises	Co-op Station Yard Holm Street Moffat DG10 9EP
Nature of variation	Change of Designated Premises Manager to Shona Hines
Effective Date of Minor Variation	21 July 2021

Appendix 2

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

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

<u>No. 1 – Ref L.2/611A</u>	
Name & Address of Licence Holder	Mr G and Miss N Birkbeck Hoddom Castle Caravan Park Estate Office Hoddom Lockerbie DG11 1BE
Name & Address of Premises	Hoddom Castle Restaurant Hoddom Castle Caravan Park Hoddom Lockerbie DG11 1AS
Date Licence Surrendered	13 May 2021

<u>No. 2 – Ref L.1/671A</u>	
Name & Address of Licence Holder	Globebrow Limited The Manor Siefton Craven Arms Salop SY7 9BY
Name & Address of Premises	Manor Adventure Boreland Road Lockerbie DG11 2RG
Date Licence Surrendered	15 June 2021

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

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

For the information of the Licensing Board, during the period from 27 July 2021 until 20 October 2021, the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 102

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 5

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 6

Extended Hours

Total number issued 1

Cheryl Syme
Senior Licensing Officer
Licensing
Ext: 63353

Date of Report: 2 November 2021

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

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

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

<u>Application No. 1 – Ref L.1/626A</u>	
Name & Address of Applicant or Agent	Lonsdale Hotels Limited Oakdene New Road Windermere LA23 2LA
Name & Address of Premises	Gables Hotel 1 Annan Road Gretna DG16 5DQ
Nature of variation	Change of Designated Premises Manager to Brian Haddleton
Effective Date of Minor Variation	13 August 2021

<u>Application No. 2 – Ref L.7/601A</u>	
Name & Address of Applicant or Agent	Lesley Lupton 14C Scroggie Meadow Annan DG12 6DY
Name & Address of Premises	The Anglers 61 High Street Annan DG12 6AD
Nature of variation	Change of Designated Premises Manager to Sean Black
Effective Date of Minor Variation	17 August 2021

<u>Application No. 3 – Ref L.3/620A</u>	
Name & Address of Applicant or Agent	Sukhvir Singh 12 Ash Road Cumbernauld G67 3ED
Name & Address of Premises	Spice India Lower Craignelder High Street Moffat DG10 9ED
Nature of variation	Change of Designated Premises Manager's address
Effective Date of Minor Variation	19 August 2021

<u>Application No. 4 – Ref L.3/620A</u>	
Name & Address of Applicant or Agent	Auchen Ltd Wilbrook Grange Towbridge Road Bradford upon Avon BA15 1UH
Name & Address of Premises	Auchen Castle Hotel Beattock Moffat DG10 9SH
Nature of variation	Change of Designated Premises Manager to Simon Thorne
Effective Date of Minor Variation	19 August 2021

<u>Application No. 5 – Ref L.6/702A</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-operative Annan Road Gretna DG16 5DH
Nature of variation	Change of name of premises to 'Co-op' and change to layout plan (no change to capacity)
Effective Date of Minor Variation	2 September 2021

<u>Application No. 6 – Ref L.6/677A</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op Station Yard Holm Street Moffat DG10 9EP
Nature of variation	Change of Designated Premises Manager to Diane Admason
Effective Date of Minor Variation	2 September 2021

<u>Application No. 7 – Ref L.2/612A</u>	
Name & Address of Applicant or Agent	Licensing Matters Ltd 54 Fairfield Drive Clitheroe Lancashire BB7 2PE
Name & Address of Premises	The Lakeside Tavern Beattock Country Park Beattock Moffat DG10 9RE
Nature of variation	Change of Designated Premises Manager to Michael Nicholas
Effective Date of Minor Variation	20 October 2021

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

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

Date of Report: 2 November 2021

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

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

<u>Application No 1. – Ref L.3/620A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Sukhvir Singh 12 Ash Road Cumbernauld G67 3ED
Name & Address of Transferee or Agent	Rajpal Kaur Singh 263 Whitehall Street Flat 0/1 Dennistoun Glasgow G31 2PF
Name & Address of Premises	Spice India Lower Craignelder High Street Moffat DG10 9ED
Effective Date of Transfer	16 September 2021

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

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

Date of Report: 2 November 2021

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

LICENSING (SCOTLAND) ACT 2005: SECTION 23

APPLICATION: NEW PREMISES LICENCE

PREMISES: COLVIN FILLING STATION, HIGH STREET, MOFFAT

APPLICANT: ACCESS RETAIL LIMITED, 8 DOUGLAS STREET, HAMILTON

1. Reason for Report

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

1.2 Members are asked to consider the application for a new premises licence received 13 October 2021 in respect of Off Sales only and detailed in **Appendix 1** to this report.

2. Background

2.1 A copy of the application was forwarded to the following:

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

2.2 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 **Saturday 16 October 2021 to Sunday 7 November 2021**

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

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

3. Objections and Representations

3.1 The last date for objections/representations for the application was **Saturday 6 November 2021**.

3.2 No objections or representations have been received.

4. Responses

- LSO report: no adverse comment **Appendix 2**
- Police report: clear

- Environmental Health: no objections
- Planning: no objections
- SFRS – no comments

5. Excluded Premises

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

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

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

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

5.4 The applicant must prove that the above statutory exception applies to ensure that 'excluded premises' do not provide for a mandatory ground of refusal.

6. Determination of the Application

6.1 The Board must, in considering and determining an application, consider whether any of the grounds for refusal apply.

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

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

- The premises are excluded premises (**see para 5 above**)
- The application must be refused under
 - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
 - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
 - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
- The Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:-
 - i) The nature of the activities proposed to be carried on in the premises
 - ii) the location, character and condition of the premises; and
 - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol

- The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises in the locality.

7. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

2 November 2021

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Appendix 1

Applicant/Agent	Access Retail Limited 8 Douglas Street Hamilton ML3 0BP
Address of Premises	Colvin Filling Station High Street Moffat DG10 9HG
Description	Premises is a shop with a local convenience and forecourt selling fuel. The shop has been part of the community for over 30 years and had an alcohol licence. The licence has been expired due to the premises being closed for 2 years. The application is for a licence to sell alcohol to be consumed off the premises. Sale of alcohol is between 10am and 10pm, Monday-Sunday.
Core Times	<u>Off Sales</u> Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
Activities	None
Children and Young Persons	N/A
Capacity	9.62m ²
Last Date for Objections/Representations	Saturday 6 November 2021

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR PREMISES LICENCE
PREMISES: COLVIN FILLING STATION, HIGH STREET, MOFFAT
APPLICANT: ACCESS RETAIL LIMITED.**

1. This application has been submitted by Sai Siresh Elaprolv on behalf of Access Retail Limited, seeking a premises licence in respect of the Colvin Filling Station, situated in High Street, Moffat, DG10 9HJ.
2. The application relates to a new commercial business venture, although Colvin Filling Station has operated at the same location for approximately thirty years. The premises were previously licensed although the ex-owners closed the facilities, allowing the premises licence to expire.
3. Colvin Filling Station operates as a general fuel supply outlet, with an adjacent convenience store open to the general public, offering a wide range of household products, food, and confectionery.
4. Although this is an application for a full premises licence, the business has been operating over the past few months under “occasional licences” pending the preparation and submission of the full application.
5. Throughout this time, the operation of the filling station has not caused any issue, problem, or concern from a licensing perspective.
6. The premises are situated in Moffat town centre, adjacent to the main street and are surrounded by a mixture of commercial establishments and private dwellings. There are several other licensed premises in the vicinity of the filling station.
7. The application seeks “off-sales” only, with alcohol being available for purchase between the hours of 10.00 & 22.00 hours, seven days a week..
8. The convenience store is fairly small, with only 9.62 square meters being utilised for the display of alcohol, this is not deemed excessive and in keeping with the previous premises licence.

9. The applicant has not previously applied for or been refused, a premises licence under Section 23 of the Licensing (Scotland) Act 2005 in respect of the premises.

10. A proposed operating plan, layout plan and ancillary planning certificates have been submitted in conjunction with this application, as well as a list of activities or services that will be provided on the premises.

11. The designated premises manager will be Sai Siresh Elaprolv who has a personal licence issued by Edinburgh Licensing Board in 2020.

12. The application was advertised on the Boards website from 16 October 2021, simultaneously, a notice was displayed at the premises.

The notice was checked on Thursday 28 October 2021 during which time it was found to be correctly displayed.

13. The application has been submitted in keeping with Annandale & Eskdale Divisional Licensing Board Policy.

14. There are no adverse comments to be made in respect of this application.

Michael Collins
Licensed Standards Officer

29 October 2021.

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

**LICENSING (SCOTLAND) ACT 2005: SECTION 12A
CHIEF CONSTABLE'S ANNUAL REPORT 2020/2021**

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 2020 to 31 March 2021 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 2020 to 31 March 2021 *and*
- b) any steps the Chief Constable
 - has taken during that year (2020/2021),
 - 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 2020-2021 for the Annandale & Eskdale Divisional Board and to note its terms.

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

2 November 2021

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**ANNANDALE
& ESKDALE
Licensing Report
2020-2021**



**POLICE
SCOTLAND**
Keeping people safe

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Foreword

In accordance with Section 12(A) Licensing (Scotland) Act 2005 I provide the Annual Licensing Report for 2020/21.

I would like to thank you for working with policing to keep the people of Scotland safe in what has been an extremely demanding year. During these challenging times Police Scotland has continued to work closely with Local Authorities and key stakeholders and, collectively, we have played a crucial role in supporting the national response to the COVID-19 pandemic, explaining the rules and encouraging our fellow citizens to do the right thing.

We have embraced new, flexible ways of working that have involved remote or home working where possible and the incorporation of new IT solutions. We have quickly adapted to these changes while continuing to provide a high standard of service to our communities.

We have also continued to deliver effective regulation of Liquor Licensing whilst taking full cognisance of the restrictions and requirements conferred by the Coronavirus Regulations. Our focus has been on preventing alcohol fuelled violence, disorder and antisocial behaviour along with supporting the national response to suppress the virus.

I would like to thank our many local partnerships and acknowledge the good work that they do; without their support we would not be able to maintain the high standard in licensing in the Annandale and Eskdale area.

Police Scotland remains committed to working with others to achieve the licensing objectives. I am confident that through effective, collaborative working we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

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 Safer Communities 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 2020/2021, from a licensing perspective, our particular focus was on the following;

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

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

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ANNANDALE AND ESKDALE LICENSING BOARD

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

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

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

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

All licensing matters within the Annandale and Eskdale area are processed by Police Scotland via the Divisional Licensing Unit which is overseen by Chief Inspector Stuart Davidson and managed on a day to day basis by Sergeant Anna Boyd.

Within the Annandale and Eskdale board area there are 166 premise licenses and 435 personal licence holders.

Annandale and Eskdale is a mixed urban and rural area. The night time economy is focused around the towns of Annan, Lockerbie, Moffat and Langholm. There are no nightclubs within the board area with the latest licensed hour being 0100 hrs. Nearly all local towns and villages within the area support licensed premise in the form of public houses or license 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 as a result of a number of Holiday Complexes in the Annandale and Eskdale area. This can see an increase of instances at and around licensed premises at these locations. There is an anticipated increased in visitor numbers to the area in 2021 due to the affects and travel restrictions brought about by the coronavirus pandemic.

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

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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

All licensing enquiries within the Annandale and Eskdale board area are submitted to the 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. If 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 matter, the divisional licensing unit work closely with operational response and community officers. This allows the early identification of any issues with licensed premise or license holders which in turn permits a co-ordinated response to any inventions 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 representative 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 regular 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 have 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 on 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 attend license premises with a view of identifying drug misuse and offering licensees a visual identification of areas within their premise 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

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being put in place by licensees in order to combat the misuse of controlled drugs within their premises.

COVID19

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

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

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

As the country moves towards progressive steps out the coronavirus restrictions Police Scotland will continue to support the license premise trade to re-establish it operating and will look to re-invigorate engagement and prevention work in this area.

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

Pubwatch

Pubwatch is an initiative that is led by licensed premises themselves, with local community police officer support. The essence of the scheme allows licensed premises to work together to ensure consistent approach and messaging around standards of behaviour, violence and safety within our public houses. The development of the online system has been beneficial to premises and Annandale and Eskdale currently has 17 active members.

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.

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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. Evidence 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.

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

Summary Relevant to the Annandale and Eskdale Board Area

Due to the operating restrictions under the Coronavirus regulations there has been a limited number of months during the reporting year that licensed premises were able to open for the full operating hours. Since November 2020 licensed premises have either been closed or subject of restrictions to close at 2230 hrs. As such comparing the numbers and types of incidents committed during night time economy hours (Friday and Saturday 2300 to 0400) to previous years is not feasible. The below figures represent that all incidents that can be linked to licensed premises.

The majority of offences 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.

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	2018/2019	2019/20	2020/21
All crimes specifically linked to licensed premises	50	57	14

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

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

All applications for Premises and Personal Licences received by the Licensing Board are examined by staff from the 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 2019/20 it was necessary to bring one personal license holder to the Annandale and Eskdale Licensing board for review. There have been no intervention plans put in place for any premises in this board area. Support was given to one premise to ensure compliance with Coronavirus restrictions and regulations in conjunction with the Trading Standards department of Dumfries and Galloway Council.

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

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

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

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

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

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

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

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

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

TACKLING SERIOUS AND ORGANISED CRIME

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

Crime and intelligence systems are continually monitored to analyse any emerging trends. Any identified hot spots are brought to the attention of the divisional licensing

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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.

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

The Pubwatch schemes assist in keeping individuals at the greatest risk of committing crime out of licensed premises. The Substance Misuse Officer and Community Policing team also offer training to staff members in relation to identifying signs of drugs misuse.

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

PROPOSED ACTIVITY FOR THE YEAR AHEAD

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

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

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

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

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

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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.

The current restriction to all licensed premises due to COVID19 legislation and guidelines present an uncertain future for many of our licensed premises. We will continue to proactively engage with licensees and look to re-establish active working relationships when licences premises re-open to the public.

We would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence 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 2021/2022.

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