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**ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD**

Meeting of Friday 1 July 2022  
at 10.30am by Remote Hearing

Ian Carruthers – Annandale South;  
Archie Dryburgh – Annandale East and Eskdale;  
George Jamieson – Annandale South;  
Gail Macgregor – Annandale North;  
Stephen Thompson – Annandale North;  
Vacancy –

**VLAD VALIENTE**  
**Clerk to the Licensing Board**

## Annandale and Eskdale Divisional Licensing Board

Meeting of Friday 1 July 2022  
at 10.30am by Remote Hearing

- |     |   |         |
|-----|---|---------|
| 1.  | <b>APPOINTMENT OF CONVENER - REPORT BY THE CLERK TO THE BOARD</b>   | 5 - 6   |
| 2.  | <b>SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION</b>   |         |
| 3.  | <b>DECLARATIONS OF INTEREST</b>   |         |
| 4.  | <b>MINUTES OF MEETING 9 MARCH 2022</b>  | 7 - 14  |
|     | <b>For Approval</b>   |         |
| 5.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD</b>            | 15 - 16 |
| 6.  | <b>LICENSING (SCOTLAND) ACT 2005 : APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD</b>                                 | 17 - 22 |
| 7.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD</b>                      | 23 - 24 |
| 8.  | <b>LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE - REPORT BY THE CLERK TO THE BOARD</b>  | 25 - 26 |
| 9.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - ATWAL CONVENIENCE STORE, 69 SPRINGBELLS ROAD, ANNAN - REPORT BY THE CLERK TO THE BOARD</b>    | 27 - 32 |
| 10. | <b>LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR VARIATION OF PREMISES LICENCE - LONSDALE CINEMA, ANNAN - REPORT BY THE CLERK TO THE BOARD</b>                                | 33 - 38 |
| 11. | <b>LICENSING (SCOTLAND) ACT 2005 (SECTION 28): PREMISES CEASED TO BE USED FOR THE SALE OF ALCOHOL - BRIG INN, 5 BRIDGE STREET, BRYDEKIRK - REPORT BY THE CLERK TO THE BOARD</b> | 39 - 56 |

Next Meeting Date: Wednesday, 28 September 2022



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

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**APPOINTMENT OF CONVENER**

**1. REASON FOR REPORT**

This report sets out the statutory provisions relating to the position of Convener of a Licensing Board and invites the Board to appoint a Convener for the term until after the next local authority election.

**2. BACKGROUND**

2.1 Schedule 1 to the Licensing (Scotland) Act 2005 (“the Act”) requires a Licensing Board, at their first meeting after each election of members of the Board, to elect one of their number as Convener of the Board.

2.2 The Convener of the Board holds office as such for the period beginning on the day after the Convener’s election and ending with the day on which the election of Convener is next held following a further election of members of the Board consequent to a local authority election.

2.3 The Convener so elected:-

- Is eligible for re-election as Convener of the Board
- May at any time resign by giving notice to the Clerk (a copy of which must be passed to the Council)
- Will cease to be Convener on ceasing to be a member of the Board

2.4 Where there is a vacancy in the office of Convener the Board must, at the first meeting after the vacancy arises, elect one of their members to fill the vacancy.

2.5 Where the Convener is unable to chair any meeting the Board must elect from their number a chairman for that meeting.

2.6 The Convener may be removed from office by the Board. The number of members voting in favour of the decision must exceed one half of the total number of members of the Board.

2.7 If at a meeting of the Board there is an equality of votes on any matter the member chairing the meeting has a casting vote.

**3. RECOMMENDATION**

Members are asked to elect a Convener in terms of the Act for the term until after the next local authority election, who will also chair this meeting.

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

23 June 2022

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**ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

**Minute of Meeting of Wednesday 9 March 2022 at 2.00pm  
Via Teams**

**MEMBERS PRESENT**

**Archie Dryburgh** - Annandale East and Eskdale  
**Douglas Fairbairn** - Annandale North  
**Stephen Thompson** - Annandale North

**APOLOGIES**

**Ian Carruthers** - Annandale South  
**Henry McClelland** - Annandale South

**IN ATTENDANCE**

**Michael Collins** - Licensing Standards Officer  
**Sharon Davidson** - Licensing Manager  
**Inspector Hugh McCombe** - Police Scotland  
**Caroline Treanor** - Solicitor

**VLAD VALIENTE**  
**Clerk to the Licensing Board**

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

3 Members present via MS Teams as **AGREED** by the Convener. 2 Members not present.

2. **DECLARATIONS OF INTEREST**

**Noted** that Councillors Dryburgh, Thompson and Fairbairn had considered a planning application in respect of Item 9 but determined that as Planning and Licensing are different legislative regimes, any issues concerning each will be treated on their own merits and determined that their interest was such that it would not affect any judgement or neutrality to consider this item.

3. **MINUTE OF MEETING OF 21 JANUARY 2022**

**Agreed**

4. **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 5 January 2022 until 15 February 2022:

**Occasional Licences : Applied for by a Personal Licence Holder**

Total number issued      47

**Occasional Licences : Applied for by a Premises Licence Holder**

Total number issued      4

**Occasional Licences : Applied for by a Voluntary Organisation**

Total number issued      5

**Extended Hours**

Total number issued      0

5. **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.

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

**Decision**

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

7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR NEW PREMISES LICENCE – LONSDALE CINEMA, LADY STREET, ANNAN - Report by the Clerk to the Licensing Boards**

**Decision**

Having heard from the applicant's agent and the information before them, Members **AGREED** to **GRANT** the application as detailed in **Appendix 3**.

8. **LICENSING (SCOTLAND) ACT 2005: PREMISES LICENCE REVIEW (SECTION 36) – PREMISES: FIRTH HOTEL, 41 SCOTTS STREET, ANNAN - Report by the Clerk to the Licensing Boards**

**Decision**

**NOTED** that the applicant had paid the outstanding annual fees and **AGREED** that no grounds of review were established.

9. **LICENSING (SCOTLAND) ACT 2005 (SECTION 28): PREMISES CEASED TO BE USED FOR THE SALE OF ALCOHOL – PREMISES : BRIG INN, 5 BRIDGE STREET, BRYDEKIRK – Report by the Clerk to the Licensing Boards**

**Decision**

**AGREED** to defer determination as to whether the premises have ceased to be used for the sale of alcohol until the next meeting of the Licensing Board, to allow the Licensing Service to make one final attempt to contact the Premises Licence Holder.

10. **ANY OTHER COMPETENT BUSINESS**

Councillor Dryburgh wished to record his thanks to the Licensing Service, Police Scotland and other Licensing Board Members for their support during the currency of his term as Convener.

**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**

<b><u>Application No. 1 – Ref L.1/675A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	C & B Properties Lockerbie Lorry Park Johnstonebridge Lockerbie DG11 2SL
<b>Name &amp; Address of Premises</b>	O’Neil’s Bar Lockerbie Lorry Park Johnstonebridge Lockerbie DG11 2SL
<b>Nature of variation</b>	Change of Designated Premises Manager to Lisa Twiname
<b>Effective Date of Minor Variation</b>	25 January 2022

<b><u>Application No. 2 – Ref L.2/638A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sharon Willacy Normanton North Road Lowertown Annan DG12 6TE
<b>Name &amp; Address of Premises</b>	Back to the Buck 82 High Street Annan DG12 6DW
<b>Nature of variation</b>	Change of Designated Premises Manager to Sharon Willacy
<b>Effective Date of Minor Variation</b>	28 January 2022

<b><u>Application No. 3 – Ref L.2/633A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Steven Ceates Sunset Standalane Annan DG12 5JR
<b>Name &amp; Address of Premises</b>	The Shed 7 Lady Street Annan DG12 5DA
<b>Nature of variation</b>	Change of Designated Premises Manager to Steven Ceates
<b>Effective Date of Minor Variation</b>	9 January 2022

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

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

<b><u>Application No 1. – Ref L.2/638A – SECTION 33</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	David Willis 5 Woodman Avenue Annan DG12 6HW
<b>Name &amp; Address of Transferee or Agent</b>	Sharon Willacy Normanton North Road Lowertown Annan DG12 6TE
<b>Name &amp; Address of Premises</b>	Back to the Buck 82 High Street Annan DG12 6DW
<b>Effective Date of Transfer</b>	27 January 2022

Appendix 3

<b>Applicant/Agent</b>	R J Towers & Partners 121 Central Avenue Gretna DG16 5AQ
<b>Address of Premises</b>	Lonsdale Cinema Lady Street Annan DG12 5DA
<b>Description</b>	Screen 3 Independent Cinema. Alcohol to be sold to customers for consumption on the premises whilst watching films and the live streaming of operas and ballet performances from well known Theatres both in the UK and overseas. No bar area – alcohol to be served from behind Kiosk as indicated on plans accompanying the application. The Cinema is situated in a solely-occupied building in Lady Street through to Moat Road.
<b>Core Times</b>	<u>On Sales</u>  Monday 5.00pm – 10.00pm Tuesday 5.00pm – 10.00pm Wednesday 5.00pm – 10.00pm Thursday 5.00pm – 10.00pm Friday 5.00pm – 10.00pm Saturday 3.00pm – 10.00pm Sunday 3.00pm – 10.00pm
<b>Activities</b>	Live Performances and Films both within and outwith core hours.  <b><u>Activities Outwith Core Hours</u></b>  Live Performances – although the musicians and singers or in the case of ballet the dancers are not physically present at the cinema there will be a live streaming of their performance which could be outwith core hours on occasions. On these occasions no alcohol would be served. These performances are more likely to be earlier than the core hours.  Films – as a cinema there may be occasions where films may be shown in the premises outwith core licensing hours. In those circumstances no alcohol would be sold and protocols would be put in place through the computerised tills to ensure that staff would be unable to override the system to ensure that the premises would be compliant with the terms of this licence.

	<p><b><u>Any Other Activities</u></b></p> <p>The showing of films from the premises during the times when the premises are open between 11.00am and 10.30pm</p>
<p><b>Children and Young Persons</b></p>	<p><b>TERMS</b> - Normal cinema admission procedures to appropriate films subject to Film Classification Universal and Classification PG, parental guidance, children and young persons of any age would be entitled to attend without being accompanied by an adult. When the Film Classification is 12A, admission would be for children and young persons with or without adults for age 12 years and over, for Film Classification 15, this would be for children and young persons, either on their own or with adults suitable for children 15 years of age and over, and Film Classification 18, no children or young persons would be permitted. Proof of age would be required and no children or young persons would be served with any alcoholic drinks.</p> <p><b>AGES</b> – Any age from 2 – 17 inclusive</p> <p><b>TIMES</b> – Normal cinema admission. Procedures to appropriate films subject to Film Classification.</p> <p>Normally children and young persons will be permitted in the premises when it is open between 11.00am and 10.30pm dependent upon in the morning if matinee performances are contemplated.</p> <p><b>PARTS</b> – Cinema Foyer, Cinema Auditorium, toilets and emergency exit/disabled accessible entrance.</p>
<p><b>Capacity</b></p>	<p>85</p>
<p><b>Last Date for Objections/Representations</b></p>	<p>Friday 25 February 2022</p>

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

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**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 16 February 2022 until 22 June 2022, the following Occasional Licences and Extended Hours were granted:

**Occasional Licences : Applied for by a Personal Licence Holder**

Total number issued 215

**Occasional Licences : Applied for by a Premises Licence Holder**

Total number issued 14

**Occasional Licences : Applied for by a Voluntary Organisation**

Total number issued 14

**Extended Hours**

Total number issued 6

Cheryl Syme  
Senior Licensing Officer  
Licensing  
Ext: 63353

Date of Report: 23 June 2022

Vlad 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**

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

<b><u>Application No. 1 – Ref L.1/638A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Keith Douglas Bryan Parr Moffat House High Street Moffat DG10 9HL
<b>Name &amp; Address of Premises</b>	Moffat House High Street Moffat DG10 9HL
<b>Nature of variation</b>	Change of Designated Premises Manager to Jim Hughes
<b>Effective Date of Minor Variation</b>	1 March 2022

<b><u>Application No. 2 – Ref L.1/642A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Eastmoor LLP 10 Abbey park Place Dunfermline KY12 7NZ
<b>Name &amp; Address of Premises</b>	Queens Hotel Annan Road Lockerbie DG11 2RB
<b>Nature of variation</b>	Change of Designated Premises Manager to Megan Gibson
<b>Effective Date of Minor Variation</b>	2 March 2022

<b><u>Application No. 3 – Ref L.3/618A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Pinsent Mason LLP For PizzaExpress Limited Hunton House Highbridge Estate Oxford Road Uxbridge Middlesex UB8 1LX
<b>Name &amp; Address of Premises</b>	PizzaExpress Unit 60/61 Gretna Gateway Outlet Village Glasgow Road Gretna DG16 5GG
<b>Nature of variation</b>	Change of Designated Premises Manager to Zuzanna Borowicz
<b>Effective Date of Minor Variation</b>	22 March 2022

<b><u>Application No. 4 – Ref L.1/638A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Keith Douglas Bryan Parr Moffat House High Street Moffat DG10 9HL
<b>Name &amp; Address of Premises</b>	Moffat House High Street Moffat DG10 9HL
<b>Nature of variation</b>	Change of Designated Premises Manager to Keith Parr
<b>Effective Date of Minor Variation</b>	30 March 2022

<b><u>Application No. 5 – Ref L.6/612A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For C J Lang & Son Limited 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	101 Central Avenue Gretna DG16 5AQ
<b>Nature of variation</b>	Change of layout plan to show reconfiguration of premises and reduction to capacity from 22.70m <sup>2</sup> to 22.30m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 6 – Ref L.6/601A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For C J Lang & Son Limited 78 Longtown Road Dundee DD4 8JU
<b>Name &amp; Address of Premises</b>	Spar 53 Butt Street Annan DG12 5BD
<b>Nature of variation</b>	Change of layout plan to show reconfiguration of premises and reduction to capacity from 26.53m <sup>2</sup> to 26.49m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 7 – Ref L.3/620A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Rajpal Kaur Singh 263 Whitehill Street Flat0/1 Dennistoun Glasgow G31 2PF
<b>Name &amp; Address of Premises</b>	Spice India Lower Craignelder High Street Moffat DG10 9ED
<b>Nature of variation</b>	Change of Designated Premises Manager to Rajpal Kaur Singh
<b>Effective Date of Minor Variation</b>	20 April 2022

<b><u>Application No. 8 – Ref L.1/601A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For Greene King Retailing Limited Westgate Brewery Bury St Edmunds Suffolk IP33 1QT
<b>Name &amp; Address of Premises</b>	Stag Hotel 21-23 High Street Moffat DG10 9HL
<b>Nature of variation</b>	Change of Designated Premises Manager to Jennifer Miller
<b>Effective Date of Minor Variation</b>	28 April 2022

<b><u>Application No. 9 – Ref L.6/691A</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tesco Stores Limited Tesco House Shire park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
<b>Name &amp; Address of Premises</b>	Tesco Store Goods Station Road Lockerbie DG11 2DB
<b>Nature of variation</b>	Change of Designated Premises Manager to Michelle Payne
<b>Effective Date of Minor Variation</b>	4 May 2022

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

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

Date of Report: 23 June 2022

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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**

<b><u>Application No 1. – Ref L.2/612A – SECTION 33</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	AG (Moffat) Ltd 23 Saville Row London W1S 2ET
<b>Name &amp; Address of Transferee or Agent</b>	Away Resorts Ltd Imex 575-599 Maxted Road Hemel Hempstead Hertfordshire HP2 7DX
<b>Name &amp; Address of Premises</b>	The Lakeside Tavern Beattock Country Park Beattock Moffat DG10 9RE
<b>Effective Date of Transfer</b>	29 April 2022

<b><u>Application No 2. – Ref L.6/398A – SECTION 34</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	TLT Solicitors 140 West George Street Glasgow G2 2HG
<b>Name &amp; Address of Transferee or Agent</b>	Rachael Wilkinson, Toby Banfield & Robert Lewis As joint Administrators of Martin McColl Ltd c/o PWC 7 More London Riverside London SE1 2RT
<b>Name &amp; Address of Premises</b>	McColls 72 High Street Annan DG12 6DL
<b>Effective Date of Transfer</b>	16 June 2022

<b><u>Application No 3. – Ref L.6/698A – SECTION 33</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	Rachael Wilkinson, Toby Banfield & Robert Lewis As joint Administrators of Martin McColl Ltd c/o PWC 7 More London Riverside London SE1 2RT
<b>Name &amp; Address of Transferee or Agent</b>	Alliance Property Holdings Ltd Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL
<b>Name &amp; Address of Premises</b>	McColls 72 High Street Annan DG12 6DL
<b>Effective Date of Transfer</b>	16 June 2022

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

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

Date of Report: 23 June 2022

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

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

<b><u>No. 1 – Ref L.6/706A</u></b>	
<b>Name &amp; Address of Licence Holder</b>	Double Trouble Drinks Ltd Stennies Waterfoot Bantpath Langholm DG13 0NN
<b>Name &amp; Address of Premises</b>	Stennies Waterfoot Bantpath Langholm DG13 0NN
<b>Date Licence Surrendered</b>	8 March 2022

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

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

Date of Report: 23 June 2022

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: ATWAL CONVENIENCE STORE, 69 SPRINGBELLS ROAD, ANNAN**

**PREMISES LICENCE HOLDER: J&A STORES, 69 SPRINGBELLS ROAD, ANNAN**

**1. Reason for Report**

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

1.2 Members are asked to consider the application received 10 February 2022 and detailed in **Appendix 1** to this report.

**2. Background**

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

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

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Monday 16 May 2022 to Tuesday 7 June 2022**.

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

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

2.5 Signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 6 June 2022**.

3.2 No objections or representations have been received.

**4. Responses**

- LSO report: no adverse comments: **Appendix 2**
- Police Scotland: no adverse comments
- Environmental Health: no objections
- Planning: no objections
- Building Standards: no adverse comments
- SFRS: no comments

**5. Determining the application**

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

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

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

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

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

23 June 2022

**Annandale & Eskdale Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	J&A Stores 69 Springbells Road Annan DG12 6LQ
<b>Address of Premises</b>	Atwal Convenience Store 69 Springbells Road Annan DG12 6LQ
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>To amend Q5 'Any Other Activities' to read:</p> <p>To provide a delivery service:</p> <p>Local deliveries of goods and alcohol by hand to the doorstep</p> <p>Non-local deliveries utilising a courier service</p> <p>Deliveries will be seven days per week between the hours of 6am and midnight</p>
<b>Last Date for Objections/Representations</b>	<b>Monday 6 June 2022</b>

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

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: ATWAL CONVENIENCE STORE, 69 SPRINGBELLS ROAD,  
ANNAN, DG12 6LQ.**

1. J & A Stores have submitted this application, seeking to amend the operating plan relating to the Atwal Convenience Store, situated at 69 Springbells Road, Annan.
2. The shop has been licensed since 2009 and has operated without any notable issues, problems, or concerns from a licensing perspective.
3. The shop consists of a modern retail outlet, offering a wide variety of household goods, fresh and frozen produce, confectionery, stationery, and a wide range of both alcoholic and soft drinks. It also hosts a cash point and facilitates pay point transactions.
4. This application seeks to amend the existing premises licence and operating plan, to include the provision of a delivery service, encompassing both alcohol and non-alcohol goods, by way a courier service.
5. Deliveries will take place seven days a week between the hours of 06.00 & 24.00 hrs.
6. This proposal has no impact on the current alcohol display area and will not affect the operating hours.
7. Any such delivery service which includes alcohol, is regulated by the Licensing (Scotland) Act 2005 and the applicant should be aware of the statutory requirement to keep records of the sale transaction in addition to maintaining information concerning any deliveries. These records will be subject to checks by LSO's and Police Scotland as/when required.
8. In addition, cognisance is essential of the requirement to check the ages of any potential customer requesting delivery of alcohol.
9. The application was advertised on the Board's website page from 16 May 2022, simultaneously a notice was displayed at the premises.

The notice has been checked and found to be correctly displayed.

10. The application has been submitted in keeping with the Nithsdale Divisional Licensing Board Policy.

11. I have no adverse comments to be made in respect of this application.

***Michael Collins***

Licensed Standards Officer

30 May 2022.

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

---

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: LONSDALE CINEMA, LADY STREET, ANNAN**

**PREMISES LICENCE HOLDER: RJ TOWERS & PARTNERS, 121 CENTRAL AVENUE, GRETNA**

**1. Reason for Report**

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

1.2 Members are asked to consider the application received 4 May 2022 and detailed in **Appendix 1** to this report.

**2. Background**

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

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

2.2 In terms of the law, the Board is obliged to advertise notice of the application on its website for a continuous period of 21 days. The dates of display were **Monday 16 May 2022 to Tuesday 7 June 2022**.

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

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

2.5 Signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 6 June 2022**.

3.2 No objections or representations have been received.

**4. Responses**

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

**5. Determining the application**

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

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

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

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

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

## 6. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

23 June 2022

**Annandale & Eskdale Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	RJ Towers & Partners 121 Central Avenue Gretna DG16 5AQ
<b>Address of Premises</b>	Lonsdale Cinema Lady Street Annan DG12 5DA
<b>Nature of Variation</b>	<b><u>Operating Plan</u></b>  Proposed changes to the core times when alcohol will be sold for consumption on premises to bring in line with our opening times. Everyday 11.30-21.30
<b>Last Date for Objections/Representations</b>	<b>Monday 6 June 2022</b>

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

---

**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: LONSDALE CINEMA, LADY STREET, ANNAN  
APPLICANT: RJ TOWERS & PARTNERS.**

1. This application has been submitted by RJ Towers & Partners, 121 Central Avenue, Gretna and relates to the Lonsdale Cinema situated in Lady Street, Annan, DG12 5DA.
2. The application seeks to amend the core times when alcohol can be sold for consumption within the premises, to coincide with cinema opening times.
3. A recent application to licence the cinema was processed and granted earlier this year, but the application had contained incorrect information relating to the cinema opening times and this subsequent application rectifies the situation.
4. A cinema has existed in Lady Street since 1917 and recently had a functioning licensed bingo hall, until this closed leading to the formation of a third screen in 2020.
5. The building is used to show a wide variety of films in addition to live-screening specific events such as concerts, operas, and ballet from various venues around and outwith the UK.
6. The premises have a reputation for being a family friendly venue, attracting customers from a wide expanse of the local area.
7. The application seeks “on-sales” (when alcohol will be sold for consumption within the cinema) between 11.30 & 21.30 hrs, Monday Sundays.
8. There is no specific bar in the building, but a range of alcoholic and soft drinks, including teas/coffees etc will be available to purchase from a kiosk within the foyer. Customers can therefore buy alcohol for consumption when watching films or live-screened events
9. The total capacity seated within the relevant cinema is eighty-five people.
10. Prior to the submission of this application, the Lonsdale Cinema has made regular use of “occasional licences” for the sale and supply of

alcoholic drinks and has operated successfully, without any problems, issues, or concerns.

11. The application was advertised on the Board's website page from 16 May 2022, simultaneously a notice was displayed at the premises.

The premises have been visited and found to be in keeping with the information detailed on the layout plan supplied with the application.

The notice was checked on 19 May 2022 and found to be correctly displayed.

12. The application has been submitted in keeping with the Boards Licensed Hours Policy.

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

***Michael Collins***

Licensed Standards Officer  
27 May 2022

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

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**LICENSING (SCOTLAND) ACT 2005 (2005 Act): SECTION 28  
PREMISES CEASED TO BE USED FOR THE SALE OF ALCOHOL  
PREMISES: BRIG INN, 5 BRIDGE STREET, BRYDEKIRK  
LICENCE HOLDER: THE FIRM OF THE BRIG INN, 5 BRIDGE STREET, BRYDEKIRK**

## **1 Reason for Report**

Members are asked to determine whether the above premises have ceased to be used for the sale of alcohol, the consequence of which is that the Premises Licence will cease to have effect.

## **2 Background**

2.1 In terms of section 28 (5) (b) 2005 Act, a premises licence ceases to have effect if the premises to which the licence relates have ceased to be used for the sale of alcohol.

2.2 The effect of a premises licence ceasing to have effect is that it may not thereafter be resurrected. It cannot be transferred. It is therefore treated as 'void' in law.

2.3 However, the Coronavirus (Scotland) Act 2020 inserts a new section 28(5A) into the 2005 Act and provides that 'For the avoidance of doubt, a licensed premises does not cease to be used for the sale of alcohol, for the purposes of subsection (5)(b), if the premises cease to be used for the sale of alcohol for a temporary period for a reason relating to coronavirus.'

2.4 There are also outstanding statutory annual fees that remain unpaid.

2.5 When a premises licence is in effect or suspended, a mandatory condition of the licence is that the premises licence holder must pay the annual fee in accordance with the Licensing (Scotland) Fee Regulations 2007.

2.6 Annual fees for all premises are due on 1 October each year or, if that day is a Saturday or Sunday, they are due on the following Monday.

2.7 The full annual fee due in respect of the Brig Inn is £220 annually and the following annual fees remain unpaid constituting breach of mandatory condition of the licence:

- 2021/2022: outstanding annual fee of £220
- 2020/2021: outstanding annual fee of £220;
- 2019/2020: outstanding annual fee of £54.99

2.8 With regard to this matter, the following written correspondence has been sent to the Licence Holder's address:

- Letter dated 11 September 2020 with regard to 2019/20 – **Appendix 1**
- Letter dated 13 May 2021 with regard to 2019/20 – **Appendix 2**
- Letter dated 11 September 2020 with regard to 2020/21 – **Appendix 3**

- Letter dated 13 May 2021 with regard to 2020/21 – **Appendix 4**

2.9 The Board will recall that this matter called before it at its Hearing on 9 March 2022 and a decision was made to defer consideration until the next Hearing to allow the Licensing Service to make one final attempt to contact the Premises Licence Holder in terms of fairness.

2.10 Pursuant to this decision, the undernoted further letters have been sent to the licence holder:

- Letter dated 5 April 2022– **Appendix 5**
- Letter dated 25 April 2022– **Appendix 6**

2.11 The Licensing Standards Officer also visited the premises on 1 October 2021 and, following this visit, submitted a report with photographs taken of the premises (**Appendix 7 and 8**).

### **3 Considerations**

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.

3.2 Notwithstanding all the steps detailed above, the annual fee remains partially unpaid for 2019/20, fully unpaid for 2020/21 and fully unpaid for 2021/22 and, based on the photographs taken by the LSO, it appears that the premises have ceased to be used for the sale of alcohol.

3.3 Furthermore, no verbal or written correspondence has been received by the Licensing team in relation to the attached correspondence detailed at Appendices **1, 2, 3, 4, 5 and 6**.

### **4 Recommendation**

4.1 The Board is asked to make a determination as to whether the premises - based on all the information before it - have ceased to be used for the sale of alcohol and accordingly the premises licence has ceased to have effect in law.

Vlad Valiente  
Clerk to the Licensing Boards  
Municipal Chambers  
Buccleuch Street, Dumfries

23 June 2022

**Appendix 1**

Your Ref:

Our Ref: L.2/605A CS/030

11 September 2020

The Firm of the Brig Inn  
5 Bridge Street  
Brydekirk  
DG12 5LR

**Licensing**

Annandale & Eskdale Divisional Licensing  
Board

Council Offices,

Buccleuch Street, Dumfries DG1 2AD

Any enquiries please contact

**Licensing**

Direct Dial 01387 245903

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

Dear Sirs

**THE LICENSING (SCOTLAND) ACT 2005  
ANNUAL FEE DIRECT DEBIT 2019/20  
PREMISES : BRIG INN, BRYDEKIRK**

I am writing regarding the direct debit which you put in place for the above premises for the annual fee payment for 2019/20. I note that there is an outstanding balance of £54.99. I would be grateful if you can ensure that this sum is paid to us by 30 September 2020.

I understand that this is an extremely difficult time for the licensed trade due to Covid-19 but unfortunately, the Scottish Government have not issued any guidance on changes that can be made to payment of annual fees. Therefore, the Licensing Board is required in law to continue to collect annual fees as normal.

Yours faithfully



Interim Clerk to the Licensing Boards

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Your Ref:

Our Ref: L.2/605A CS/031

13 May 2021

The Firm of the Brig Inn  
5 Bridge Street  
Brydekirk  
DG12 5LR

**Licensing**

Annandale & Eskdale Divisional Licensing Board

Council Offices,

Buccleuch Street, Dumfries DG1 2AD

Any enquiries please contact

**Licensing**

Direct Dial 01387 245903

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

Dear Sirs

**LICENSING (SCOTLAND) ACT 2005  
THE LICENSING (FEES) (SCOTLAND) REGULATIONS 2007  
PREMISES: BRIG INN, BRYDEKIRK  
ANNUAL FEE: 2019/20**

I refer to my letter to you dated 11 September 2020 (copy enclosed) advising that the remainder of the Premises Licence annual fee in respect of the above premises was due to be paid.

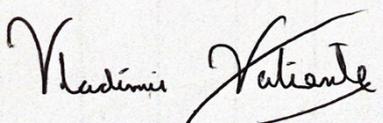
You will be aware that payment of the annual fee is a statutory requirement and is a mandatory condition of your premises licence (mandatory condition 10). Failure to pay the annual fee on time is breach of your licence terms and can give rise to a review of your premises licence with the ultimate sanction revocation (loss) of your licence.

Notwithstanding the reminder to you advising that payment of your annual fee is due, I note that I have not received payment or a response from you.

Accordingly, please accept this letter as a last request to pay your outstanding annual fee due for the period 2019/2020. If payment is not received by Friday 28 May 2021, then this matter will be referred to the Licensing Board and a Hearing will take place to consider this matter.

I look forward to hearing from you as a matter of urgency. You may wish to take independent legal advice with regard to this matter.

Yours faithfully



Clerk to the Licensing Board

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Your Ref:

Our Ref: L.2/605A/CS

11 September 2020

The Firm of the Brig Inn  
Brig Inn  
5 Bridge Street  
Brydekirk  
Annan  
DG12 5LR

### Licensing

Annandale and Eskdale Divisional Licensing Board

Municipal Chambers

Buccleuch Street

Dumfries DG1 2AD

Any enquiries please contact

**Cheryl Syme**

Direct Dial 01387 245903

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

Dear Sir/Madam

#### **LICENSING (SCOTLAND) ACT 2005**

#### **ANNUAL FEE 2020/21 – DUE 1 OCTOBER 2020**

**PREMISES: BRIG INN, , 5 BRIDGE STREET, BRYDEKIRK, ANNAN, DG12 5LR**

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 2020.

I understand that this is an extremely difficult time for the licensed trade due to Covid-19 but unfortunately, the Scottish Government have not issued any guidance on changes to the matter of annual fees. Therefore, the Licensing Board are required to continue to collect annual fees as normal.

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

- In Full – by cheque (made payable to Dumfries and Galloway Council) or debit or Credit Card on or before 1 October 2020. 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](mailto: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.
- On Invoice – you must contact the Licensing Office on the above telephone number to arrange for an invoice to be issued to you before payment is made. Again, it would be helpful if you could provide an email address to ensure invoices are issued more efficiently.

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

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

Yours faithfully

  
Interim Clerk to the Licensing Boards

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Your Ref:

Our Ref: L.2/605A CS/032

13 May 2021

The Firm of the Brig Inn  
5 Bridge Street  
Brydekirk  
DG12 5LR

**Licensing**

Annandale & Eskdale Divisional Licensing Board

Council Offices,

Buccleuch Street, Dumfries DG1 2AD

Any enquiries please contact

**Licensing**

Direct Dial 01387 245903

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

Dear Sirs

**LICENSING (SCOTLAND) ACT 2005  
THE LICENSING (FEES) (SCOTLAND) REGULATIONS 2007  
PREMISES: BRIG INN, BRYDEKIRK  
ANNUAL FEE: 2020/21**

I refer to my letter to you dated 11 September 2020 (copy enclosed) with a reminder being sent on 25 February 2021 advising that the remainder of the Premises Licence annual fee in respect of the above premises was due to be paid.

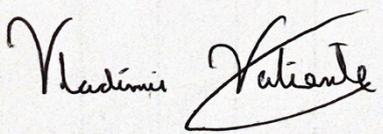
You will be aware that payment of the annual fee is a statutory requirement and is a mandatory condition of your premises licence (mandatory condition 10). Failure to pay the annual fee on time is breach of your licence terms and can give rise to a review of your premises licence with the ultimate sanction revocation (loss) of your licence.

Notwithstanding the reminders to you advising that payment of your annual fee is due, I note that I have not received payment or a response from you.

Accordingly, please accept this letter as a last request to pay your outstanding annual fee due for the period 2020/2021. If payment is not received by Friday 28 May 2021, then this matter will be referred to the Licensing Board and a Hearing will take place to consider this matter.

I look forward to hearing from you as a matter of urgency. You may wish to take independent legal advice with regard to this matter.

Yours faithfully



Clerk to the Licensing Board

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Your Ref:

Our Ref: L.2/605A CS/033

5 April 2022

The Firm of the Brig Inn  
5 Bridge Street  
Brydekirk  
DG12 5LR

**Licensing**

Annandale & Eskdale Divisional Licensing Board

Council Offices,

Buccleuch Street, Dumfries DG1 2AD

Any enquiries please contact

**Licensing**

Direct Dial 01387 245903

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

Dear Sirs

**PREMISES LICENCE HOLDER: THE FIRM OF THE BRIG INN, 5 BRIDGE STREET, BRYDEKIRK**  
**PREMISES: BRIG INN, 5 BRIDGE STREET, BRYDEKIRK**

I refer to the above and note that the following outstanding annual fees remain unpaid:

- Outstanding annual fee £54.99 due for period 2019/2020 (Reminder Letters sent 11 September 2020 and 31 May 2021)
- Outstanding annual fee £220 due for period 2020/21 (Reminder Letter sent 11 September 2020)
- Outstanding annual fee £220 due for period 2020/2021 (Reminder Letter sent 13 May 2021)

The licensing service has received no response from you in respect of the above reminder letters.

All correspondence has been sent to the one address only that the service holds on its system, namely Brig Inn, 5 Bridge St, Brydekirk.

You will be aware that, in terms of sections 48 and 88 of the above Act you are legally obliged as premises licence holder to notify the licensing service of a change of address within one month of said change and, furthermore, a personal licence holder is also obliged to do same.

The licensing service has received no notifications of change of address in respect of the premises licence holder or the personal licence holder as Designated Premises Manager at the above address.

You will be aware that a mandatory condition of your premises licence is timeous payment of annual fees and, accordingly, this matter was put before the Licensing Board for

consideration at its Hearing on 9 March 2022. After careful consideration, the Board agreed to give you one last opportunity to pay the above outstanding annual fees.

You are therefore required to settle the outstanding total sum of **£494.99** without delay and no later than **15 April 2022**.

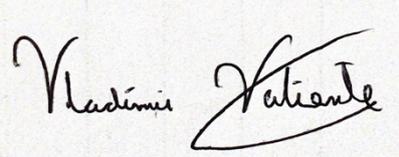
Furthermore, our Licensing Standards Officer also visited your premises on several occasions and has advised that they are permanently closed and that no alcohol is being sold.

If the above outstanding total sum is not received by **8 April 2022**, then this matter will be placed for consideration at the next Licensing Board Hearing (date to be confirmed) and Members will be asked to consider – based on all relevant material before it – whether or not the premises have ceased to be used for the sale of alcohol. If such a determination is made then, in terms of section 28 of the above Act, the premises licence will cease to have effect. You will be invited to attend this Hearing in good time to state your case.

Where a premises licence ceases to have effect it is void in law and cannot be transferred or resurrected.

Please pay total outstanding sum of **£494.99** without delay.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Vladimiro Valiente', is written over a light grey rectangular background.

Clerk to the Licensing Board

Your Ref:

Our Ref: L.2/605A CS/034

25 May 2022

The Firm of the Brig Inn  
5 Bridge Street  
Brydekirk  
DG12 5LR

**Licensing**

Annandale & Eskdale Divisional Licensing  
Board

Council Offices,

Buccleuch Street, Dumfries DG1 2AD

Any enquiries please contact

**Licensing**

Direct Dial 01387 245903

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

Dear Sirs

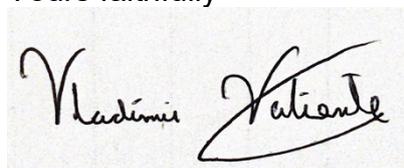
**PREMISES LICENCE HOLDER: THE FIRM OF THE BRIG INN, 5 BRIDGE STREET,  
BRYDEKIRK  
PREMISES: BRIG INN, 5 BRIDGE STREET, BRYDEKIRK**

I wrote to you on 5 April 2022, copy attached, giving details of the annual fees which are due and asking for you to make contact. To date you have not made contact.

This matter will be considered at a remote meeting of the Board to be held on **Friday 17 June 2022 at 10.30am** when you should be in attendance. Please confirm which of the following means of contact is your preference.

- Telephone;
- Written representations (stating your case via email to the Board) or
- Video conference.

Yours faithfully



Clerk to the Licensing Board

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**Appendix 7****DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

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**LICENSING (SCOTLAND) ACT 2005:  
OUTSTANDING ANNUAL FEES, PREMISES; BRIG INN, 5 BRIDGE  
STREET, BRYDEKIRK, ANNAN, DG12 5LR.**

1. The Brig Inn is situated in Brydekirk and currently holds a premises licence (No. L.2/605A) which was initially granted in 2008.
2. When the licence was first issued, the premises operated as a public house, restaurant and lounge bar.
3. The current licence holder is recorded as being "The Firm of the Brig Inn" with the contact address of 5 Bridge Street, Brydekirk.
4. The listed Directors of this company are Anne Christine Russell and John David Russell who were both involved in the management and running of the licensed premises latterly.
5. The annual fee relative to the premises licence of £220, has not been paid for period 2020/21, in addition, there is an outstanding balance of £54.99 for period 2019/20.
6. The following written reminders were sent to the licence holder;
  - (a) 1<sup>st</sup> reminder sent out on 11 September 2020, &
  - (b) 2<sup>nd</sup> reminder sent out on 13 May 2021.

Further communication was sent in respect of the 2020/21 fees, but no contact has been made with the licensing office.

7. In March 2020 the licensed premises were forced to close in conjunction with to the UK Government response to the global Covid pandemic. At some stage thereafter, the owners have sold the premises and left the area.
8. The premises have been visited and found to be vacant with the building lying empty. Enquiries with nearby neighbours suggest the Mr and Mrs Russell have relocated to Ireland although no forwarding address was available.
9. The attached photographs confirm the current position with the premises.

10. There is currently an ongoing planning dispute with the current owners, who are trying to convert the premises into a private dwelling although this has attracted a degree of opposition from some Brydekirk residents who have challenged the “change of use.” Irrespective, the premises are not currently occupied, open or trading as the Brig Inn.
11. The outstanding annual fees remain unpaid and from all the information available the premises are unlikely to reopen as licensed premises at any stage soon.

All efforts to track down the existing licence holders have been unsuccessful and from the evidence available, the business has ceased trading with no likelihood of reopening.

*Michael Collins*  
Licensed Standards Officer  
25 November 2021.

**Appendix 8**



