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**NITHSDALE DIVISIONAL LICENSING BOARD**

Meeting of Friday 26 August 2022  
at 10.30 am – Remote Hearing

Tony Berretti – Mid and Upper Nithsdale;  
John Campbell – Nith;  
Linda Dorward – Lochar;  
Ivor Hyslop (Convener) – Lochar;  
Emma Jordan – North West Dumfries;  
Tracey Little – Lochar;  
–

**VLAD VALIENTE**  
Clerk to the Licensing Board

## Nithsdale Divisional Licensing Board

Meeting of Friday 26 August 2022  
at 10.30am – Remote Hearing

- |     |   |         |
|-----|---|---------|
| 1.  | <b>SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION</b>   |         |
| 2.  | <b>DECLARATIONS OF INTEREST</b>   |         |
| 3.  | <b>MINUTE OF MEETING 24 JUNE 2022</b>   | 5 - 20  |
|     | <b>FOR APPROVAL</b>   |         |
| 4.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS</b> | 21 - 22 |
| 5.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS</b>                       | 23 - 26 |
| 6.  | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARD</b>            | 27 - 30 |
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| 9.  | <b>LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR VARIATION OF PREMISES LICENCE - CHANCERS NIGHTCLUB, DUMFRIES - REPORT BY THE CLERK TO THE BOARDS</b>               | 39 - 52 |
| 10. | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - DÉJÀ VU, 38-40 ACADEMY STREET, DUMFRIES - REPORT BY THE CLERK TO THE BOARDS</b>     | 53 - 62 |
| 11. | <b>LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PERSONAL LICENCE - LUCY FORTEATH - REPORT BY THE CLERK TO THE BOARDS</b>  | 63 - 68 |

Next Meeting Date: Tuesday, 22 November 2022

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**NITHSDALE DIVISIONAL LICENSING BOARD**

**Minute of Meeting of Friday 24 June 2022 at 2.00pm  
Remote Hearing**

**MEMBERS PRESENT**

Tony Beretti	-	Mid and Upper Nithsdale
John Campbell	-	Nith
Ivor Hyslop	-	Lochar
Tracey Little	-	Lochar

**IN ATTENDANCE**

Michael Collins	-	Licensing Standards Officer
Sergeant Julia McKie	-	Police Scotland
Cheryl Syme	-	Senior Licensing Officer
Caroline Treanor	-	Solicitor

**VLAD VALIENTE**  
**Clerk to the Licensing Boards**

1. **APPOINTMENT OF CONVENER**

**AGREED** unanimously that Ivor Hyslop be appointed Convener of the Divisional Board for the term until after the next local authority election.

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

4 Members present via MS Teams with no apologies submitted and the Convener approved Members' remote participation at the Hearing.

3. **DECLARATIONS OF INTEREST**

**NONE**

4. **MINUTE OF MEETING 23 MARCH 2022**

**Decision**

**AGREED** to defer consideration to take advice from Governance as to how to proceed when no members present today were at that meeting.

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

**Decision**

**NOTED** that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from **16 March 2022** until **8 June 2022**:

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

Total number issued      88

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

Total number issued      19

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

Total number issued      14

**Extended Hours**

Total number issued      5

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

**Decision**

**NOTED** that the applications in **Appendix 1** were granted under delegated authority

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

**Decision**

**NOTED** that the applications in **Appendix 2** were granted under delegated authority

8. **LICENSING (SCOTLAND) ACT 2005: PERSONAL LICENCE APPLICATION - CALLAN MOLONEY – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

8.1 **NOTED:-**

8.1.1 that one objection had been received in respect of the application from Police Scotland;

8.2 Having heard from the applicant, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application

9. **LICENSING (SCOTLAND) ACT 2005: REVIEW OF PERSONAL LICENCE – DEMI LEIGH HYNES – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

**AGREED** to adjourn the matter to the next Nithsdale Divisional Licensing Board

10. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – SPAR, GILLBRAE ROAD, GEORGETOWN, DUMFRIES – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

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

11. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - DOUGLAS ARMS, FRIARS VENNEL, DUMFRIES – REPORT BY THE CLERK TO THE BOARDS**

**Decision**

Having heard from the applicant, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application in its entirety with the following condition added 'There shall be no under 18yrs access to the premises at any time when adult entertainment is taking place' pursuant to the Protecting Children and Young Persons from Harm Licensing Objective, as detailed in **Appendix 4**

APPENDIX 1

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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.6/035N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Marks and Spencer PLC Waterside House 35 North Wharf Road London W2 1NW
<b>Name &amp; Address of Premises</b>	Marks & Spencer Plc 59-65 High Street Dumfries DG1 2DB
<b>Nature of variation</b>	Change of Designated Premises Manager to Jill Hill
<b>Effective Date of Minor Variation</b>	24 March 2022

<b><u>Application No. 2 – Ref L.1/015N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Friars Carse Country House Limited Friars Carse Auldgirth Dumfries DG2 0SA
<b>Name &amp; Address of Premises</b>	Friars Carse Country House Hotel Auldgirth Dumfries DG2 0SA
<b>Nature of variation</b>	Change of Designated Premises Manager to Ellen Stewart
<b>Effective Date of Minor Variation</b>	24 March 2022

<b><u>Application No. 3 – Ref L.6/100N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Thileepan Veeravaku 51B Tarmachan Road Dunfermline KY11 8LA
<b>Name &amp; Address of Premises</b>	Mr News Convenience Store Friars Vennel Dumfries DG1 2RE
<b>Nature of variation</b>	Change of Designated Premises Manager to Doreen McCulloch
<b>Effective Date of Minor Variation</b>	30 March 2022

<b><u>Application No. 4 – Ref L.3/004N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Tabussum Abbas 20 Woodgrove Avenue Dumfries DG1 1RR
<b>Name &amp; Address of Premises</b>	India Palms 46-50 Buccleuch Street Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to Khalid Naqvi
<b>Effective Date of Minor Variation</b>	30 March 2022

<b><u>Application No. 5 – Ref L.2/056N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Walker & Sharpe Solicitors For Ian Wylie Jardine 20 Haining Avenue Summerpark Dumfries DG1 3FY
<b>Name &amp; Address of Premises</b>	Déjà vu 38-40 Academy Street Dumfries DG1 1BZ
<b>Nature of variation</b>	Change to layout plan to reflect refurbishment – no increase to capacity
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 6 – Ref L.2/052N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	TLT Solicitors For Hawthorn Leisure Scotco Limited Pinewood Court Coleshill Road Marston Green Birmingham B37 7HG
<b>Name &amp; Address of Premises</b>	Stag Bar 48 Bank Street Dumfries DG1 2PA
<b>Nature of variation</b>	Change of Designated Premises Manager to John Maxwell
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 7 – Ref L.6/2/024N</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 121-122 Drumlanrig Street Thornhill DG3 5LS
<b>Nature of variation</b>	Change of layout plan due to reconfiguration of store – decrease in capacity from 20.50m <sup>2</sup> to 19.93m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 8 – Ref L.6/2/029N</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 Gillbrae Road Georgetown Dumfries DG1 4AT
<b>Nature of variation</b>	Change of layout plan due to reconfiguration of store – decrease in capacity from 29.38m <sup>2</sup> to 26.96m <sup>2</sup>
<b>Effective Date of Minor Variation</b>	1 April 2022

<b><u>Application No. 9 – Ref L.1/026N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	JHS Law For Firm of Paul Jones Bar & Grill 17 Solway Park Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Edward Walker
<b>Effective Date of Minor Variation</b>	7 April 2022

<b><u>Application No. 10 – Ref L.2/044N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Milan Cvetkovic Buon Riposa Dock Park Dumfries DG1 2RY
<b>Name &amp; Address of Premises</b>	The Riverside Bar Dock Park Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to David Coulter
<b>Effective Date of Minor Variation</b>	20 April 2022

<b><u>Application No. 11 – Ref L.1/017N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Nature of variation</b>	Change of Designated Premises Manager to Rachel Hurley
<b>Effective Date of Minor Variation</b>	26 April 2022

<b><u>Application No. 12 – Ref L.6/015N</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 Superstore Peel Centre Lockerbie Road Dumfries DG1 3PF
<b>Nature of variation</b>	Change of Designated Premises Manager to Sean McCarter
<b>Effective Date of Minor Variation</b>	13 May 2022

<b><u>Application No. 13 – Ref L.6/083N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Licensing Matters 54 Fairfield Drive Clitheroe Lancashire BB7 2PE
<b>Name &amp; Address of Premises</b>	J&J Wilson Supermarket Gillfoot Southernness Holiday Park Southernness Dumfries
<b>Nature of variation</b>	Change of Designated Premises Manager to Gavin Johnstone
<b>Effective Date of Minor Variation</b>	13 May 2022

<b><u>Application No. 14 – Ref L.1/026N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Firm of Paul Jones Bar & Grill Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change Home Address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 15 – Ref L.2/068N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Poppleston Allen 37 Stoney Street The Lace Market Nottingham NG1 1LS
<b>Name &amp; Address of Premises</b>	Southernness Holiday Village Sandy Lane Southernness Dumfries DG2 8AZ
<b>Nature of variation</b>	Change of Designated Premises Manager to Ashleigh Smith
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 16 – Ref L.1/007N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	ADW Licensing For. Jousting Limited Dunsborough House Dunsborough Park Rippley Woking Surrey, GU23 6AL
<b>Name &amp; Address of Premises</b>	Buccleuch & Queensberry Hotel 112 Drumlanrig Street Thornhill DG3 5LU
<b>Nature of variation</b>	Change of Designated Premises Manager to Ralph Mercer
<b>Effective Date of Minor Variation</b>	19 May 2022

<b><u>Application No. 17 – Ref L.1/017N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Hurley The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Nature of variation</b>	Change to home address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	7 June 2022

<b><u>Application No. 18 – Ref L.6/063N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	CJ Lang & Son Limited 78 Longtown Road Dumdee DD4 8JU
<b>Name &amp; Address of Premises</b>	Spar Convenience Store 1 Rosevale Street Dumfries DG1 2EP
<b>Nature of variation</b>	Change to home address of Designated Premises Manager
<b>Effective Date of Minor Variation</b>	7 June 2022

<b>Application No. 19 – Ref L.6/006N</b>	
<b>Name &amp; Address of Applicant or Agent</b>	Lidl Great Britain Limited Lidl House 14 Kingston Road Surbiton KT5 9NU
<b>Name &amp; Address of Premises</b>	Lidl Great Britain Limited Brooms Road Dumfries DG1 2DZ
<b>Nature of variation</b>	Change to layout plan, no change to capacity
<b>Effective Date of Minor Variation</b>	7 June 2022

APPENDIX 2

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

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

<b><u>Application No 1. – Ref L.1/026N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	JHS Law 8/10 Bank Street Dumfries DG1 2NS
<b>Name &amp; Address of Transferee or Agent</b>	Firm of Paul Jones Bar & Grill 17 Solway Park Southernness Dumfries DG2 8AZ
<b>Name &amp; Address of Premises</b>	Paul Jones Hotel Southernness Dumfries DG2 8AZ
<b>Effective Date of Transfer</b>	7 April 2022

<b><u>Application No 2. – Ref L.1/017N – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Transferee or Agent</b>	Julian Richard Hurley The George Hotel High Street Moniaive DG3 4HN
<b>Name &amp; Address of Premises</b>	The George Hotel and Glenwhisk Café & Bistro High Street Moniaive DG3 4HN
<b>Effective Date of Transfer</b>	26 April 2022

<b>Applicant/Agent</b>	TLT Solicitors For CJ Lang & Son Limited 77 Longtown Road Dundee DD4 8JU
<b>Address of Premises</b>	Spar Gillbrae Road Georgetown Dumfries DG1 4AT
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>Add Gaming Within and Outwith Core Hours</p> <p>Change the wording for ‘Outwith Core Hours Details’ to read – ‘The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.’</p> <p>Change wording for ‘Any Other Activities’ to read – ‘the primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread &amp; cakes, crisps/snacks, non-foods, toiletries, frozen &amp; chilled foods, fruit/vegetables/flowers, news &amp; magazines, toys, tobacco &amp; cigarettes, beers/wine/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to Go. Click &amp; Collect. Home Deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling &amp; promotional activities.’</p>
<b>Last Date for Objections/Representations</b>	<b>Monday 31 May 2022</b>

APPENDIX 4

<b>Applicant/Agent</b>	Lesley Ross 8 Terregles Street Dumfries DG2 9AB
<b>Address of Premises</b>	Douglas Arms 75 Friars Vennel Dumfries DG1 2RQ
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>(Q1) Add Off-sales, (Q3) 10am to 10pm Monday to Saturday; 11am to 10pm Sunday.</p> <p>(Q2) Extend licensed hours for on sales to 1am daily; Change licensed hours on Sunday to start at 11am</p> <p>(Q3b) Increase capacity to 80 persons, to reflect increased capacity indoors from removing bench seating and creating recessed seating areas, plus addition of outdoor table space (Breakdown 80 – 72 Indoor/8 Outdoor)</p> <p>(Q4) Operate according to seasonal demand to read ‘To utilise any variations for e.g. Christmas and New Year holiday dates’</p> <p>Add Meeting and Conference Facilities, Bar Meals, Receptions, Club or other group meetings, Recorded Music, Live Performances, Dance Facilities, Theatre, Films, Gaming, Indoor/Outdoor Sports, Televised Sport, and Outdoor Drinking both within and outwith core licensed hours</p> <p>Add Adult Entertainment within core licensed hours only</p> <p>‘Outwith Core Licensed Hours’ wording to read ‘Activities also to be provided outside core licensed hours on rare/extraordinary occasions when meeting or conference facilities, or receptions e.g. funeral teas, are required before normal opening times. Activities/entertainments to be provided if required at these pre-arranged events/bookings only.’</p> <p><b><u>Children and Young Persons</u></b></p> <p>(Q6b)TERMS: Children and young persons will be allowed entry to all public areas, except at the bar/service area, during opening times when accompanied by an adult’</p>

	<p>(Q6d)TIMES: Children and young persons will be allowed entry during opening times</p> <p>(Q6e)PARTS: Children and young persons will be allowed entry to all public areas, except at the bar/service area i.e. children and young persons will not be allowed to stand or sit at the bar/service area</p> <p><b><u>Variation to Layout Plan</u></b></p> <p>Changes to the “Parts” of the premises which children and young persons can access when accompanied by an adult.</p> <p>Change to position of bar/service area in snug Changes to Ladies and Gents WCs Addition of small stage area in main bar</p> <p><b><u>Variation to any other information contained or referred to in the licence</u></b></p> <p>Alteration to the description of the premises contained within the premises licence to update description of premises to:</p> <p>‘Public house – bottom/ground floor of three-storey building on corner site located in a pedestrian area. Stone built. Upper two storeys are privately-owned.</p>
<p><b>Condition Added</b></p>	<p>There shall be no under 18yrs access to the premises at any time when adult entertainment is taking place</p>
<p><b>Last Date for Objections/Representations</b></p>	<p><b>Monday 30 May 2022</b></p>

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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 9 June 2022 until 8 August 2022 the following Occasional Licences and Extended Hours were granted:

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

Total number issued 79

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

Total number issued 14

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

Total number issued 26

**Extended Hours**

Total number issued 2

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

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

Date of Report: 18 August 2022

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**DUMFRIES AND GALLOWAY LICENSING BOARDS  
NITHSDALE 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.2/023N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Star Pubs & Bars Limited 3-4 Broadway Park South Gyle Broadway Edinburgh EH12 9JZ
<b>Name &amp; Address of Premises</b>	Greens 59 St Michael Street Dumfries DG1 2QB
<b>Nature of variation</b>	Change of Designated Premises Manager to Liam Logue
<b>Effective Date of Minor Variation</b>	9 June 2022

<b><u>Application No. 2 – Ref L.3/017N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	The Old Bank Restaurant Ltd c/o Montpelier 23 George Street Dumfries DG1 1EA
<b>Name &amp; Address of Premises</b>	La Dolce Vita 94 Irish Street Dumfries DG1 2PB
<b>Nature of variation</b>	Change of Designated Premises Manager to Adam Scott
<b>Effective Date of Minor Variation</b>	14 June 2022

# Agenda Item 5

PUBLIC

<b><u>Application No. 3 – Ref L.6/099N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Charles Johnston 9 Hillside Park of Brandedleys Crocketford Dumfries DG2 8RG
<b>Name &amp; Address of Premises</b>	McEwans Premier Store 192 St Michaels Street Dumfries DG1 2PR
<b>Nature of variation</b>	Change of Designated Premises Manager to Andrew Young
<b>Effective Date of Minor Variation</b>	14 June 2022

<b><u>Application No. 4 – Ref L.2/025N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Star Pubs & Bars Limited 3-4 Broadway Park South Gyle Broadway Edinburgh EH12 9JZ
<b>Name &amp; Address of Premises</b>	Jolly Harvester Calside Road Georgetown Dumfries DG1 4HB
<b>Nature of variation</b>	Change of Designated Premises Manager to Victoria McKnight
<b>Effective Date of Minor Variation</b>	15 June 2022

<b><u>Application No. 5 – Ref L.3/036N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Maureen Schneider Trebor Cresswell Hill Dumfries DG1 2EX
<b>Name &amp; Address of Premises</b>	The New Bazaar 38-39 Whitesands Dumfries DG1 2RS
<b>Nature of variation</b>	Change of Designated Premises Manager to Kathryn Halliday
<b>Effective Date of Minor Variation</b>	16 June 2022

<b><u>Application No. 6 – Ref L.2/013N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Mark Robertson Ladypark View Lockerbie Road Dumfries DG1 3PF
<b>Name &amp; Address of Premises</b>	Dickie's Bar 48 English Street Dumfries DG1 2BY
<b>Nature of variation</b>	Change of Designated Premises Manager to Sarah Lindsay
<b>Effective Date of Minor Variation</b>	24 June 2022

<b><u>Application No. 7 – Ref L.2/012N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	John Maxwell 29 Kintail Park Lockerbie DG11 2BB
<b>Name &amp; Address of Premises</b>	Devorgilla Lounge Bar 22 Market Square Dumfries DG2 7AB
<b>Nature of variation</b>	Change of Designated Premises Manager to Samantha Parker
<b>Effective Date of Minor Variation</b>	5 July 2022

<b><u>Application No. 8 – Ref L.1/030N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Bruce Holdings Ltd Station Hotel 49 Lovers Walk Dumfries DG1 1LT
<b>Name &amp; Address of Premises</b>	Station Hotel 49 Lovers Walk Dumfries DG1 1LT
<b>Nature of variation</b>	Change of Designated Premises Manager to James Smith
<b>Effective Date of Minor Variation</b>	20 July 2022

<b><u>Application No. 9 – Ref L.2/005N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Nithsdale Properties Linden Lea Islesteps Dumfries DG2 8ES
<b>Name &amp; Address of Premises</b>	8-10 Nith Place Dumfries DG1 2PN
<b>Nature of variation</b>	Change of Designated Premises Manager to Callan Maloney and change of premises name to 'JambarZ'
<b>Effective Date of Minor Variation</b>	9 August 2022

<b><u>Application No. 10 – Ref L.4/012N</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Simon Geoffrey Davidson Ivy Cottage Balmaclellan DG7 3QE
<b>Name &amp; Address of Premises</b>	Moat Brae 101 George Street Dumfries DG1 1EA
<b>Nature of variation</b>	Change of Designated Premises Manager to Natalie Smith
<b>Effective Date of Minor Variation</b>	16 August 2022

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

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

Date of Report: 18 August 2022

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

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

<b><u>Application No 1. – Ref L.6/075N – SECTION 34</u></b>	
<b>Name &amp; Address of Applicant or Agent</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 Troqueer Mount Troqueer Road Dumfries DG2 7DF
<b>Effective Date of Transfer</b>	16 June 2022

<b><u>Application No 2. – Ref L.6/075N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant 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 Transferee or Agent</b>	Alliance Property Holdings Ltd Hillmore House Gain Lane Bradford West Yorkshire BD3 7DL
<b>Name &amp; Address of Premises</b>	McColls Troqueer Mount Troqueer Road Dumfries DG2 7DF
<b>Effective Date of Transfer</b>	16 June 2022

<b><u>Application No 3. – Ref L.6/075N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Charles Johnston 9 Hillside Park of Brandedleys Crocketford Dumfries DG2 8RG
<b>Name &amp; Address of Transferee or Agent</b>	Andrew Harvey Young 12 Summerville Crescent Dumfries DG2 9BY
<b>Name &amp; Address of Premises</b>	McEwans Premier Store 192 St Michaels Street Dumfries DG1 2PR
<b>Effective Date of Transfer</b>	22 June 2022

<b><u>Application No 4. – Ref L.3/020N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Milan Cvetkovic Buon Riposa Dock Park Dumfries DG1 2RY
<b>Name &amp; Address of Transferee or Agent</b>	Brainslav Mazic 20 Back Avenue Dumfries DG2 7BJ
<b>Name &amp; Address of Premises</b>	Pizzeria il Fiume Dock park Dumfries DG1 2RY
<b>Effective Date of Transfer</b>	1 July 2022

<b><u>Application No 5. – Ref L.6/071N – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Brazenall & Orr Solicitors 104 Irish Street Dumfries DG1 2PB
<b>Name &amp; Address of Transferee or Agent</b>	Ewen Keith McKenzie Murray Meadowbank Kirkton Road Dumfries DG1 1SH
<b>Name &amp; Address of Premises</b>	New Abbey Stores 6 The Square New Abbey DG2 8BX
<b>Effective Date of Transfer</b>	18 July 2022

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

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

Date of Report: 18 August 2022

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

**THE GAMBLING ACT 2005  
SURRENDER OF PREMISES LICENCES**

**No. 1 – Ref L.8/005N – Betting Premises Licence**

<b>Name &amp; Address of Licence Holder</b>	Ladbrokes Betting & Gaming Ltd 1 Stratford Place Westfield Stratford City Montfichet Road London E20 1EJ
<b>Name &amp; Address of Premises</b>	Ladbrokes 32-38 Bank Street Dumfries
<b>Date Licence Surrendered</b>	30 May 2022

**No. 2 – Ref L.8/020N – Betting Premises Licence**

<b>Name &amp; Address of Licence Holder</b>	Coral Racing Ltd Glebe House Vicarage Drive Barking Essex IG11 7NS
<b>Name &amp; Address of Premises</b>	Coral 101 High Street Dumfries DG1 2BN
<b>Date Licence Surrendered</b>	30 May 2022

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

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

Date of Report: 18 August 2022

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: SHELL COLLIN, ANNAN ROAD, DUMFRIES**

**PREMISES LICENCE HOLDER: SHELL UK OIL PRODUCTS LIMITED, SHELL CENTRE, LONDON**

**1. Reason for Report**

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

1.2 Members are asked to consider the application received 5 July 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
- There was no neighbour notification as there are no neighbours 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 11 July 2022 to Tuesday 2 August 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 1 August 2022**.

**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

18 August 2022

**Nithsdale Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	Lockett & Co For Shell UK Oil Products Limited Shell Centre London SE1 7NA
<b>Address of Premises</b>	Shell Collin Annan Road Dumfries DG1 3SE
<b>Nature of Variation</b>	<p><b><u>Operating Plan</u></b></p> <p>Amend the description at 5(f) of the operating plan to include delivery services by a third party provider. The additional text to 5(f) is as follows:</p> <p>The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge 25 age verification policy.</p>
<b>Last Date for Objections/Representations</b>	<b>Monday 1 August 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: SHELL COLLIN.**

1. Lockett & Co have submitted this application on behalf of Shell UK Oil Products Limited, seeking to amend the operating plan relating to Shell Collin, Annan Road, Dumfries, DG1 3SE.
2. The Shell Collin premises consist of a general fuel supply outlet, with an adjacent convenience store open to the public, offering a wide range of household grocery products, including drinks, tobacco, food and confectionery.
3. The shop has been licensed since 2017 and has operated without any issues, problems, or concerns from a licensing perspective.
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 of a third-party delivery service provider.
5. This proposal has no impact on the current alcohol display area and will not affect the store operating hours.
6. 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 can be subject to future checks by LSO's and Police Scotland as/when required.
7. In addition, cognisance is essential of the requirement to check the ages of any potential customer requesting delivery of alcohol.
8. The application was advertised on the Board's website page from 11 July 2022, simultaneously, a notice was displayed at the premises.  
  
The notice has been checked and found to be correctly displayed.
9. The application has been submitted in keeping with the Nithsdale Divisional Licensing Board Policy.

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

*Michael Collins*  
Licensed Standards Officer

13 July 2022.

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: CHANCERS NIGHTCLUB, 25 MUNCHES STREET, DUMFRIES**

**PREMISES LICENCE HOLDER: SOUTHERN UPLAND LIMITED, 123 IRISH STREET, DUMFRIES**

**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 28 April 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 **Friday 27 May 2022 to Saturday 18 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 **Friday 17 June 2022**.

3.2 Representation of support received: Catherine Lockerbie **Appendix 2**

**4. Responses**

- LSO report: no adverse comments **Appendix 3**
- Police Scotland: Objection **Appendix 4**
- Environmental Health: no objections
- Planning: comments **Appendix 5**
- 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

18 August 2022

**Nithsdale Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	Hill Brown Licensing The Forsyth Building 5 Renfield Street Glasgow G2 5EZ
<b>Address of Premises</b>	Chancers Nightclub 25 Munches Street Dumfries DG1 1ET
<b>Nature of Variation</b>	<p><b><u>Conditions</u></b></p> <p>To amend the Specific Condition “Music not to start until 6pm” to “Music not to start until 12 noon”</p> <p><b><u>Operating Plan</u></b></p> <p>At Q1, amend part a) to NO and amend part c) to YES for alcohol to be sold both ON and OFF the premises.</p> <p>At Q2, amend the on-sales terminal hour from 3am to 4am, 7 days a week</p> <p>At Q3, amend the off-sales hours from N/A to 10am-10pm, 7 days a week</p> <p>At Q3, amend the Notes section at the end as follows: 5(c) to include theatre and 5(f) to include beer festivals, community events, craft fairs or similar events.</p> <p>At Q5c, include Theatre as YYY</p> <p>At the end of Q5 Further Details Box, add the following statement: Activities listed above may take place outwith the core licensed hours.</p> <p>At the end of Q5 Further Details Box, move the current wording to Q5(f) Any Other Activities.</p> <p>At Q5(f) Any Other Activities, include the following statements: The premises may hold beer festivals, community events, craft fairs or similar events. Activities listed above may take place outwith the core licensed hours including but not limited to music and food at the events listed at 5(f) but only with the sale of alcohol is authorised.</p> <p>At Q6(b) to amend the Terms to include events.</p> <p>At Q6c to amend the Ages to include events</p>

	<p>At Q6(d) to amend the Times to include events</p> <p>At Q6e to amend the Parts to include events</p> <p><b><u>Layout Plan</u></b></p> <p>Reconfiguration of basement (previously Lower Ground Floor) layout. The office is now a VIP seating area. Escape routes now included on plan. Plan no: 519.12</p> <p>Reconfiguration of ground floor layout. Staff toilet is now Accessible WC. Reconfiguration of fixed seating areas. Awnings to front of premises. Fire escape and stairs now included in plan. Plan no: 519.13</p> <p>Reconfiguration of Upper Ground Floor (previously Balcony) fixed seating areas. Stairway leading to area now included in plan. Plan no: 519.14</p> <p>Block &amp; Location Plan. Plan no: 519.07</p> <p><b><u>Variation to any other information contained or referred to in the licence</u></b></p> <p>To amend the description as follows: Chancers Night Club, 25 Munches St, Dumfries situated in 2 storey building with basement in the commercial centre of Dumfries. Premises comprising basement, ground floor and upper ground floor. Bar areas, dance floors and balcony as shown on the accompanying plans.</p>
<b>Last Date for Objections/Representations</b>	<b>Friday 17 June 2022</b>

**Appendix 2**

**From:** catherine lockerbie <[careshopdumfries@gmail.com](mailto:careshopdumfries@gmail.com)>

**Sent:** 27 May 2022 13:19

**To:** Licensing <[licensing@dumgal.gov.uk](mailto:licensing@dumgal.gov.uk)>

**Subject:** EXTERNAL: Licensing Chancers Nightclub

Ref: L.4/007N CS/004

Dear Sir / Madam

I have received a notice from the Licensing Department notifying me that Chancers Nightclub ( my neighbour) has applied for a variation of premises licence.

As a neighbour of these premises I had some questions regarding the application of these new hours and if they would impact on our trading.

I contacted Mr Armstrong who made time to visit with me and we discussed the variation he had applied for and I was able to voice my concerns. Mr Armstrong explained in detail his business model for the future and I feel fully reassured that the proposed changes will not have a negative effect on my customers or trading at my 9-5pm retail outlet.

Furthermore, I would suggest that the additional footfall to this side of town could be seen as a positive consequence, assuming of course that permission is granted.

I wish Mr Armstrong success in his application and do not have any objections and support his proposal.

Yours faithfully

Catherine Lockerbie

The Care Shop Dumfries

Owner of Anderson Chambers.

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**Appendix 3****DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT**

---

**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
PREMISES: CHANCERS NIGHTCLUB, 25 MUNCHES STREET,  
DUMFRIES, DG1 1ET.**

1. This application has been submitted by Hill Brown Licensing, on behalf of Southern Upland Limited, looking to amend the current premises licence and operating plan relating to 'Chancers Nightclub,' 25 Munches Street, Dumfries.
2. These premises are a long-established town centre 'club, popular with a wide range of customers.
3. The Nightclub was first licensed in 2009 and is widely regarded as being a pivotal and main part of the local night-time hospitality sector.
4. 'Chancers' occupies a two-storey building with a variety of offices, a bar and toilets on the lower floor, with an additional bar, dance floor and balcony seating on the ground floor.
5. The 'club is situated in Dumfries town centre, surrounded by various other commercial retail outlets and residential properties.
6. There are other licensed premises in the immediate vicinity of the club, in addition to a busy adjacent taxi rank in Munches Street.
7. Chancers Nightclub currently operates until 03.00 hrs daily, there is one other 'club and two other licensed premises with the same 3am terminal hour in Dumfries town centre.
8. The application seeks various changes to the current operating plan, seeking to broaden and enhance the customer experience and to cater for consumer demand, by widening the range of activities available to patrons.
9. Under general "conditions," the application seeks to amend a specific condition from "music not to start until 6pm" to "music not to start until 12 noon."

10. Various other changes are being sought in respect of the operating plan, including the proposed extension of the on-sales terminal hour from 03.00 to 04.00 hrs, 7 days a week.
11. Other miscellaneous licensing changes are being sought, as itemised in the original application.
12. The designated premises manager of 'Chancers' is Mr Brian Armstrong, a well-respected member of the local hospitality sector, who has held a personal licence for many years (DG/N0028 refers.)
13. Mr Armstrong is heavily involved in the local Pubwatch scheme and active on a local and national basis, through participation in the Scottish Licensed Trade Association.
14. I visited the premises on Friday 10 June 2022, along with a representative from Police Scotland and met with Mr Armstrong to view the changes made to the infrastructure of the building and to discuss the contents of this application.
15. Mr Armstrong explained that the operational side of the nightclub had suffered from extended restrictions imposed on the hospitality sector during the recent Covid pandemic, with the club being forced to close for much of the last two years. Since then, considerable investment has been made to enhance the club, improving customer facilities.
16. A pivotal part of the application seeks to extend the terminal hour until 04.00 hrs, extending the nightclub experience, with the continued provision of DJ's and the provision of dance facilities. Mr Armstrong is aware that a 4am terminal hour is out with current Nithsdale Divisional Licensing Board policy.
17. The application was advertised on the Board's website page from 27 May 2022, simultaneously a notice was displayed at the premises.  
  
The notice was checked and found to be correctly displayed on 1 June 2022.
18. While noting the terms of this application, I have no adverse comments to be made in respect of this proposed major variation.

*Michael Collins*  
Licensed Standards Officer  
14 June 2022.

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**OFFICIAL SENSITIVE: POLICE AND PARTNERS****Appendix 4**

13<sup>th</sup> June 2022

Your Ref: L.4/007N

Our Ref: JMM/COS/HJR/638847

Democratic Services Manager  
Nithsdale Divisional Licensing  
Chief Executive Service  
Municipal Chambers  
Buccleuch Street  
Dumfries  
DG1 2AD



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
PREMISES: CHANCERS NIGHTCLUB, 25 MUNCHES STREET, DUMFRIES, DG1 1ET  
PREMISES LICENCE HOLDER:  
SOUTHERN UPLAND LIMITED, 123 IRISH STREET, DUMFRIES, DG1 2PE**

I refer to the above application for the variation of a Premises Licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of changes to the Conditions of the Licence, Operating Plan and Layout Plan.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(a) of the same Act, I make the following objection.

At Q3 of the application it has been requested to amend the on sales terminal hour from 0300 hours to 0400 hours, 7 days a week. Currently no other premises within Dumfries benefit from a terminal hour of 0400 hours and Police Scotland are of the opinion that if granted this would set a precedent which other licensed premises in Dumfries would be likely to seek to replicate.

The premises is already operating in exception to Board policy by benefiting from a terminal hour of 0300 hours, 7 days a week. This was granted by the Board due to a legacy agreement. Guidelines contained within the Licensing Board's Statement of Licensing policy 2018-2023 for Nithsdale state that a later closing hour of 0200 hours will be looked on favourably where dancing is provided to the setting of a live band or singer or DJ.

Reducing Violence and Anti-Social Behaviour continues to be a Policing priority in Nithsdale. An extension beyond what is currently in place introduces further risk for alcohol related, violence, disorder and anti-social behaviour beyond the risks we are already providing a

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

policing service to mitigate and maintain public safety towards the current terminal hour of 0300 hours.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours introduces further unnecessary risk to public safety.

The granting of a terminal hour of 0400 hours, 7 days a week also has the potential to have a significant impact on the local community. There are a number of residential properties within a short distance of the premises. The potential for issues arising from increased noise further into the morning which could impact on people's health.

An extra hour until 0400 hours would also introduce the risk of increased consumption of alcohol within licensed premises and a risk to people's health. With this variation people would be able to consume alcohol for 19 hours per day in Dumfries Town Centre with the earliest licensed time being 0900 hours. This could present further risk to public health.

A final concern is the applicants request to amend the arrangements for Children and Young Persons. In Q6 they have requested that all ages be allowed entry for functions and events only under the supervision of a responsible adult, with young person's being allowed permission to be within until midnight. It is my understanding that the applicant is looking diversify his business to include various events those that are suitable for young persons to attend.

Dumfries Town Centre continues to be a location where officers are deployed to prevent and reduce anti-social behaviour and associated offences.

This request could attract more young people into the area and provide a problematic issue for the applicant in relation to identifying who is caring for the young persons in the premises. I am of the opinion that the presence of children and young persons in this premise introduces further risk of anti-social behaviour and other offences into the area pre, during and post the time this variation is operating in the premises.

I believe this presents risk to the board's objectives.

In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting children and young person from harm

This objection is submitted for your attention in considering this application.

Yours faithfully

Carol McGuire  
Chief Superintendent

**Appendix 5**

**From:** Little, Lindsey <[Lindsey.Little@dumgal.gov.uk](mailto:Lindsey.Little@dumgal.gov.uk)>  
**Sent:** 07 June 2022 12:05  
**To:** Licensing Applications <[LicensingApplications@dumgal.gov.uk](mailto:LicensingApplications@dumgal.gov.uk)>  
**Subject:** FW: Nithsdale - Major Variation - Chancers, Dumfries

## OFFICIAL

Good Afternoon,

I refer to your email below and the attached application for a Variation other than a Minor Variation.

The premises currently fall within Use Class 11 (Discotheque) for planning purposes. From the information provided within the application it appears that other uses are being proposed which do not fall within Class 11. In addition, the operating hours may currently be restricted by planning conditions, which I am unable to check at this time. Further Planning Permission may therefore be required and I would therefore suggest that the applicant submits a pre-planning application enquiry, providing more information on the extent of the proposed additional uses of the building, together with details of opening times etc.

Kind regards

Lindsey Little  
Development Management Assistant  
Economy and Development  
Dumfries and Galloway Council  
Kirkbank House  
English St  
Dumfries  
DG1 2HS

Mobile 07584 594 138  
mail [Lindsey.Little@dumgal.gov.uk](mailto:Lindsey.Little@dumgal.gov.uk)

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

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

**APPLICATION: MAJOR VARIATION**

**PREMISES: DÉJÀ VU, 38-40 ACADEMY STREET, DUMFRIES**

**PREMISES LICENCE HOLDER: IAN WYLLIE JARDINE**

**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 6 July 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 11 July 2022 to Tuesday 2 August 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 A signed Confirmation of Site Notice has been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 1 August 2022**.

3.2 No Objections have been received

**4. Responses**

- LSO report: no adverse comments **Appendix 2**
- Police Scotland: Representation **Appendix 3**
- 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

18 August 2022

**Nithsdale Divisional Licensing Board**  
**Application for Variation of Premises Licence**

<b>Applicant/Agent</b>	Walker & Sharpe Solicitors For Ian Wyllie Jardine 20 Haining Avenue Summer Park Dumfries DG1 3FY
<b>Address of Premises</b>	Déjà vu 38-40 Academy Street Dumfries DG1 1BZ
<b>Nature of Variation</b>	<p>1) Alcohol will be sold only for consumption on the premises. 1(a) will be changed to 'Yes'. 1(c) will be changed to 'No'.</p> <p>2) To change the core time when alcohol will be sold for consumption on the premises from:</p> <p style="padding-left: 40px;">11am on a Saturday and replaced with 09.00am, and 11.00am on a Sunday replaced with 10.00am The change of times will be to allow the serving of breakfasts and food.</p> <p>3) The times in question three to be deleted on the basis that they are not required as the premises will not be selling alcohol for consumption off premises.</p> <p>5) Add Conference facilities, Restaurant Facilities, bar Meals and Theatre both within and outwith core hours. Add Adult Entertainment within core hours only.</p> <p>Change of wording in 'Outwith Core Hours Information' to delete the old wording and replace as follows:</p> <p>"The premises may open outwith core licensed hours for the service of food, tea, coffees and other non-alcoholic beverages which would also allow the premises to provide conference facilities, restaurant facilities, bar facilities, receptions and club or other group meeting facilities. The outdoor area may be used outwith core licensed hours, but alcohol will only be sold and consumed within licensed hours.</p> <p>Restaurant facilities and bar meals will allow the premises to provide a range of food services to customers throughout the day including breakfasts, lunches, dinners and snacks. The premises will be able to provide catering for receptions and conferences. Restaurant facilities and bar meals will be provided until 0900pm.</p> <p>Conference facilities will allow the premises to provide the facilities, snacks and meals required for third parties to use the facilities for</p>

meetings, training days and other such activities.

Gaming includes dominoes, cards, board games, quizzes etc, as well as the games machine.

Theatres includes pre-theatre meals and entertainment.

Indoor/outdoor sports includes darts, snooker, pool etc, as well as any other appropriate sports for the premises.

Adult entertainment allows the premises to host events such as hen/stag parties and the activities associated with those events such as strippers. Such activity will take place only during licensed hours.”

5(f) Changing of wording in ‘Any Other Activities’ to delete old wording and replace as follows:

“Karaoke will be a frequently provided activity. Barbeques may be held in the outdoor beer garden area. Catering and snacks may be provided.”

5(g) Answered ‘No’ to both questions

6(b) Change of TERMS for Children and Young Persons Access as follows:

“Young Persons and Children aged 5 and above will be permitted access to the rear lounge bar, beer garden and toilets when accompanied by an adult for the purpose of attending for a function, meal or barbeque.”

6(d) Change TIMES for Children and Young Persons access time as follows:

“Children and Young Persons will be permitted access until 10.00pm. When attending a function, children and young persons may be permitted to stay on the premises until 0100am and such attendance will be at the discretion of management considering the safety of children and young persons.”

6(e) Change of PARTS of the premises to which children and young persons will be allowed as follows:

“Children and Young Persons will be permitted to access to the lounge bar, beer garden, entrance and exit and toilet areas.”

7) Variation to the capacity of the premises. The premises will now seat 104 persons inside the premises with room for 20 persons standing. The beer garden will have capacity for 30 seated persons with room for 10 persons standing. The capacity will be 164 in total with room for 124 inside and 40 outside in the beer garden. Off sales capacity will be removed from the premises licence as this facility will no longer be offered.

**Layout Plan**

	<p>Plan delineated to show that children will have access to the rear lounge bar, beer garden and toilets.</p> <p>The premises has been subject to renovations which have included an extension. A lounge bar has been added to the rear of the building through an extension. A kitchen has been installed during the extension to allow for the preparation and sale of food.</p> <p><b><u>Any Other Changes</u></b></p> <p>Alteration to the description of the premises contained within the premises licence. To substitute the words “The premises are the Last Post Public House” with the words “The premises are Déjà vu Public House”</p>
<p><b>Last Date for Objections/Representations</b></p>	<p><b>Monday 1 August 2022</b></p>

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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: DÉJÀ VU, 38 - 40 ACADEMY STREET, DUMFRIES, DG1  
1BZ.**

1. This application has been submitted by Walker & Sharpe Solicitors, on behalf of Ian Wyllie Jardine, seeking changes to the current operating plan relating to the 'Déjà vu' Public House, 38 - 40 Academy Street, Dumfries.
2. There have been licensed premises at this location for many years, with the public house having operated under various names previously. The current Licence Holder acquired the property in 2019.
3. Déjà vu is a long established and traditional town centre 'pub with a vibrant local clientele, popular with a variety of age-groups.
4. The self-contained licensed premises occupy a detached corner site, with the bar situated on the ground floor of the building. In addition, there is an enclosed outdoor seated area to the rear.
5. There are various commercial retail outlets and residential properties in the immediate vicinity and a number of other licensed premises nearby.
6. This application seeks various changes, to amend the existing operating plan, catering to customer demand and aiming to enhance the overall consumer experience.
7. The various changes are itemised in detail within the application but includes a request to amend the core times when alcohol will be sold for consumption on the premises, from;

11.00 hrs on a Saturday to 09.00 hrs, and  
11.00 hrs on a Sunday to 10.00 hrs.

This is to enable the serving of breakfasts and food but is out with Nithsdale Divisional Licensing Board policy.

The earlier opening time is to cater for consumer demand and is consistent with other licensed premises situated in the town centre.

I have no specific issue or problem with this request.

8. Other changes include the adding of conference and restaurant facilities, bar meals and theatre, both within and outwith core hours. Adult entertainment has also been requested (within core hours only,) with further explanation contained in the original application.
  
9. Changes to the access of children and young persons are laid out in detail, and the overall capacity (indoors and outdoors) will increase from 120 to 164 persons, made possible because of the extensive refurbishment of the building and facilities.
  
10. All the requested changes are credible with the layout and infrastructure of the licensed premises, and do not pose any issues or concern from a licensing perspective.
  
11. The application was advertised on the Board's website page from 11 July 2022, simultaneously a notice was displayed at the premises.  
  
The notice has been checked and found to be correctly displayed.
  
12. Except for the earlier proposed, weekend opening hours, the application has been submitted in keeping with Nithsdale Divisional Licensing Board Policy.
  
13. I have no adverse comments to be made in respect of this application.

Michael Collins  
Licensing Standards Officer

16 August 2022.

**OFFICIAL SENSITIVE: POLICE AND PARTNERS****Appendix 3**22<sup>nd</sup> July 2022

Your Ref: L.2/056N

Our Ref: JMM/HJR/649544

Democratic Services Manager  
Nithsdale Divisional Licensing  
Chief Executive Service  
Municipal Chambers  
Buccleuch Street  
Dumfries  
DG1 2AD



**POLICE  
SCOTLAND**

Keeping people safe

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
PREMISES: DÉJÀ VU, 38 ACADEMY STREET, DUMFRIES, DG1 1BZ  
PREMISES LICENCE HOLDER:  
IAN W. JARDINE, 20 HAINING AVENUE, DUMFRIES, DG1 3FY**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consisted of changes to both the Layout Plan and Operating Plan, Saturday On Sales from 0900 hours to 0100 hours and Sunday On Sales from 1000 hours to 0100 hours.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

Within the Nithsdale Divisional Licensing Board statement of policy the earliest opening hour for On Sales within Nithsdale area is 1100 hours. Police Scotland acknowledge that consideration can be given to an earlier hour to be considered on individual application merits. This premise is within Dumfries Town Centre and concern is raised regards the early time they wish to begin providing alcohol and the potential for alcohol related anti-social behaviour. As such Police Scotland wish the board to be fully cited on the terms of the application and degree of which it falls out with standard licensing policy.

This representation is submitted for your attention in considering this application.

Yours faithfully  
Carol McGuire

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

Chief Superintendent

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

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**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 74  
APPLICATION FOR A PERSONAL LICENCE  
APPLICANT: LUCY FORTEATH**

**1. Reason for Report**

Lucy Forteath submitted an application for a Personal Licence on 17 March 2022. As the Chief Constable has submitted a Notice under section 73(3)(b) of the Act notifying relevant offences this matter must be determined by the Board at a Hearing.

**2. Background**

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

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

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

**3. Police Response**

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

**4. Determining the application**

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

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

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

4.3 The grounds for refusal are:

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

**5. Recommendation**

Members are asked to either GRANT or REFUSE the application.

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

Date of Report: 18 August 2022

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

11 July 2022

Your Ref: DG/N/1059

Our Ref: JMM/HJR/622249

Democratic Services Manager  
Nithsdale Divisional Licensing  
Chief Executive Service  
Municipal Chambers  
Buccleuch Street  
Dumfries  
DG1 2AD



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR THE GRANT OF A PERSONAL LICENCE DG/N/1059****APPLICANT: LUCY FORTEATH, BORN 18.02.1999****ADDRESS: 143 LOCHSIDE ROAD, LOCHSIDE, DUMFRIES, DG2 0EA**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I give notice that, based upon the information provided and as far as the Chief Constable is aware, the application has been convicted of the following relevant offences.

Date	Court	Crime/Offence	Disposal
11.08.2021 PDG0048090321	Dumfries Sheriff Court	Criminal Justice & Licensing (Scotland) Act 2010 Section 38(1) Knife Aggravator	Admonished

About 1550 hours, on 13 March 2021, Police were contacted by a Mental Health Nurse stating Lucy Forteath was within her home address and had a knife to her throat stating that if anyone came near her she would be violent.

On the arrival of Police entry was forced to the property at which time Lucy was discovered within the living room with a kitchen knife in her right hand. She was instructed to drop the knife at which time she stated that if anyone came near her she would hurt them.

Due to her erratic behaviour Officers drew their Tasers and requested that she drop the knife. She repeatedly ignored the instruction until one of the Officers arced his Taser and she dropped the knife.

Lucy was thereafter cautioned and arrested for Criminal Justice & Licensing (Scotland) Act 2010 Section 38(1) with a knife aggravator and conveyed to Dumfries & Galloway Royal Infirmary for assessment. Following her assessment she was deemed fit to be released into Police Custody.

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

<b>Date</b>	<b>Court</b>	<b>Crime/Offence</b>	<b>Disposal</b>
26.08.2020 PDG0165050820	Dumfries Sheriff Court	Criminal Law (Consolidation) (Scotland) Act 1995 Section 49(1) Knife Aggravator	Community Payback Order 12 months 150 hours unpaid work. Must engage with Mental Health Treatment as directed.

About 1730 hours, on 24 August 2020, Police received a call from staff at Mountainhall Medical Centre, Community Mental Health Team who stated they had received a phone call from Lucy informing them that she was driving back from Inverness and was intending to attend at her parents' home address to kill her family and was in possession of a knife. Details of Lucy's vehicle were provided to Police along with her mobile phone number.

At around 2140 hours Police contacted Lucy at which time she stated she was 20 minutes from Dumfries and was intending on killing all of her family.

At 2214 hours Lucy's motor vehicle was traced north of Dumfries and stopped by Police at which time a kitchen knife was observed lying on the passenger seat. She was arrested, cautioned and charged and remained in Police Custody until the next lawful day.

<b>Date</b>	<b>Court</b>	<b>Crime/Offence</b>	<b>Disposal</b>
12.03.2018 PDG0050700318	Dumfries Sheriff Court	1. Assault to Injury 2. Breach of the Peace Bail Sex-Ornt 3. Police & Fire Reform Act (Scotland) Act 2012 Section 90(1)(A) 4. Police & Fire Reform Act 2012 Section 90(1)(A) 5. Police & Fire Reform Act (Scotland) 2012 Section 90(1)(A)	Community Payback Order 24 months supervision, 300 hours unpaid work within 24 months.

About 1314 hours, on 10 March 2018, Police Scotland received a report of a missing person from Dumfries & Galloway Royal Infirmary. As the call was being dispatched a further call was received from a male, who was in the Staff Car Park of the hospital. He intimated that whilst he was within his vehicle he was approached by a female who told him there was something wrong with the rear of his car. On getting out to investigate the female got in to the driver's seat and attempted to drive off. The male managed to get to the driver's side and grab the female at which time she punched him to the left side of his face before running off.

A short time later, reports were received of a female attempting to jump in front of vehicles on the A75 Gretna to Stranraer road, near to Dumfries & Galloway Royal Infirmary. Members of the public stopped and struggled to restrain the female until the arrival of Police.

On the arrival of Police the female was identified as Lucy Forteach who began shouting, swearing and making homophobic remarks towards Officers. On taking hold of Lucy she attempted to bite Officers, spat at them and continually lashed out with her feet and legs. She was eventually brought under control, handcuffed, placed leg restraints and a spit hood before being conveyed to Dumfries & Galloway Royal Infirmary as a place of safety. During the short journey to the hospital she continued with her threats towards Officers and attempted to remove the leg restraints to place them around her neck.

**OFFICIAL SENSITIVE: POLICE AND PARTNERS**

Due to her violent behaviour a decision was made for her to be examined by hospital staff within the rear of the Police van. During this process Lucy became increasingly aggressive towards Medical Staff to such a degree they refused to allow her into the hospital to be assessed.

Lucy was thereafter arrested and conveyed to Loreburn Street Police Station however on her arrival it was deemed necessary for her to re-attend at Dumfries & Galloway Royal Infirmary.

On arrival at the hospital Lucy calmed down and following examination was released back in to the custody of Police.

On being informed she was returning to Police Custody Lucy's demeanour changed at which time she again began to fight and struggle with Police injuring one of the Officer's fingers and forearm.

She was thereafter returned to Police Custody to appear at Dumfries Sheriff Court the next lawful day.

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

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application:-

Due to the behaviour displayed by Lucy Forteach and the relevant offences, consideration should be given by the Board to refuse her Personal Licence due to her not being a fit and proper person.

In light of the above, the Chief Constable considers that it is necessary for the purposes of the preventing crime and disorder and public nuisance, that the application be refused.

The Chief Constable accordingly makes a recommendation to that effect in terms of section 73(4) of the 2005 Act.

Yours faithfully

Carol McGuire  
Chief Superintendent

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