

Public Document Pack

WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Wednesday, 5th October, 2022
at 10.30 am - This meeting will be held online

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

VLAD VALIENTE
Clerk to the Licensing Board

Wigtown Divisional Licensing Board

Meeting of Wednesday, 5th October, 2022
at 10.30 am - This meeting will be held online

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING 20 JANUARY 2022** 5 - 6
FOR APPROVAL.
4. **MINUTE OF MEETING 22 JUNE 2022** 7 - 16
FOR APPROVAL.
5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 17 - 18
6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 19 - 24
7. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 25 - 28
8. **LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE - REPORT BY THE CLERK TO THE BOARDS** 29 - 30
9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - BRIDGE ARMS, STRANRAER - REPORT BY THE CLERK TO THE BOARDS** 31 - 38
10. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE - REGGIES BAR & FUNCTION SUITE, STRANRAER - REPORT BY THE CLERK TO THE BOARDS** 39 - 46
11. **LICENSING (SCOTLAND) ACT 2005: REVIEW OF PERSONAL LICENCE - PAUL AGNEW - REPORT BY THE CLERK TO THE BOARDS** 47 - 50

Next Meeting Date: Friday, 16 December 2022

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WIGTOWN DIVISIONAL LICENSING BOARD

**Minute of Meeting on Thursday 20 January 2022
at 10.30am Via Teams**

MEMBERS PRESENT

Jim McColm (Convener) - Mid Galloway and Wigtown West
Katie Hagmann - Mid Galloway and Wigtown West
David Inglis - Mid Galloway and Wigtown West

APOLOGIES

Tommy Sloan - Stranraer and the Rhins
Ros Surtees - Stranraer and the Rhins

IN ATTENDANCE

Caroline Treanor - Solicitor
Sharon Davidson - Licensing Manager
Julia Farroll - Licensing Standards Officer
Inspector Hugh McCombe - Police Scotland
Sergeant Julia McKie - Police Scotland

VLAD VALIENTE
Clerk to the Licensing Board

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

3 Members present via MS Teams with 2 apologies submitted and the Convener approved Members' remote participation at the Hearing.

2. **DECLARATIONS OF INTEREST**

None

3. **LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 84A
CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: ROBERT JOHN MCINTYRE**

Decision

Having heard from the applicant and Police Scotland, the Board **AGREED** to **DEFER** making a decision pending the outcome of the Section 114 alleged offence and **REQUEST** that the police provide witness statements evidence and any other additional evidence that they may have.

4. **LICENSING (SCOTLAND) ACT 2005 (THE ACT): PREMISES LICENCE
REVIEW (SECTION 36)
PREMISES: THE PUB, 3 HANOVER STREET, STRANRAER, DG9 7SB
PREMISES LICENCE HOLDER: ROBERT JOHN MCINTYRE**

Decision

Having heard from the applicant, Police Scotland and the Licensing Standards Officer, the Board **AGREED** to **DEFER** consideration of the premises licence review pending the outcome of court proceedings and until evidence can be submitted to support the premises licence review request.

**WIGTOWN DIVISIONAL LICENSING BOARD
Minute of Meeting of Wednesday 22 June 2022
at 2.00pm by Remote Hearing**

MEMBERS PRESENT

Andrew Giusti	-	Stranraer and the Rhins
Katie Hagmann	-	Mid Galloway and Wigtown West
Chrissie Hill	-	Stranraer and the Rhins
David Inglis	-	Mid Galloway and Wigtown West
Jackie McCamon	-	Mid Galloway and Wigtown West

IN ATTENDANCE

Sergeant Julia McKie	-	Police Scotland
Caroline Treanor	-	Solicitor

**VLAD VALIENTE
Clerk to the Licensing Board**

1. APPOINTMENT OF CONVENER

AGREED to appoint Andrew Giusti as Convener.

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

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

3. DECLARATIONS OF INTEREST

NONE declared.

4. MINUTE OF MEETING 18 MARCH 2022

Decision

AGREED

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 4 March 2022 until 13 June 2022:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 100

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 19

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 5

Extended Hours

Total number issued 7

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 powers.

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 powers.

8. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR SURRENDER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS

Decision

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

9. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR TRANSFER OF PREMISES LICENCE – RUDDICOT HOTEL, LONDON ROAD, STRANRAER – REPORT BY THE CLERK TO THE BOARDS

Decision

Having heard from the proposed transferee and Police Scotland, Members **AGREED** to **GRANT** the application.

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

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

<u>Application No. 1 – 82W</u>	
Name & Address of Applicant or Agent	Mr James W Scott Inchyra Rowanshill Crescent Stranraer DG9 0HL
Name & Address of Premises	Bar Pazzerello 57 George Street Stranraer DG9 7JP
Nature of variation	Change of Layout Plan to include a fixed bar in outdoor drinking area.
Effective Date of Minor Variation	16 March 2022

<u>Application No. 2 – 128W</u>	
Name & Address of Applicant or Agent	Stephen Donnan Creebridge House Hotel Newton Stewart DG8 6NP
Name & Address of Premises	Creebridge House Hotel Newton Stewart DG8 6NP
Nature of variation	Change of Designated Premises Manager to Kenneth Rudd
Effective Date of Minor Variation	18 March 2022

<u>Application No. 3 – 97W</u>	
Name & Address of Applicant or Agent	Central Bar (Newton Stewart) Ltd 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	Central Bar 2 Victoria Street Newton Stewart DG8 6BT
Nature of variation	Change of Designated Premises Manager to Bryce Lyons
Effective Date of Minor Variation	23 March 2022

<u>Application No. 4 – 37W</u>	
Name & Address of Applicant or Agent	Clashwhannon Restaurant Ltd 28-30 North Street Dalry KA24 5DW
Name & Address of Premises	Clashwhannon Restaurant Drummore Stranraer DG9 9QE
Nature of variation	Change of Designated Premises Manager to David Lonnie
Effective Date of Minor Variation	29 March 2022

<u>Application No. 5 – 201W</u>	
Name & Address of Applicant or Agent	Whiskybroker Limited Barholm Works Creetown Newton Stewart DG8 7EN
Name & Address of Premises	Whiskybroker Limited Barholm Works Creetown Newton Stewart DG8 7EN
Nature of variation	Change of Designated Premises Manager to Raymond Martin Armstrong
Effective Date of Minor Variation	29 April 2022

<u>Application No. 6 – 139W</u>	
Name & Address of Applicant or Agent	Sinead Farrell 4 Old Station Court Newton Stewart DG8 6QY
Name & Address of Premises	Crown Hotel 102 Queen Street Newton Stewart DG8 6JW
Nature of variation	Change of Designated Premises Manager to Aaron McGuire
Effective Date of Minor Variation	3 May 2022

<u>Application No. 7 – 63W</u>	
Name & Address of Applicant or Agent	David Ibbotson Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Name & Address of Premises	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
Nature of variation	Change of Designated Premises Manager to Gavin McKinnon
Effective Date of Minor Variation	4 May 2022

<u>Application No. 8 – 57W</u>	
Name & Address of Applicant or Agent	McMillan Hotels North West Castle Hotel Stranraer DG9 8EH
Name & Address of Premises	Northwest Castle Portrodie Stranraer DG9 8EH
Nature of variation	Change of Designated Premises Manager to Graham Cowan
Effective Date of Minor Variation	18 May 2022

<u>Application No. 9 – 80W</u>	
Name & Address of Applicant or Agent	Lidl Great Britain Limited Lidl House 14 Kingston Road Surbiton KT5 9NU
Name & Address of Premises	Lidl Great Britain Limited Belmont Road Stranraer DG9 7AS
Nature of variation	Update to layout plan to show installation of Deposit Return Scheme
Effective Date of Minor Variation	7 June 2022

<u>Application No. 10 – 210W</u>	
Name & Address of Applicant or Agent	Bladnoch Distillery Limited R/O DWF LLP 20 Fenchurch Street London EC3M 3AG
Name & Address of Premises	Bladnoch Visitor Centre Bladnoch Distillery Bladnoch Wigtown Newton Stewart DG8 9AB
Nature of variation	Change of Designated Premises Manager to Samantha Johnson
Effective Date of Minor Variation	7 June 2022

<u>Application No. 11 – 116W</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 30 North Main Street Wigtown DG8 9HJ
Nature of variation	Change of Designated Premises Manager to Shirley Shaw
Effective Date of Minor Variation	8 June 2022

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

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

<u>Application No 1. – Ref 97W – SECTION 33</u>	
Name & Address of Applicant or Agent	Nicola Cuthbertson 4 Duncree Terrace Newton Stewart DG8 6DG
Name & Address of Transferee or Agent	Central Bar (Newton Stewart) Limited 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	Central Bar 2 Victoria Street Newton Stewart DG8 6BT
Effective Date of Transfer	9 March 2022

<u>Application No 2. – Ref 130W – SECTION 33</u>	
Name & Address of Applicant or Agent	McMillan Hotels per TLT LLP
Name & Address of Transferee or Agent	Guelder Four Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Fernhill Hotel Heugh Road Portpatrick DG9 8TD
Effective Date of Transfer	1 June 2022

<u>Application No 3. – Ref 57W – SECTION 33</u>	
Name & Address of Applicant or Agent	McMillan Hotels per TLT LLP
Name & Address of Transferee or Agent	Guelder Two Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Northwest Castle Portrodie Stranraer DG9 8EH
Effective Date of Transfer	1 June 2022

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

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

<u>Ref 0137W</u>	
Name & Address of Licence Holder	Andrea Jane Deschamps & Nicolas Emmanuel Deschamps Rowallan Guest House Corsbie Road Newton Stewart DG8 6JB
Name & Address of Premises	Rowallan Guest House Corsbie Road Newton Stewart DG8 6JB
Date Licence Surrendered	11 March 2022

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

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

For the information of the Licensing Board, during the period from 14 June 2022 until 26 September 2022 the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 45

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 14

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 13

Extended Hours

Total number issued 0

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 27 September 2022

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

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

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

<u>Application No. 1 – 135W</u>	
Name & Address of Applicant or Agent	Dark Sky Park Limited t/a House O'Hill Hotel 1 Dashwood Square Newton Stewart DG8 6EQ
Name & Address of Premises	House O'Hill Hotel Bargrennan Newton Stewart DG8 6RN
Nature of variation	Change of Designated Premises Manager to Alison Flower.
Effective Date of Minor Variation	16 June 2022

<u>Application No. 2 – 143W</u>	
Name & Address of Applicant or Agent	Wigtownshire Rugby Football Club Clubhouse Ladies Walk Stranraer DG9 8BN
Name & Address of Premises	Wigtownshire Rugby Football Club Clubhouse Ladies Walk Stranraer DG9 8BN
Nature of variation	Change of Designated Premises Manager to Paul Phillips
Effective Date of Minor Variation	4 July 2022

<u>Application No. 3 – 146W</u>	
Name & Address of Applicant or Agent	H & C Lochrie t/a Harbour Inn 18 South Crescent Garlieston Newton Stewart DG8 8BQ
Name & Address of Premises	Harbour Inn 18 South Crescent Garlieston Newton Stewart DG8 8BQ
Nature of variation	Change of Designated Premises Manager to Francis Lochrie
Effective Date of Minor Variation	5 July 2022

<u>Application No. 4 – 132W</u>	
Name & Address of Applicant or Agent	Richard Graham 97 Main Street Glenluce Newton Stewart DG8 0PT
Name & Address of Premises	Crown Hotel 36 Main Street Glenluce Newton Stewart DG8 0PS
Nature of variation	Change of Designated Premises Manager to Richard Graham
Effective Date of Minor Variation	5 July 2022

<u>Application No. 5 – 205W</u>	
Name & Address of Applicant or Agent	Wigtown Festival Company 11 North Main Street Wigtown Newton Stewart DG8 9HN
Name & Address of Premises	Number 11 11 North Main Street Wigtown Newton Stewart DG8 9HN
Nature of variation	Change of Designated Premises Manager to Emma Robinson; Change of premises name from “Wigtown Festival Company Shop” to “Number 11”.
Effective Date of Minor Variation	8 July 2022

<u>Application No. 6 – 126W</u>	
Name & Address of Applicant or Agent	Wm Morrison Supermarkets Limited Per Gosschalks Solicitors Queens Gardens Hull HU1 3DZ
Name & Address of Premises	Morrisons London Road Stranraer DG9 8ES
Nature of variation	Change of Designated Premises Manager to James Roddie
Effective Date of Minor Variation	3 August 2022

<u>Application No. 7 – 57W</u>	
Name & Address of Applicant or Agent	Guelder Two Limited Per TLT Solicitors 41 West Campbell Street Glasgow G2 6SE
Name & Address of Premises	Northwest Castle Portrodie Stranraer DG9 8EH
Nature of variation	Change of Designated Premises Manager to Ian Donnachie
Effective Date of Minor Variation	11 August 2022

<u>Application No. 8 – 130W</u>	
Name & Address of Applicant or Agent	Guelder Four Limited Per TLT Solicitors 41 West Campbell Street Glasgow G2 6SE
Name & Address of Premises	Fernhill Hotel Heugh Road Portpatrick DG9 8TD
Nature of variation	Change of Designated Premises Manager to Christine Mayes
Effective Date of Minor Variation	11 August 2022

Agenda Item 6

PUBLIC

<u>Application No. 9 – 79W</u>	
Name & Address of Applicant or Agent	Stuart Fairclough Burrowhead Holiday Village Isle of Whithorn Newton Stewart DG8 8JB
Name & Address of Premises	The Headland Bar Burrowhead Holiday Village Isle of Whithorn Newton Stewart DG8 8JB
Nature of variation	Change of Designated Premises Manager to Teresa Brann
Effective Date of Minor Variation	31 August 2022

<u>Application No. 10 – 168W</u>	
Name & Address of Applicant or Agent	David Ryan 7 Burnside Court Stranraer DG9 7LF
Name & Address of Premises	The Railway Inn 36 Dalrymple Street Stranraer DG9 7EU
Nature of variation	Change of Designated Premises Manager to David Ryan and change of premises name to 'Reggies Bar & Function Suite'.
Effective Date of Minor Variation	2 September 2022

<u>Application No. 11 – 60W</u>	
Name & Address of Applicant or Agent	Fiona Wood Thornbank House Thornbank Road Stranraer DG9 0EY
Name & Address of Premises	Marine House Hotel 23 Agnew Crescent Stranraer DG9 7JZ
Nature of variation	Change of Designated Premises Manager to Emma McKeown
Effective Date of Minor Variation	13 September 2022

<u>Application No. 12 – 94W</u>	
Name & Address of Applicant or Agent	Paul Phillips 14 Main Street Portpatrick DG9 8JJ
Name & Address of Premises	Downshire Arms Hotel Main Street Portpatrick DG9 8JJ
Nature of variation	Change of Designated Premises Manager to Paul Phillips
Effective Date of Minor Variation	14 September 2022

<u>Application No. 13 – 126W</u>	
Name & Address of Applicant or Agent	Wm Morrison Supermarkets Limited Per Gosschalks Solicitors Queens Gardens Hull HU1 3DZ
Name & Address of Premises	Morrisons London Road Stranraer DG9 8ES
Nature of variation	Change of Designated Premises Manager to Thomas McCrae
Effective Date of Minor Variation	21 September 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

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

Date of Report: 27 September 2022

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

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

<u>Application No 1. – Ref 132W – SECTION 33</u>	
Name & Address of Applicant or Agent	Eileen Cockburn 36 Main Street Glenluce DG8 0PS
Name & Address of Transferee or Agent	Richard Graham 97 Main Street Glenluce Newton Stewart DG8 0PT
Name & Address of Premises	Crown Hotel 36 Main Street Glenluce DG8 0PS
Effective Date of Transfer	4 April 2022

<u>Application No 2. – Ref 134W – SECTION 33</u>	
Name & Address of Applicant or Agent	Robert Hoad Point Breeze Hillhead Stranraer DG9 0AB
Name & Address of Transferee or Agent	Garrett Organic Ltd The Bridge Arms 22 Bridge Street Stranraer DG9 7JF
Name & Address of Premises	Bridge Arms 22 Bridge Street Stranraer DG9 8JF
Effective Date of Transfer	14 July 2022

<u>Application No 3. – Ref 42W – SECTION 33</u>	
Name & Address of Applicant or Agent	Gerald Hannah 45 Murray Place Minnigaff Newton Stewart DG8 6PA
Name & Address of Transferee or Agent	Robert Maxwell 4 Hodgkinson Terrace Newton Stewart DG8 6EY
Name & Address of Premises	Star Inn 11 Dashwood Square Newton Stewart DG8 6EQ
Effective Date of Transfer	23 August 2022

<u>Application No 4. – Ref 168W – SECTION 33</u>	
Name & Address of Applicant or Agent	Leslie Hannah 31 Glenwell Avenue Stranraer DG9 7BA
Name & Address of Transferee or Agent	David Ryan 7 Burnside Court Stranraer DG9 7LF
Name & Address of Premises	The Railway Inn 36 Dalrymple Street Stranraer DG9 7EU
Effective Date of Transfer	23 August 2022

<u>Application No 5. – Ref 209W – SECTION 33</u>	
Name & Address of Applicant or Agent	Port William Inshore Rescue Service The Boathouse Harbour Road Port William DG8 9QF
Name & Address of Transferee or Agent	The View (PIRSAC) Ltd Harbour Road Port William Newton Stewart DG8 9QF
Name & Address of Premises	The View Harbour Road Port William Newton Stewart DG8 9QF
Effective Date of Transfer	23 August 2022

<u>Application No 6. – Ref 79W – SECTION 34</u>	
Name & Address of Previous Premises Licence Holder	Stuart Fairclough Burrowhead Holiday Village Isle of Whithorn Newton Stewart DG8 8JB
Name & Address of Transferee or Agent	Lee Parks Estates Limited Saddlebrook Park Warden Bay Road Leysdown Sheerness Kent ME12 4LT
Name & Address of Premises	The Headland Bar Burrowhead Holiday Village Isle of Whithorn Newton Stewart DG8 8JB
Effective Date of Transfer	13 September 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 27 Sept 2022

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

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

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

<u>Ref 077W</u>	
Name & Address of Licence Holder	David Abey & Stephanie Brown Wigtown House Hotel 19 Bank Street Wigtown DG8 9HR
Name & Address of Premises	Wigtown House Hotel 19 Bank Street Wigtown DG8 9HR
Date Licence Surrendered	21 July 2022

Aideen Sloan
Senior Licensing Officer
Licensing

Ext: 67447

Date of Report: 27 September 2022

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

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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: BRIDGE ARMS, 22 BRIDGE STREET STRANRAER, DG9 8JF

PREMISES LICENCE HOLDER: GARRETT ORGANIC LTD, 22 BRIDGE STREET, STRANRAER DG9 7JF

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 on 7 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 accordance with statutory advertising requirements, the Board is required to display a notice on its website for a period of 21 days and the applicant is also required to display a site notice at or near the premises and in a place and height where it can conveniently be read by the public for the same period.

2.3 Notice of the application was published on the Board's webpage from **Thursday 11 August 2022 to Thursday 1 September 2022**.

2.4 When the LSO routinely visited the premises on 17 August 2022 she noted that the notice was displayed both inside the entrance door and within the premises. In accordance with paragraph 2.2 above, the notice was moved to the window following request.

2.5 Signed Confirmation of Site Notice has been received confirming the above at para 2.2.

3. Objections and Representations

The last date for objections/representations was **Wednesday 31 August 2022** and no objections/representations have been received.

4. Responses

The following responses have been received:

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

- Environmental Health: no objections
- Planning: no planning issues
- Building Standards: no adverse comments
- SFRS: clear

5. Determining the application

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

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

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

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

6. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

27 September 2022

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Wigtown Divisional Licensing Board
Application for Variation of Premises Licence

Applicant	Garrett Organic Ltd Bridge Arms 22 Bridge Street Stranraer DG9 7JF
Address of Premises	Bridge Arms 22 Bridge Street Stranraer DG9 8JF
Nature of Variation	<p><u>Operating Plan</u></p> <ul style="list-style-type: none"> • Add Gaming within core hours <p><u>Variation to any other information contained or referred to in the licence</u></p> <ul style="list-style-type: none"> • Amend the postcode to DG9 7JF
Last Date for Objections/Representations	Wednesday 31 August 2022

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR VARIATION OF PREMISES LICENCE
BRIDGE ARMS, 22 BRIDGE STREET, STRANRAER DG9 7JF
LICENCE HOLDER: GARRETT ORGANIC LTD**

1. This application involves a change to the Operating Plan to include “gaming” within core hours.
2. The Premises Licence was transferred to the applicant on 14 July 2022 and the application is to ensure compliance to site a gaming machine in the premises.
3. The application was advertised on the Board’s website page from 11 August 2022. Simultaneously the applicant must display a Notice at the premises.
 - 3.1 I called at the premises on 17 August 2022 and noted the notice was displayed both inside the entrance door and within the premises. The notice was moved to the window on request.
4. I have no adverse comments.

Julia Farroll
Licensing Standards Officer

31 August 2022

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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

**PREMISES: REGGIES BAR & FUNCTION SUITE, 36 DALRYMPLE STREET,
STRANRAER, DG9 7LF**

**PREMISES LICENCE HOLDER: DAVID RYAN, 7 BURNSIDE COURT, STRANRAER
DG9 7LF**

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 on 13 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 accordance with statutory advertising requirements, the Board is required to display a notice on its website for a period of 21 days and the applicant is also required to display a site notice at or near the premises and in a place and height where it can conveniently be read by the public for the same period.

2.3 Notice of the application was published on the Board's webpage from **Monday 5 September 2022 to Tuesday 27 September 2022**.

2.4 When the LSO visited the premises on 6 September 2022 the notice was displayed inside the premises. Following a request to do so, the notice was moved to a prominent position in the front of the premises to conform with para 2.2 requirements above.

2.5 At the time of writing this report no signed Confirmation of Site notice has yet been received.

3. Objections and Representations

The last date for objections/representations was **Monday 26 September 2022** and no objections/representations have been received.

4. Responses

The following responses have been received:

- LSO report: **Appendix 2**

- Police Scotland: no adverse comment
- Environmental Health: no objections
- Planning: no planning issues
- Building Standards: no adverse comments
- SFRS: no adverse comment

5. Determining the application

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

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

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

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

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

6. Recommendation

Members are asked to either GRANT or REFUSE the application.

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

27 September 2022

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Wigtown Divisional Licensing Board
Application for Variation of Premises Licence

Applicant	David Ryan 7 Burnside Court Stranraer DG9 7LF
Address of Premises	Reggies Bar & Function Suite 36 Dalrymple Street Stranraer DG9 7EU
Nature of Variation	<p><u>Operating Plan</u> (Q5a) Add bar meals within and outwith core hours</p> <p>(Q5) Premises may open before 11am for breakfast food</p> <p><u>Children and Young Persons</u></p> <p>(Q6) Change to children and young persons admittance:</p> <p>(Q6b) Terms - Children must be accompanied by an adult at all times. Young persons can be unaccompanied up to 10pm, thereafter accompanied by an adult.</p> <p>(Q6d) <u>Times</u> – Monday to Saturday from 11am to 10pm and Sunday from 12 noon to 10pm - unless attending an organised function or event when they can be present until terminal hour for the purposes of the function/event only</p>
Last Date for Objections/Representations	Monday 26 September 2022

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

**LICENSING (SCOTLAND) ACT 2005 :
APPLICATION FOR VARIATION OF PREMISES LICENCE
PREMISES: REGGIE'S BAR & FUNCTION SUITE, 36 DALRYMPLE STREET,
STRANRAER DG9 7EU
APPLICANT: DAVID RYAN**

1. These premises, formerly known as the Railway Inn, are situated on two floors, with toilet accommodation on each floor. The function room is on the upper floor and the bar is situated on the ground floor.

1.1 The total capacity for the premises is 400 persons.

1.2 On-sale operating hours are-

- Monday to Wednesday 11am to 12.30am
- Thursday to Saturday 11am to 12.30am
- Sunday 12noon to 12.30am

1.3 The licence was transferred to Mr Ryan on 23 August 2022.

2. The new licence holder wishes to expand the operation of the business to provide bar meals within and outwith core hours.

2.1 Outwith core hours has been applied for as the premises may open for breakfasts in the future.

3. The application also involves a change to the terms and times for admission of children and young persons.

3.1 This is to allow persons under 18 years of age to access the premises in line with the Board's Licensing Policy.

4. The application was advertised on the Board's website page from Tuesday 6 September 2022. Simultaneously a notice must be displayed at the premises.

4.1 The Notice was checked on 6 September 2022 at which time it was displayed inside the premises. I requested the notice be moved to the front of the premises in a prominent position.

4.2 The notice was displayed on the front door of the premises on 8 September 2022.

5. I have no adverse comments to make.

Julia Farroll
Licensing Standards Officer

22 September 2022

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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 84A
CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: PAUL AGNEW**

1. Reason for Report

1.1 On 6 June 2022, the Chief Constable, in terms of his power under section 84A the Act, submitted to the Board a report advising that Paul Agnew, the holder of a personal licence, has acted in a manner that is inconsistent with the licensing objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance (**Appendix**).

1.2 When the Board receives a section 84A report it must hold 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 In terms of procedure, both the Police letter and Notice of Hearing have been sent to the licence holder.

3. Determination

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

3.2 At its Hearing the Board *may*, after giving

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

3.3 It is also open to the Board to take no further action in which case Mr Agnew will continue to retain his personal licence.

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

4. Recommendations

4.1 Members are asked to consider whether they wish to revoke, suspend, endorse the licence or take no further action; and

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

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

27 September 2022

OFFICIAL SENSITIVE: POLICE AND PARTNERS

06 June 2022

Your Ref: DG/W/0374

Our Ref: JM/COS

Democratic Services Manager
Wigtown Divisional Licensing
Municipal Chambers
Buccleuch Street
Dumfries
DG1 2AD



**POLICE
SCOTLAND**

Keeping people safe
Carol McGuire
Chief Superintendent

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: PAUL AGNEW, 15 CHALLOCH CRESCENT,
LESWALT, DG9 0LN
LICENCE NO: DG/W/0374**

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

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

Mr Agnew holds a personal licence issued by Wigtownshire Licensing Board which is due to expire on 29 June 2024. At the time of the incident being reported he held the position of Designated Premises Manager and Premises Licence Holder for the Commercial Inn, Stranraer.

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

About 2230 hours, on Saturday 7 May 2022, officers attended at the Commercial Inn to conduct a standard inspection. At this time they observed a male and female adult leaving the premises, highly agitated and apparent bleeding on the face of the female. The female approached the officers to inform them that she had been

OFFICIAL SENSITIVE: POLICE AND PARTNERS

assaulted by the subject Paul Agnew, immediately after Paul Agnew had been involved in an argument with her partner. The female provided further information that the subject had perpetrated the assault by punching her once to the face.

A short time later Paul Agnew was traced within the back room of the premises he was initially reluctant to speak with officers. On being asked to observe the CCTV footage Paul Agnew freely admitted to committing an assault on the female, whilst attempting to eject both parties due to their behaviour and level of intoxication.

Paul Agnew was arrested and cautioned and charged with assault, before being released to be reported to the Procurator Fiscal.

The female victim was examined at the Galloway Community Hospital where the extent of her injuries were noted as a small superficial cut to the inside of her mouth.

It should be noted that following the very initial reluctance to engage with officers Mr Agnew was fully cooperative with Police throughout.

The Chief Constable's view is that all options open to the Board under Section 84(7) or 84(7A) of the Licensing (Scotland) Act 2005 should be considered.

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

Yours faithfully

Carol McGuire
Chief Superintendent