

Public Document Pack

STEWARTRY DIVISIONAL LICENSING BOARD

Meeting of Tuesday 7th May 2024
at 10.30am – Remote Meeting

Tony Berretti – Mid and Upper Nithsdale;
Dougie Campbell – Dee and Glenkens;
Iain Howie – Castle Douglas and Crocketford;
Kim Lowe (Convener) – Abbey;
Andy McFarlane – Dee and Glenkens;

VLAD VALIENTE
Clerk to the Licensing Board

Stewartry Divisional Licensing Board

Meeting of Tuesday 7th May 2024
at 10.30am – Remote Meeting

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
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Next Meeting Date: Friday, 27 September 2024

STEWARTRY DIVISIONAL LICENSING BOARD

**Minute of Meeting of Friday 26 January 2024
at 10.30am via Teams**

MEMBERS PRESENT

Tony Berretti	-	Mid and upper Nithsdale;
Dougie Campbell	-	Dee and Glenkens;
Ian Howie	-	Castle Douglas and Crocketford;
Kim Lowe (Convener)	-	Abbey;
Andy McFarlane	-	Dee and Glenkens;

IN ATTENDANCE

Mary Irving	-	Licensing Standards Officer
Inspector Hugh McCombe	-	Police Scotland
Cheryl Syme	-	Senior Licensing Officer
Ben Thom	-	Solicitor (Clerk)
Caroline Treanor	-	Solicitor

VLAD VALIENTE
Clerk to the Licensing Board

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

All Members present via MS Teams, no apologies. The Convener approved remote participation.

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTE OF MEETING 13 SEPTEMBER 2023**

APPROVED

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

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated authority during the period from 25 August 2023 until 10 January 2024:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 62

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 2

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 19

Extended Hours

Total number issued 3

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

Decision

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

6. **LICENSING (SCOTLAND) ACT 2005: TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS**

Decision

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

7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – KINGS ARMS HOTEL, DALBEATTIE - REPORT BY THE CLERK TO THE BOARDS**

Decision

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

8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – GGS YARD, LAGGAN, GATEHOUSE OF FLEET – REPORT BY THE CLERK TO THE BOARDS**

Decision

Having heard from the applicant and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 4**

9. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – GATHER, LAGGAN, GATEHOUSE OF FLEET – REPORT BY THE CLERK TO THE BOARDS**

Decision

Having heard from the applicant and the Licensing Standards Officer, the Board **AGREED** to **GRANT** the application as detailed in **Appendix 5**

10. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PERSONAL LICENCE - MELISSA MAXWELL – REPORT BY THE CLERK TO THE BOARDS**

Decision

Members **AGREED** to hold a hearing in regard to this matter, and **AGREED** to hold it at this meeting. After hearing from the applicant and Police Scotland and considering all information before them **AGREED** to **GRANT** the application.

11. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A CHIEF CONSTABLES ANNUAL REPORT 2022-2023 – REPORT BY THE CLERK TO THE BOARDS**

Decision

AGREED to **RECEIVE** and **NOTE** the terms of the Chief Constable's Report for 2022-2023.

Appendix 1

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

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

<u>Application No. 1 – Ref 0051S</u>	
Name & Address of Applicant or Agent	Gillespie Leisure Ltd Brighthouse Bay Borgue Kirkcudbright DG6 4TS
Name & Address of Premises	Brighthouse Bay Golf & Leisure Club & Shop Borgue Kirkcudbright DG6 4TS
Nature of variation	Change of Designated Premises Manager to Kirsty Roberts
Effective Date of Minor Variation	26 September 2023

<u>Application No. 2 – Ref 0022S</u>	
Name & Address of Applicant or Agent	Ernespie Hotels Ltd 62 Park Road Henley on Thames RG9 1DD
Name & Address of Premises	Ernespie Hotel Ernespie Road Castle Douglas DG7 3JG
Nature of variation	Change of Designated Premises Manager to Shashank Chandra
Effective Date of Minor Variation	28 September 2023

<u>Application No. 3 – Ref 0044S</u>	
Name & Address of Applicant or Agent	The Firm of VRA Partnership 18A Nelson Street Kilmarnock KA1 1BD
Name & Address of Premises	The Birchtree Hotel 1 Maxwell Street Dalbeattie DG5 4AH
Nature of variation	Change of Designated Premises Manager to Robert Scott Lindsay
Effective Date of Minor Variation	4 October 2023

<u>Application No.4 – Ref 0119S</u>	
Name & Address of Applicant or Agent	Blackwater Produce Ltd Strathmore Kendoon St Johns Town of Dalry Castle Douglas DG7 1DX
Name & Address of Premises	Nikos Greek Restaurant 139 King Street Castle Douglas DG7 1DX
Nature of variation	Change of Designated Premises Manager to Samantha Priest
Effective Date of Minor Variation	9 October 2023

<u>Application No. 5 – Ref 0037S</u>	
Name & Address of Applicant or Agent	Scottish Midland Co-operative Society Ltd Hillwood House 2 Harvest Drive Newbridge EH28 8QJ
Name & Address of Premises	Scotmid 129 King Street Castle Douglas DG7 1LX
Nature of variation	Change of Designated Premises Manager to Michaela McQuinn
Effective Date of Minor Variation	26 October 2023

<u>Application No. 6 – Ref 0084S</u>	
Name & Address of Applicant or Agent	Tesco Store Ltd Kestrel Way Shire Park Welwyn Garden City Herts AL7 1TW
Name & Address of Premises	Tesco Store Ernespie Road Castle Douglas DG7 1LD
Nature of variation	Change of Designated Premises Manager to Mark Foley
Effective Date of Minor Variation	27 October 2023

<u>Application No. 7 – Ref 0053S</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Ltd Dept 10227 – Licensing 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op 6 St Cuthbert Street Kirkcudbright DG6 4HZ
Nature of variation	Change of Designated Premises Manager to Robert Irving
Effective Date of Minor Variation	27 October 2023

<u>Application No. 8 – Ref 0034S</u>	
Name & Address of Applicant or Agent	Gallagher Property Limited Registered Office 37 George Street Dumfries DG1 1EB
Name & Address of Premises	The Garret 116 High Street Kirkcudbright DG6 4JQ
Nature of variation	Change of Designated Premises Manager to Shirley Jardine
Effective Date of Minor Variation	14 November 2023

<u>Application No. 9 – Ref 0084S</u>	
Name & Address of Applicant or Agent	Tesco Stores Ltd Kestrel Way Shire Park Welwyn Garden City Herts AL7 1TW
Name & Address of Premises	Tesco Ernespie Road Castle Douglas DG7 1LD
Nature of variation	Change of Designated Premises Manager to Leonard McEwan
Effective Date of Minor Variation	20 November 2023

<u>Application No. 10 – Ref 0130S</u>	
Name & Address of Applicant or Agent	New Galloway Community Enterprises Ltd High Street New Galloway DG7 3RN
Name & Address of Premises	New Galloway Community Shop High Street New Galloway DG7 3RN
Nature of variation	Change of Designated Premises Manager to Andrea Smith
Effective Date of Minor Variation	14 December 2023

<u>Application No. 11 – Ref 0037S</u>	
Name & Address of Applicant or Agent	Scottish Midland Co-operative Society Ltd Hillwood House 2 Harvest Drive Newbridge EH28 8QJ
Name & Address of Premises	Scotmid 129 King Street Castle Douglas DG7 1LX
Nature of variation	Change of Designated Premises Manager to Callum Docherty
Effective Date of Minor Variation	9 January 2024

<u>Application No. 12 – Ref 0072S</u>	
Name & Address of Applicant or Agent	Alistair Richard Elder Carminnows Dalry Castle Douglas DG7 3TB
Name & Address of Premises	Ken Bridge Hotel New Galloway DG7 3PR
Nature of variation	Change of Designated Premises Manager to Alistair Richard Elder
Effective Date of Minor Variation	12 January 2024

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

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

<u>Application No. 1 – Ref 0018S – SECTION 33</u>	
Name & Address of Applicant or Agent	Phillip Papworth 6 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Name & Address of Transferee or Agent	Laura Burnie 6 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Name & Address of Premises	Clachan Inn 8-10 Main Street St John's Town of Dalry Castle Douglas DG7 3UW
Effective Date of Transfer	26 September 2023

<u>Application No. 2 – Ref 0072S – SECTION 33</u>	
Name & Address of Applicant or Agent	David & Susan Paterson Ken Bridge Hotel New Galloway DG7 3PR
Name & Address of Transferee or Agent	Alistair Richard Elder Carminnows Dalry Castle Douglas DG7 3TB
Name & Address of Premises	Ken Bridge Hotel New Galloway DG7 3PR
Effective Date of Transfer	12 January 2024

Appendix 3

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Rhona Wixon Kings Arms Hotel High Street Dalbeattie DG5 4HA
Address of Premises	Kings Arms Hotel High Street Dalbeattie DG5 4HA
Nature of Variation	<p><u>Operating Plan</u> Change on-sale hours to Monday to Saturday 11am to 12 midnight (1am for approved functions); Sunday 12noon to 12 midnight (1am for approved functions)</p> <p>Include Restaurant Facilities outwith core hours Include Music outwith core hours Include Dance facilities within core hours Include Indoor/Outdoor Sports within core hours Include Outdoor Drinking outwith core hours</p> <p>Outwith Core Hours information – change to ‘Open prior to 11am for breakfasts, background music is played’</p> <p>Include Any other Activities ‘Takeaways, fundraising events, quizzes’</p> <p><u>Children and Young Persons</u> – change of wording to read: TERMS – Children accompanied by an adult; Young Persons unaccompanied until 10pm thereafter must be accompanied by an adult AGES – 0-17 years TIMES – Non-residents - 10am to 10pm unless attending an organised event, then terminal hour; Residents – all times</p> <p>Increase outdoor capacity to 70 persons</p> <p><u>Layout Plan</u> Change to Layout Plan – addition of larger seating area in outdoor drinking area.</p>
Last Date for Objections/Representations	Friday 10 November 2023

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	GGs Yard Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Address of Premises	GG's Yard Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Nature of Variation	<u>Operating Plan</u> In section 5(f) – Any other activities – add the phrases ‘Market Operating Stalls and Trade stand Exhibitions’ to the operating plan.
Last Date for Objections/Representations	Friday 10 November 2023

Appendix 5

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Laggan Outdoor Ltd Gatehouse of Fleet Castle Douglas DG7 2ES
Address of Premises	Gather Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Nature of Variation	<p><u>Operating Plan</u></p> <p>Increased internal capacity by 30, giving new totals of Onsales capacity- 190 (was 160) Capacity breakdown 110 indoors (was 80) Outdoors 80</p> <p>Add Bar Meals within and outwith core hours</p> <p>Children and Young Persons – PARTS – new wording should read ‘Café/Bistro, hallway & toilets, private dining room and outside seating area and terrace, glass dome and surrounding area’</p> <p><u>Layout Plan</u></p> <p>The addition of the glass dome adjacent to the main building of ‘gather’ as illustrated on the new building drawings supplied with this application.</p>
Last Date for Objections/Representations	Friday 12 January 2024

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**DUMFRIES AND GALLOWAY LICENSING BOARDS
STEWARTRY 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 11 January 2024 until 18 April 2024 the following Occasional Licences and Extended Hours were granted:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 64

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 0

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 7

Extended Hours

Total number issued 0

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

Date of Report: 29 April 2024

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

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

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

<u>Application No. 1 – Ref 0034S</u>	
Name & Address of Applicant or Agent	Gallagher Property Limited Registered Office 37 George Street Dumfries DG1 1EB
Name & Address of Premises	The Garret 116 High Street Kirkcudbright DG6 4JQ
Nature of variation	Change of Designated Premises Manager to Melissa Maxwell
Effective Date of Minor Variation	17 April 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

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

Ext: 63353

Date of Report: 29 April 2024

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

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

<u>Application No. 1 – Ref 0036S – SECTION 33</u>	
Name & Address of Applicant or Agent	Rebecca Unthank Crocketford Shop Maiden Row Crocketford Dumfries DG2 8RA
Name & Address of Transferee or Agent	Dominic and Rebecca Unthank Crocketford Shop Maiden Row Crocketford Dumfries DG2 8RA
Name & Address of Premises	Crocketford Shop Maiden Row Crocketford Dumfries DG2 8RA
Effective Date of Transfer	11 April 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

Ext: 63353

Date of Report: 29 April 2024

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

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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: MURRAY ARMS HOTEL, ANN STREET, GATEHOUSE OF FLEET

PREMISES LICENCE HOLDER: LAGGAN OUTDOOR LTD, LAGGAN, GATEHOUSE OF FLEET

1. Reason for Report

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

1.2 Members are asked to consider the application received 4 April 2024 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 8 April 2024 to Tuesday 30 April 2024**.

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

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

2.5 At the time of writing this report, the Signed Confirmation of Site Notice had not been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Monday 8 April 2024**.

3.2 At the time of writing this report, no Objections have been received

4. Responses

- LSO report: no adverse comments (**Appendix 2**)
- Police Scotland: no adverse comments
- Planning: no planning issues
- Environmental Health: no objections
- Building Standards: comments (**Appendix 3**)
- SFRS: no adverse 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
Kirkbank House
English Street, Dumfries

29 April 2024

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Laggan Outdoor Ltd Laggan Gatehouse of Fleet Castle Douglas DG7 2ES
Address of Premises	Murray Arms Hotel Ann Street Gatehouse of Fleet Castle Douglas DG7 2HY
Nature of Variation	<p><u>Operating Plan</u></p> <p>Decrease in Capacity from 350 to 280, breakdown:</p> <p>Total capacity 280 Indoor Capacity – 230 Outdoor Capacity - 50</p> <p>Add Bar Meals outwith core hours</p> <p><u>Children and Young Persons</u></p> <p>Change of wording to now read:</p> <p>TERMS – Resident children and non-resident children between the ages of 0-15 are allowed access when accompanied by a responsible adult until 10pm.</p> <p>Young persons between 16 and 17 years old are allowed access when accompanied by a responsible adult until 10pm, or unless attending a function whereby they are allowed access when accompanied by a responsible adult until 12 midnight.</p> <p>TIMES – Resident and non-resident children 0-15 years old are allowed access to public areas until 10pm when accompanied by a responsible adult. Young persons between 16-17 years old are allowed access to public areas until 10pm when accompanied by a responsible adult, unless attending a function whereby they are allowed access to public areas when accompanied by a responsible adult until 12 midnight.</p> <p>PARTS – resident children and young persons between the ages of 0 to 17 are allowed access to all public areas,</p>

	<p>corridors and bedrooms. Non-resident children and young persons between the ages of 0 to 17 are allowed access to all public areas.</p> <p><u>Any other changes to Licence:</u></p> <p>Change to Description to now read:</p> <p>3 star small hotel free standing within its own gardens and grounds on the edge of the main street in a small rural town. 14 Bedrooms, 1 Bar, Restaurant Bar Facilities, Conference, Meeting or Wedding or Party Facilities. Garden and Courtyard.</p> <p><u>Layout Plan</u></p> <p>Changes to layout plan to show:</p> <ul style="list-style-type: none"> • Removal of garden Room, now new outdoor drinking area • Reduction in outdoor area at back of the premises. • Increase in accommodation. Blue Room converted to accessible bedroom prior to purchase. • Parlour, prep area and chill and staff room have been converted to staff accommodation prior to purchase • Games room and toilets removed, now an access area
<p>Last Date for Objections/Representations</p>	<p>Monday 29 April 2024</p>

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

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE, PREMISES: MURRAY ARMS HOTEL, ANN STREET, GATEHOUSE OF FLEET, DG7 2HY

1.1 This application has been submitted by Laggan Outdoor Ltd, Laggan, Gatehouse of Fleet, DG7 2ES. The application seeks a variation to the current operating/layout plan for the Murray Arms Hotel, Ann Street, Gatehouse of Fleet, DG7 2HY.

1.2 The premises is a free-standing hotel within its own gardens and grounds on the edge of High Street and Ann Street junction in Gatehouse of Fleet. The hotel has a small number of bedrooms, restaurant, and bar facilities, and accommodates conferences, meetings or wedding or party facilities with a garden and courtyard area.

2. The premises currently has licensed hours for on and off sales.

- On sales
1030am to 12 midnight or 1am for approved functions, Monday to Sunday
- Off sales
1000am to 10pm Monday to Sunday

3. The applicant has recently taken ownership of the premises last year and as such are seeking a major variation to expand the business as follows:

3.1 Decrease capacity from 350 to 280, breakdown as follows:

- Internal capacity 230
- Outdoor drinking areas 50
- 280 in Total

The applicant inherited a layout plan that wasn't entirely accurate from the actual building layout.

They have also taken over the premises licence with a view to enhance, modernise and restructure the building to a safe, modern standard and to improve the quality and look for the customers/patrons.

There has been significant changes to the layout plan to show that part of the building has been removed a new outdoor drinking area formed. The changes have resulted in a reduction of capacity but improved the overall structure look and feel of the building.

3.2 The applicant wishes to further vary the premises licence by adding bar meals out-with core hours.

The applicant confirms that reason for this is purely to accommodate patrons and customers who are using the premises for example for food before during or after functions, such as weddings, funerals, and conferences etc. These functions can come at various times and means they can operate food with greater flexibility as well as customer demand.

3.3 The applicant wishes to change the Children and Young Persons wording as follows.

Terms

- Resident children and non-resident children between the ages of 0 to 15 are allowed access when accompanied by a responsible adult until 10pm.
- Young persons between 16 and 17yrs old are allowed access when accompanied by a responsible adult until 10pm, or unless attending a function whereby they are allowed access when accompanied by a responsible adult until 12 midnight.

Parts

- Resident children and young persons between the ages of 0 to 17 are allowed access to all public areas, corridors and bedrooms.
- Non-resident children and young person between the ages of 0 to 17 are allowed access to all public areas.

Times

- Resident and non-resident children 0-15 yrs old are allowed access to public areas until 10pm when accompanied by a responsible adult.
- Young persons between 16-17 years old are allowed access to public areas until 10pm when accompanied by a responsible adult, unless attending a function whereby they are allowed access to public areas when accompanied by a responsible adult until 12 midnight.

The reason for this is good housekeeping ensuring all children and young persons are catered for with families and is in keeping with the overall hotel business and functions mentioned.

3.4 The applicant wishes to amend the layout plan as follows.

- Changes to layout plan to show that part of the building has been removed to make a new outdoor drinking area (removal of garden room).
- Changes to the layout plan show the reduced size of the garden to the rear of the property.
- Changes to the layout plan show an increase in accommodation as the 'Blue room' was converted to accessible bedroom prior to our purchase.
- Changes to the layout plan show the parlour, prep area and chill and staff room have been converted to staff accommodation prior to our purchase.
- Changes to the layout plan show part of the building to the side of the old public bar which was classed at the games room and the toilets have been removed. This area is now an access area to the rear of the hotel.

The applicant has changed the layout plan for reasons already mentioned in this report, with a view to enhance, modernise and restructure the building to a safe standard and to improve the quality and look for the patrons and customers.

3.5 The applicant is looking to change the description of the premises to.

3-star small hotel free standing within its own gardens and grounds on the edge of the main street in a small rural town. 14 Bedrooms, 1 bar, restaurant bar facilities, conference, meeting or wedding or party facilities. Garden and courtyard.

4. The application was advertised on the Board's website page from **Monday 8 April 2024**, simultaneously a request was made for the applicant to display a notice at the premises. The notice was checked on Wednesday 10 April 2024 and was found to be clearly on display and easy to be read in the front window of the premises in accordance with the display guidance.

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

Stuart Davidson
Housing and Licensing Standards Officer
12.04.2024

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From: Currie, Tommy <Tommy.Currie@dumgal.gov.uk>
Sent: Tuesday, April 9, 2024 8:49 AM
To: Licensing <licensing@dumgal.gov.uk>
Subject: FW: Stewartry - Major Variation - Murray Arms Hotel, Gatehouse of Fleet

OFFICIAL

Hi,
I can confirm that there is a building warrant in place for this but to date we have not accepted a completion certificate. I am informed that some additional fire protection may be required.
Regards

Tommy

Tommy Currie BSc (Hons) MRICS
Principal Building Standards Surveyor
Mobile 07825712105
Planning and Regulatory Services
Ashwood House
Sun Street
STRANRAER
DG9 7JJ

Your views are important to us, please take a moment to share your experience in the [national customer satisfaction survey](#) for building standards.

eBuilding Standards – Follow up information

Follow up documentation should no longer be submitted directly to Building Standards Surveyors or to Area Building Standards Offices. If you would like to submit revised plans or any other follow up information in relation to existing applications, please do so by using the Post Submission Additional Document online form available on the eBuildingStandards.scot Portal. Further guidance on how to do this can be found [here](#) Please remember to quote the correct application reference number on the online form before submitting. Thank you for your co-operation.

Please note, the Building Standards service have adopted an agile working policy and as such, will not always be available to deal with telephone enquiries. With this in mind, you may find that the most effective method of communication is via email.

Any email message sent or received by the Council may require to be disclosed by the Council under the provisions of the Freedom of Information (Scotland) Act 2002.

 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary**

 **eBuilding Standards.scot**

OFFICIAL

From: Licensing <licensing@dumgal.gov.uk>
Sent: Thursday, April 4, 2024 4:24 PM
To: Building Standards Admin <BuildStdsAdmin@dumgal.gov.uk>; Planning <Planning@dumgal.gov.uk>; Environmental Health <EnvironmentalHealth@dumgal.gov.uk>; W DG Prevention and Protection <w.dgpreventionandprotection@firescotland.gov.uk>; Licensing Standards <LicensingStandards@dumgal.gov.uk>
Subject: Stewartry - Major Variation - Murray Arms Hotel, Gatehouse of Fleet

OFFICIAL

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION OF PREMISES LICENCE
MURRAY ARMS HOTEL, ANN STREET, GATEHOUSE OF FLEET**

In terms of Sections 29 and 21(1) of the Licensing (Scotland) Act 2005 I hereby give notice that I have received an application for variation of a premises licence for the premises named in the heading of this notice. A copy of the application, operating plan and layout plan are attached to this email.

- The application will be advertised on the Board's website page within the Council's website (www.dumgal.gov.uk) on **Monday 8 April 2024** and at the same time the applicant will display a notice at or near the premises. The last day for lodging an objection to the application is **Monday 29 April 2024**.

Kind regards

Cheryl

Cheryl Syme
Senior Licensing Officer (Board Services)
Legal & Licensing Services
Governance and Human Resources
Enabling & Customer Services
Dumfries & Galloway Council
Kirkbank House
English Street
Dumfries
DG1 2HS
Internal – 63353 External – 01387 245903
Drop Point - 208
Email - Cheryl.Syme@dumgal.gov.uk

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

LICENSING (SCOTLAND) ACT 2005: SECTION 30

APPLICATION: MAJOR VARIATION

PREMISES: CROCKETFORD SHOP, MAIDEN ROW, CROCKETFORD

**PREMISES LICENCE HOLDER: DOMINIC AND REBECCA UNTHANK,
CROCKETFORD SHOP, MAIDENROW, CROCKETFORD**

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 April 2024 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 (Disestablished)
- 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 8 April 2024 to Tuesday 30 April 2024**.

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

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

2.5 At the time of writing this report, the Signed Confirmation of Site Notice had not been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Monday 8 April 2024**.

3.2 At the time of writing this report, no Objections have been received

4. Responses

- LSO report: no adverse comments (**Appendix 2**)
- Police Scotland: no adverse comments
- Planning: no planning issues
- Environmental Health: no objections
- Building Standards: no adverse comments
- SFRS: no adverse 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
Kirkbank House
English Street, Dumfries

29 April 2024

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	Rebecca Unthank Crocketford Shop Maiden Row Crocketford Dumfries DG2 8RA
Address of Premises	Crocketford Shop Maiden Row Crocketford Dumfries DG2 8RA
Nature of Variation	<p><u>Operating Plan</u></p> <p>Increase Capacity from 3.6m² to 7.1m²</p> <p>Add Gaming within core hours for Lottery</p> <p>Any Other Activities to read:</p> <p>“Click and Collection and Paypoint Facilities Lottery”</p> <p><u>Layout Plan</u></p> <p>Reconfiguration of alcohol display area resulting in increase in capacity.</p> <p><u>Any Other Changes:</u></p> <p>Change description of premises to read: “Crocketford shop located in the village of Crocketford on the ground floor level, part of a terraced 2-storey property with owners accommodation on the first floor level”</p>
Last Date for Objections/Representations	Monday 29 April 2024

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

**LICENSING (SCOTLAND) ACT 2005 :
APPLICATION FOR VARIATION OF PREMISES LICENCE
PREMISES: CROCKETFORD SHOP, CROCKETFORD DG2 8RA
APPLICANT: REBECCA UNTHANK**

1. The variation application is in respect of the following:
 - Increase in capacity from 3.6 m² to 7.1 m²
 - Add activities – gaming (lottery), click & collect and paypoint facilities
 - Change to description in Operating Plan
2. The Premises Licence was transferred in January 2020 to the current owner.
3. The main reason for the application is in relation to a reconfiguration of the layout of the shop which has changed the position of the counter and the alcohol display area.
 - 3.1 The alcohol display areas are (1) area located behind the new counter and (2) along the back wall. These are shown coloured on the plan attached.
 - 3.2 The additional activities applied for are consistent with facilities available in most small shops.
4. The application was advertised on the Board's website page from 8 April 2024, simultaneously a notice must be displayed at the premises.
 - 4.1 The Notice was checked on 10 April 2024 at which time it was correctly displayed.
5. I have no adverse comments to make.

Julia Farroll
Licensing Standards Officer

11 April 2024

