

# Public Document Pack

## WIGTOWN DIVISIONAL LICENSING BOARD

Meeting of Thursday 12th September 2024  
at 10.30 am - this meeting will be held online.

Andrew Giusti (Convener) – Stranraer and the Rhins;  
Ben Dashper – 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 Thursday 12th September 2024  
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 PREVIOUS MEETING 12 JUNE 2024** 3 - 12  
**FOR APPROVAL.**
4. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 13 - 14
5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 15 - 16
6. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) - REPORT BY THE CLERK TO THE BOARDS** 17 - 18
7. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PROVISIONAL PREMISES LICENCE - STRANRAER (LONDON ROAD) SERVICE STATION, LONDON ROAD, STRANRAER - REPORT BY THE CLERK TO THE BOARDS** 19 - 62
8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PREMISES LICENCE - CLUBHOUSE, ISLE OF WHITHORN BOWLING CLUB, MAIN STREET, ISLE OF WHITHORN - REPORT BY THE CLERK TO THE BOARDS** 63 - 68

Next Meeting Date: To be confirmed

**WIGTOWN DIVISIONAL LICENSING BOARD****Minute of Meeting of Wednesday 12 June 2024  
at 2pm – online meeting****MEMBERS PRESENT**

Andrew Giusti (Convener)	-	Stranraer and the Rhins
Ben Dashper	-	Stranraer and the Rhins
Chrissie Hill	-	Stranraer and the Rhins
David Inglis	-	Mid Galloway and Wigtown West

**APOLOGIES**

Katie Hagmann	-	Mid Galloway and Wigtown West
Jackie McCamon	-	Mid Galloway and Wigtown West

**IN ATTENDANCE**

Julia Farroll	-	Licensing Standards Officer
Acting Sergeant Anna Parker	-	Police Scotland
Caroline Treanor	-	Solicitor

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

<p>1.</p>	<p><b>SEDERUNT, APOLOGIES AND CONVENER’S APPROVAL OF MEMBERS’ REMOTE PARTICIPATION</b></p> <p>4 Members present and 2 apologies. The Convener approved Members’ remote participation at the Hearing.</p> <p><b>PROCEDURE</b></p> <p>1.1 – The Convener intimated that with the agreement of Members, he intended to deal with item 10 on the agenda after item 6. This was agreed and the remaining items in this minute are recorded in the order which they appeared on the Agenda calling the meeting;</p> <p>1.2 - The Convener advised that in relation to Item 9 the LSO had withdrawn the request for a Premises Licence review so this item does not require to be considered.</p>
<p>2.</p>	<p><b>DECLARATIONS OF INTEREST</b></p> <p><b>NONE</b></p>
<p>3.</p>	<p><b>MINUTE OF MEETING OF 13 MARCH 2023</b></p> <p><u>Decision</u></p> <p><b>AGREED</b></p>
<p>4.</p>	<p><b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS</b></p> <p><u>Decision</u></p> <p><b>NOTED</b> that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 5 March 2024 until 3 June 2024:</p> <p><b><u>Occasional Licences : Applied for by a Personal Licence Holder</u></b></p> <p>Total number issued            84</p> <p><b><u>Occasional Licences : Applied for by a Premises Licence Holder</u></b></p> <p>Total number issued            10</p> <p><b><u>Occasional Licences : Applied for by a Voluntary Organisation</u></b></p> <p>Total number issued            9</p> <p><b><u>Extended Hours</u></b></p>

	Total number issued            3
5.	<p><b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS</b></p> <p><b><u>Decision</u></b></p> <p><b>NOTED</b> that the applications in <b>APPENDIX 1</b> were granted under delegated powers.</p>
6.	<p><b>LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR TRANSFER OF PREMISES LICENCE (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS</b></p> <p><b><u>Decision</u></b></p> <p><b>NOTED</b> that the applications in <b>APPENDIX 2</b> were granted under delegated powers.</p>
	<p><b>MEMBER</b> – Ben Dashper left the meeting during consideration of the following item – 3 Members present</p>
7.	<p><b>LICENSING (SCOTLAND) ACT 2005: SECTION 83(7)A - PERSONAL LICENCE HOLDER MICHELLE OFFORD - REPORT BY THE CLERK TO THE BOARDS</b></p> <p><b><u>Decision</u></b></p> <p>Having heard from Police Scotland and the applicant, the Board <b>AGREED</b> to issue a written warning letter to the licence holder in respect of this matter stating that their behaviour was unacceptable and inappropriate and that they should have exercised better judgement because this is a very serious offence.</p>
8.	<p><b>LICENSING (SCOTLAND) ACT 2005: SECTION 84A - PERSONAL LICENCE HOLDER CALLUM SCOTT - REPORT BY THE CLERK TO THE BOARDS</b></p> <p><b><u>Decision</u></b></p> <p>Having heard from Police Scotland and the applicant, the Board <b>AGREED</b> to <b>DEFER</b> consideration of this matter to a future hearing date and to ask Police Scotland to bring forward updates to the Board in relation to the 3 pending charges.</p>
9.	<p><b>LICENSING (SCOTLAND) ACT 2005: PREMISES LICENCE REVIEW (SECTION 36) – PREMISES: COCK INN, AUCHENMALG, GLENLUCE, NEWTON STEWART – PREMISES LICENCE HOLDER: KATHRYN HUMPHRIES - REPORT BY THE CLERK TO THE BOARDS</b></p>

	<b>APPLICATION WITHDRAWN THEREFORE NOT CONSIDERED</b>
	<b>10. LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – CREETOWN STORES, 79 ST JOHN STREET, CREETOWN - REPORT BY THE CLERK TO THE BOARDS</b>  <b><u>Decision</u></b>  Having heard from the Licensing Standards Officer and the applicant, Robert Yacamini, the Board <b>AGREED</b> to <b>GRANT</b> the application as detailed in <b>APPENDIX 3.</b>

## APPENDIX 1

**APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES  
GRANTED UNDER DELEGATED AUTHORITY**

<b><u>Application No. 1 – 38W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Fiona Mary Dutton The Merchants House Main Street Cairnryan DG9 8QX
<b>Name &amp; Address of Premises</b>	Merchants House Main Street Cairnryan DG9 8QX
<b>Nature of variation</b>	Change of DPM to Fiona Dutton
<b>Effective Date of Minor Variation</b>	15 March 2024

<b><u>Application No. 2 – 143W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Wigtownshire Rugby Football Club Clubhouse Ladies Walk Stranraer DG9 8BN
<b>Name &amp; Address of Premises</b>	Wigtownshire Rugby Football Club Ladies Walk Stranraer DG9 8BN
<b>Nature of variation</b>	Appointment of new DPM Lisa Arkless
<b>Effective Date of Minor Variation</b>	21 March 2024

<b><u>Application No. 3 – 126W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Wm Morrison Supermarkets Limited Per Gosschalks LLP 61 Queens Gardens Hull HU1 3DZ
<b>Name &amp; Address of Premises</b>	Morrisons London Road Stranraer DG9 8ES
<b>Nature of variation</b>	Change in layout – no change to size, layout, location or capacity of alcohol display area.
<b>Effective Date of Minor Variation</b>	27 March 2024

## APPENDIX 1 cont'd

14

<b><u>Application No. 4 – 56W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sainsbury's SL Limited 33 Holburn London EC1N 2HT
<b>Name &amp; Address of Premises</b>	Sainsbury's Supermarket Goods Lane Newton Stewart DG8 6EH
<b>Nature of variation</b>	Reconfiguration of layout to include an increase in size of kiosk tobacco gantries to allow relocation of vaping and e-cig products. No change in alcohol display capacity.
<b>Effective Date of Minor Variation</b>	17 April 2024

<b><u>Application No. 5 – 12W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Ross Williams 21 Bayview Road Stranraer DG9 8BB
<b>Name &amp; Address of Premises</b>	The Waterfront Hotel 7 North Crescent Portpatrick DG9 8SX
<b>Nature of variation</b>	Change of DPM to Ross Williams
<b>Effective Date of Minor Variation</b>	18 April 2024

<b><u>Application No. 6 – 0063W</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	David Ibbotson The Granary Mid Kelton Castle Douglas DG7 1SG
<b>Name &amp; Address of Premises</b>	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
<b>Nature of variation</b>	Change of DPM to Sean Thorley
<b>Effective Date of Minor Variation</b>	19 April 2024



## APPENDIX 1 cont'd

<b><u>Application No. 7 – 6W</u></b>	
<b>Name &amp; Address of Applicant</b>	Iain A W Gillespie Claremont Thornbank Road Stranraer DG9 0EY
<b>Name &amp; Address of Premises</b>	John Gillespie & Sons Ltd 20 Main Street Portpatrick DG9 8JL
<b>Nature of variation</b>	Change of DPM to Iona McGeachie
<b>Effective Date of Minor Variation</b>	27 May 2024

<b><u>Application No. 8 – 41W</u></b>	
<b>Name &amp; Address of Applicant</b>	Wigtownshire County Golf Club Mains of Park Glenluce DG8 0NN
<b>Name &amp; Address of Premises</b>	Wigtownshire County Golf Club Mains of Park Glenluce Newton Stewart DG8 0NN
<b>Nature of variation</b>	Change of DPM to Amy Fairhurst
<b>Effective Date of Minor Variation</b>	27 May 2024

## APPENDIX 2

### APPLICATIONS FOR TRANSFER OF PREMISES LICENCES GRANTED UNDER DELEGATED AUTHORITY

<b><u>Application No 1 – Ref 12W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Adrian Richard Evans The Stables Torrs Warren Hotel Greyhill Road Stoneykirk Stranraer DG9 9DH
<b>Name &amp; Address of Transferee or Agent</b>	Ross Williams 21 Bayview Road Stranraer DG9 8BB
<b>Name &amp; Address of Premises</b>	The Waterfront Hotel 7 North Crescent Portpatrick DG9 8SX
<b>Effective Date of Transfer</b>	12 April 2024

<b><u>Application No 2 – Ref 135W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Dark Sky Park Limited T/A House O’Hill Hotel House O’Hill Hotel Bargrennan Newton Stewart Wigtownshire DG8 6RN
<b>Name &amp; Address of Transferee or Agent</b>	Stephen Laing The Hoose House O’Hill Bargrennan Newton Stewart DG8 6RN
<b>Name &amp; Address of Premises</b>	House O’Hill Hotel Bargrennan Newton Stewart DG8 6RN
<b>Effective Date of Transfer</b>	29 April 2024

## APPENDIX 2 cont'd

<b><u>Application No 3 – Ref 63W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	David Ibbotson The Granary Mid Kelton Castle Douglas DG7 1SG
<b>Name &amp; Address of Transferee or Agent</b>	Knockinaam Hotel and Lodges Limited Knockinaam Lodge Hotel & Restaurant Portpatrick Stranraer DG9 9AD
<b>Name &amp; Address of Premises</b>	Knockinaam Lodge Portpatrick Stranraer DG9 9AD
<b>Effective Date of Transfer</b>	10 May 2024

**Application for Variation of Premises Licence**

<b>Applicant</b>	Robert James Yacamini Kirklands House Creetown DG8 7DB
<b>Address of Premises</b>	Creetown Stores 79 St John Street Creetown DG8 7JB
<b>Nature of Variation</b>	<p><b><u>Variation to Operating Plan</u></b></p> <p><u>(5f) Any other activities</u> Add:</p> <ul style="list-style-type: none"> <li>• Lotto</li> <li>• deliveries through Snappy Shopper</li> <li>• normal convenience store activities, bills etc</li> </ul> <p>(7) Change in capacity to 11.87m<sup>2</sup>.</p> <p><b><u>Variation to Layout Plan</u></b></p> <ul style="list-style-type: none"> <li>• Add an area for boxed multipacks.</li> <li>• Cigarette gantry removed and replaced with drawers; gantry area allocated for spirits.</li> <li>• Increase in capacity from 3.7m<sup>2</sup> to 11.87m<sup>2</sup>.</li> </ul>
<b>Last Date for Objections/Representations</b>	<b>Friday 24 May 2024</b>

**DUMFRIES AND GALLOWAY LICENSING BOARDS  
WIGTOWN 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 4 June 2024 to 3 September 2024 the following Occasional Licences and Extended Hours were granted:

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

Total number issued 131

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

Total number issued 17

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

Total number issued 26

**Extended Hours**

Total number issued 0

Aideen Sloan  
Senior Licensing Officer  
Licensing

Ext: 63363

Date of Report: 4 September 2024

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

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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**

<b>Application No. 1 – 86W</b>	
<b>Name &amp; Address of Applicant or Agent</b>	Penny Petroleum (Scotland) Limited Old Station House Powburn Alnwick Northumberland NE66 4HU
<b>Name &amp; Address of Premises</b>	Penny Petroleum - Inch Services Inch Services Castle Kennedy DG9 8RY
<b>Nature of variation</b>	Change of DPM to Margaret Irvine
<b>Effective Date of Minor Variation</b>	5 June 2024

<b>Application No. 2 – 96W</b>	
<b>Name &amp; Address of Applicant or Agent</b>	Sobia Rehman 7 The Square Port William DG8 9SE
<b>Name &amp; Address of Premises</b>	Port William Stores 5-9 The Square Port William DG8 9SE
<b>Nature of variation</b>	Change of premises name from Port William Stores to Hamza Superstore Ltd
<b>Effective Date of Minor Variation</b>	18 June 2024

<b>Application No. 3 – 7W</b>	
<b>Name &amp; Address of Applicant or Agent</b>	Herbert Shingleston Keekafar Station Road Wigtown DG8 9DZ
<b>Name &amp; Address of Premises</b>	Costcutter 65 St John Street Whithorn DG8 8PD
<b>Nature of variation</b>	New DPM Herbert Shingleston
<b>Effective Date of Minor Variation</b>	12 July 2024

Aideen Sloan  
Senior Licensing Officer  
Licensing

Ext: 63363

Date of Report: 4 September 2024

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



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

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

<b><u>Application No 1 – Ref 7W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Herbert Shingleston Keekafar Station Road Wigtown DG8 9DZ
<b>Name &amp; Address of Transferee or Agent</b>	Jillian Patricia Bell 7 Boyach Crescent Isle of Whithorn Newton Stewart DG8 8LD
<b>Name &amp; Address of Premises</b>	Costcutter 65 St John Street Whithorn Newton Stewart DG8 8PD
<b>Effective Date of Transfer</b>	21 June 2024

<b><u>Application No 2 – Ref 6W – SECTION 33</u></b>	
<b>Name &amp; Address of Applicant or Agent</b>	Iain Gillespie Claremont Thornbank Road Stranraer DG9 0EY
<b>Name &amp; Address of Transferee or Agent</b>	Iona Gillian McGeachie 43 Gallowhill Rise Stranraer DG9 7SR
<b>Name &amp; Address of Premises</b>	John Gillespie & Sons Ltd 20 Main Street Portpatrick Stranraer DG9 8JL
<b>Effective Date of Transfer</b>	21 June 2024

<b><u>Application No 3 – Ref 206W – SECTION 34</u></b>	
<b>Name &amp; Address of Previous Premises Licence Holder</b>	Certas Energy UK Limited 1st Floor Allday House Warrington Road Birchwood

# Agenda Item 6

PUBLIC

	WA3 6GR
<b>Name &amp; Address of Transferee or Agent</b>	Penny Petroleum (Scotland) Limited Old Station House Powburn Alnwick Northumberland NE66 4HU
<b>Name &amp; Address of Premises</b>	Petrol Station Creebridge Newton Stewart DG8 6NP
<b>Effective Date of Transfer</b>	24 July 2024

Aideen Sloan  
Senior Licensing Officer  
Licensing

Ext: 63363

Date of Report: 4 September 2024

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

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

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**LICENSING (SCOTLAND) ACT 2005 (2005 Act): SECTION 45**

**APPLICATION: PROVISIONAL PREMISES LICENCE**

**APPLICANT: MOTOR FUEL LIMITED, GLADSTONE PLACE, BRICKET ROAD, ST ALBANS**

**PREMISES TO BE LICENSED: STRANRAER (LONDON ROAD) SERVICE STATION, LONDON ROAD, STRANRAER**

**1. Reason for Report**

1.1 As this is an application for a provisional premises licence, the Board must in law hold a Hearing.

1.2 Members are asked to consider the application received 26 March 2024 and detailed at **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)
- NHS Dumfries & Galloway
- Community Council
- Neighbours: Persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises)

2.2 Both Section 50(5) Provisional Planning Certificate and Disabled Access and Facilities Statement have been received.

2.3 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.

2.4 Notice of the application was published on the Board's webpage from **Monday 15 April 2024 to Tuesday 7 May 2024**.

2.5 Signed Confirmation of Site Notice has been received.

2.6 The applicant's agent has submitted a market research report in respect of the section 123(5) exception detailed at paragraph 5.3 below (**Appendix 2**).

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 6 May 2024**.

3.2 An objection dated 23 April 2024 is detailed at (**Appendix 3**).

3.3 An objection dated 5 May 2024 is detailed at (**Appendix 4**).

## 4. Responses

The following responses have been received:

- LSO Report – clear (**Appendix 5**)
- Police Scotland – clear report
- Planning – no planning issues
- Building Standards – no adverse comments
- Environmental Health – no objections
- SFRS – no adverse comment

## 5. Excluded Premises

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

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

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

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

5.4 If the above statutory exception is not met then the premises are ‘excluded’ and the application must be refused in law.

## 6. Determination of 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 In terms of section 23 (5) the grounds for refusal are:

- The premises are excluded premises
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
- The Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, namely: (preventing

crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);

- That having regard to:
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premises
- the Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises in the locality.

**6. Recommendation**

Members are asked to either GRANT or REFUSE the application.

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

4 September 2024

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## APPENDIX 1

<b>Applicant/Agent</b>	Motor Fuel Limited Per Harper Macleod LLP 45 Gordon Street Glasgow G1 3PE
<b>Address of Premises</b>	Stranraer (London Road) Service Station London Road Stranraer DG9 8ES
<b>Description</b>	<p>The premises are located at London Road, Stranraer DG9 8ES. The premises has a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The premises do not form part of the nearby retail supermarket premises. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.</p> <p>The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent as a principal source of petrol or derv or groceries and thereby satisfy the criteria of Section 123(5) of the Licensing (Scotland) Act and as such are not excluded premises.</p>
<b>Core Times</b>	<u>Off Sales</u> Monday to Sunday 10:00 to 22:00 hours
<b>Activities</b>	<p>Include recorded music within and outwith core hours. The premises may play background music in the retail areas of the store. The premises may operate outwith alcohol licensing, up to 24-hour basis.</p> <p>The premises comprise of a general convenience store with offsale facility adjacent to petrol/derv filling station forecourt. The premises offer takeaway "food on the go". Customers may order groceries, food and drinks, including alcoholic drinks for home delivery from the premises.</p>
<b>Capacity</b>	9.51m2
<b>Last Date for Objections/Representations</b>	6 May 2024

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Stranraer Filling Station  
London Road, Stranraer, DG9 8EP  
Customer Profiling Research Report  
July 2024

Research & Reporting by



## Introduction

The following report outlines the findings from a customer research interviewing program carried out between Saturday 6<sup>th</sup> July and Wednesday 10<sup>th</sup> July at Stranraer Filling Station, London Road, Stranraer, DG9 8EP. The research explored the buying behaviours of persons' resident in the locality of the site. Customers were asked to provide information on; their place of residence in relation to the premises, their means of travel to the premises and their purchasing behaviour in relation to fuel and groceries.

### Key Research Objective

[Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5<sup>th</sup> April 2011) whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

#### Materially Disadvantaged or Inconvenienced?

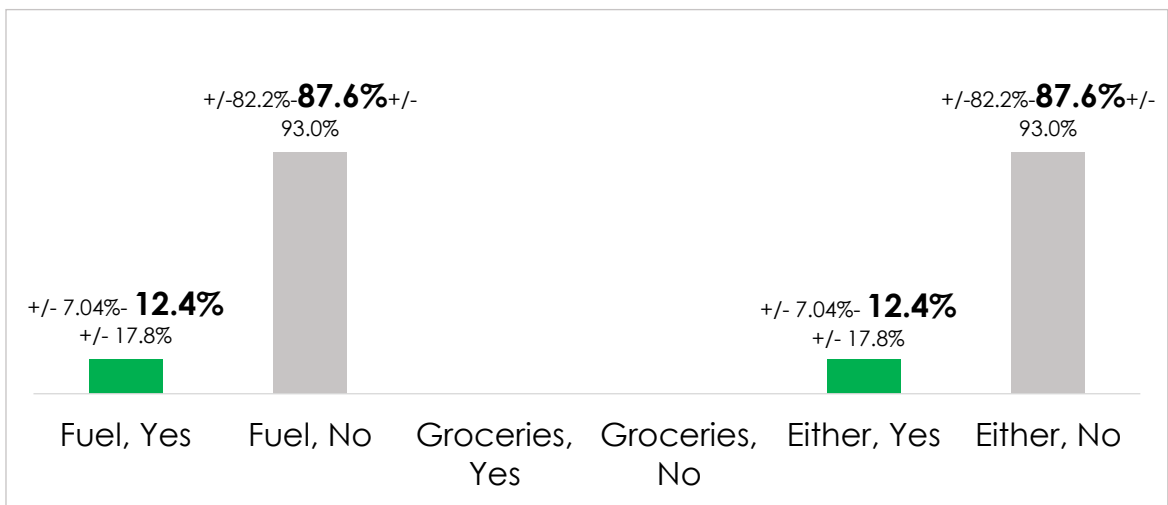


Figure 1: Fuel base = 145

Groceries base = 0

Either base = 145

## Conclusion

The results show that a statistically significant\* proportion of persons (12.4% (+/-5.36% in the locality) see and treat this service station at London Road, Stranraer, as the principal source from which they, in ordinary course, purchase groceries or fuel and would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

*\*Statistically significant - In statistics, a result is called **statistically significant** if it is unlikely to have occurred by chance. The likelihood that a result or relationship is caused by something other than mere random chance.*

# Contents Page

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<b>Executive Summary Page</b>	<b>Page 2</b>
Introduction	Page 2
Key Research Objective	Page 2
Conclusion	Page 3
<b>Contents Page</b>	<b>Page 4</b>
<b>Research Methodology</b>	Page 5
Sample Size	Page 5
Population of Interest	Page 5
<b>Defining the Population of interest</b>	<b>Page 6</b>
<b>Research Findings – Locality</b>	<b>Page 7</b>
Locality to Premises	Page 7
<b>Research Findings – Geo-mapping</b>	<b>Page 8</b>
<b>Research Findings – Demographics</b>	<b>Page 9</b>
<b>Research Findings – Premises Usage</b>	<b>Page 10</b>
<b>Research Findings – Inconvenienced</b>	<b>Page 11</b>
<b>Research Findings – Fully Inconvenienced</b>	<b>Page 13</b>
<b>Research Findings – Motor Fuel Group</b>	<b>Page 15</b>
<b>About TMcK</b>	<b>Page 17</b>
About Market Research Society (MRS)	Page 17
<b>Appendix 1 – Research Background</b>	<b>Page 18</b>
<b>Appendix 2 – Research Questionnaire</b>	<b>Page 20</b>
<b>Appendix 3 – Open Ended Responses</b>	<b>Page 25</b>
<b>Appendix 4- Postcodes</b>	<b>Page 27</b>

A quantitative research study was carried out from Saturday 6<sup>th</sup> July and Wednesday 10<sup>th</sup> July at Stranraer Filling Station, London Road, Stranraer, DG9 8EP with 478 customers (or 'participants'). All of whom were selected as they were exiting the store. Fieldwork was stratified to cover the core hours of off sale of alcohol on the premises 10am until 10pm.

The structured questionnaire (please see Appendix 2 for full questionnaire) was executed via Computer Assisted Personal Interviewing (CAPI) with the use of an iPad. The screen was shared with participants so that they could view all images and questions. All participants were asked to give their full postcode in order to help map travel time and distance to location.

## **Sample Size**

All intercepts (interviews) were conducted as participants were exiting via the main front entrance/exit; participants were selected at random to ensure sampling confidence. Upon completion of each survey, interviewers were under strict instruction to approach the second customer that passed them. By completing 478 interviews with current service station users, we can be sure that the data and attitudes collected will be statistically representative of the customer base. Importantly this large number of 'base' participants allowed for statistical comparison of sub-groups.

**An important sub-group within this research that will form the 'population of interest' are participants who live within the locality of the premises AND use the garage as their principal source for purchasing Fuel or Groceries [Base – 145]. This figure represents 30.3% of the entire customer population.**

## **Population of Interest**

This sub-group of 145 participants will be used to answer the key objective of the research. Whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

# Defining the Population of Interest

Stranraer Filling Station

## Q2 – How far from this Station do you live? (Map 1)

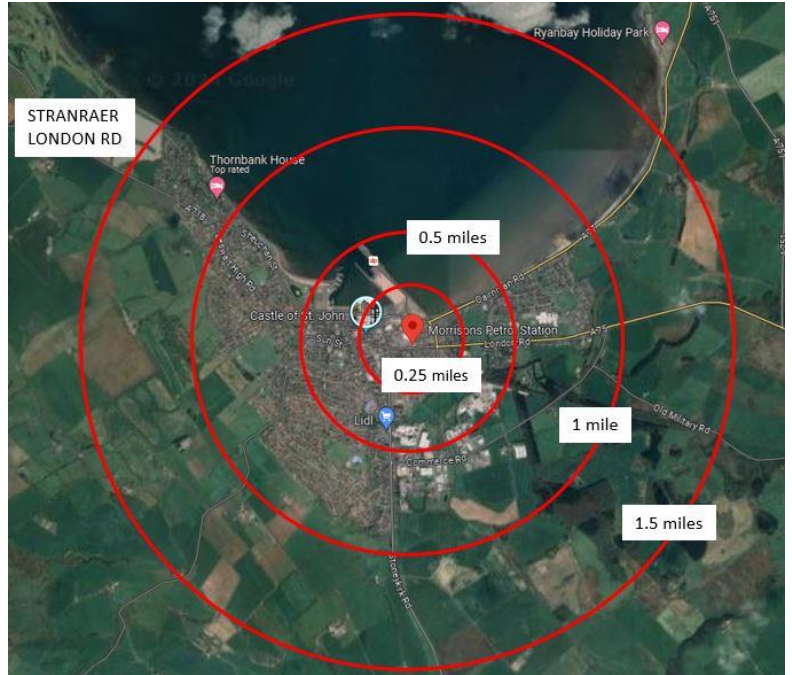
Within 1 mile = continue

1 mile + = record postal code & close

## Q7 – In the ordinary course of your purchasing habits, do you treat these premises as the principal source of: a) Petrol or DERV (Fuel)? b) Groceries?

Yes to a) or b) = Continue

No to a) and b) = Close



Map 1

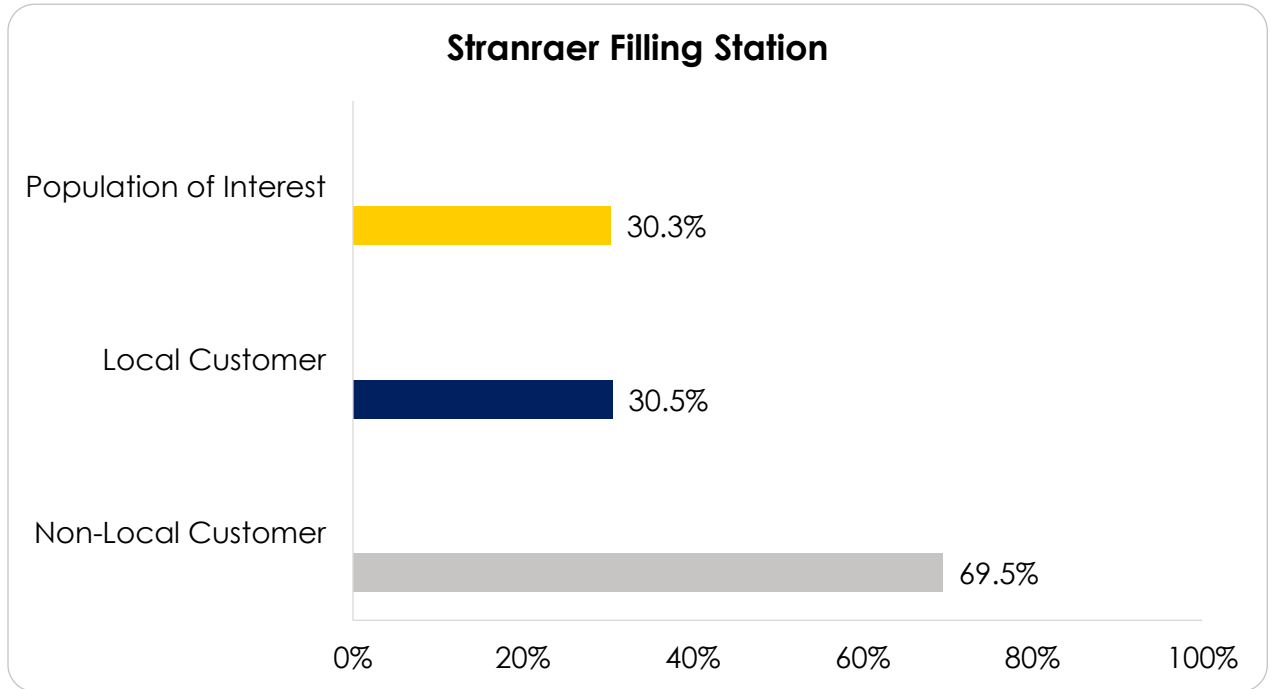
# Research Findings – Locality

Stranraer Filling Station

## Locality to Premises

**Q2 – How far away from this Service station do you live?**

If codes 1-3 were selected (under 1 mile) then respondent was categorised as **living within the locality**.



**Figure 2: base = 478**

# Research Findings—Geo-mapping

Stranraer Filling Station

All participants were asked to provide their postcode in order to allow for them to be geo-tagged on a map. Out of the 145 participants who fell into **the population of interest**. 145 provided a full and complete postcode. They are represented below as red icons; in some cases, the same postcode has been given and will be represented by only 1 icon.

**Average distance from service station – 0.53 miles**



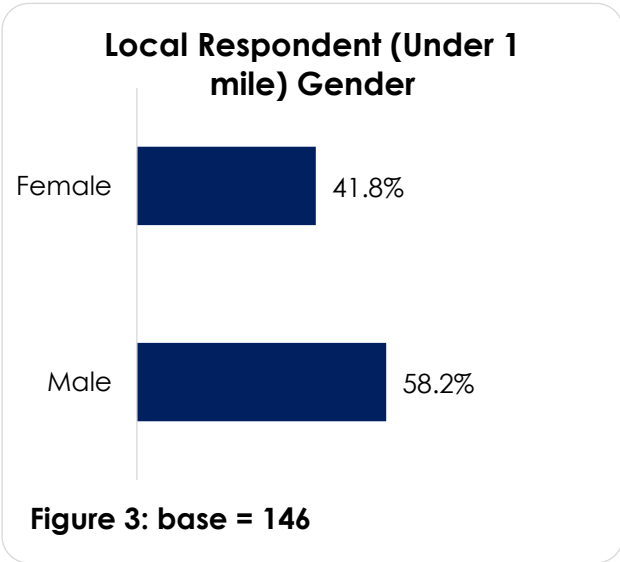
**Map 2**

Analysis of the postcode data has shown that the participants from the 'population of interest' live within a locality of 0.53 miles from the service station (green icon) on average.



# Research Findings – Demographics

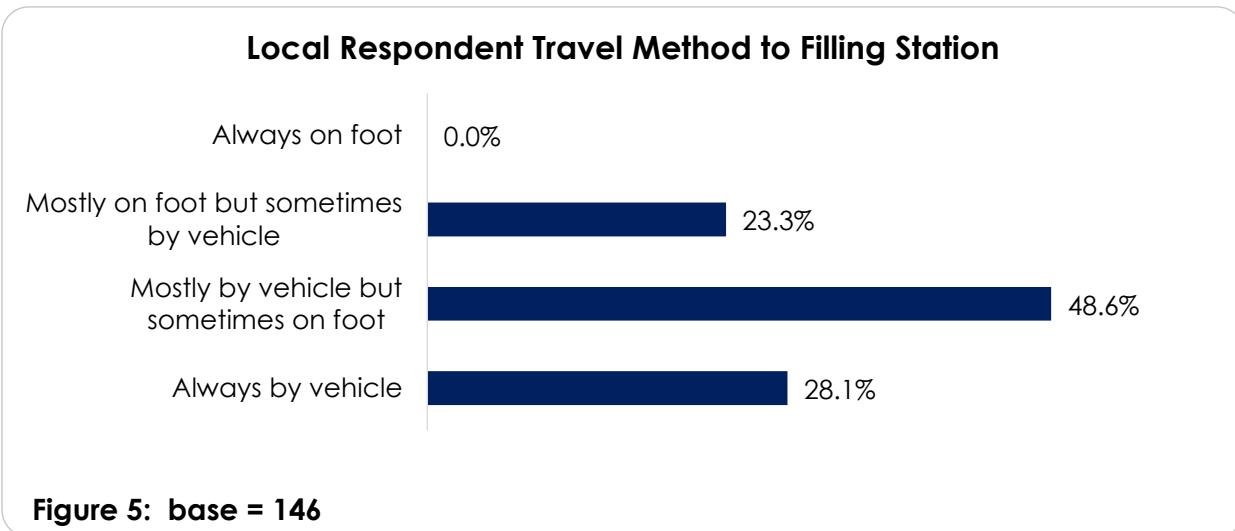
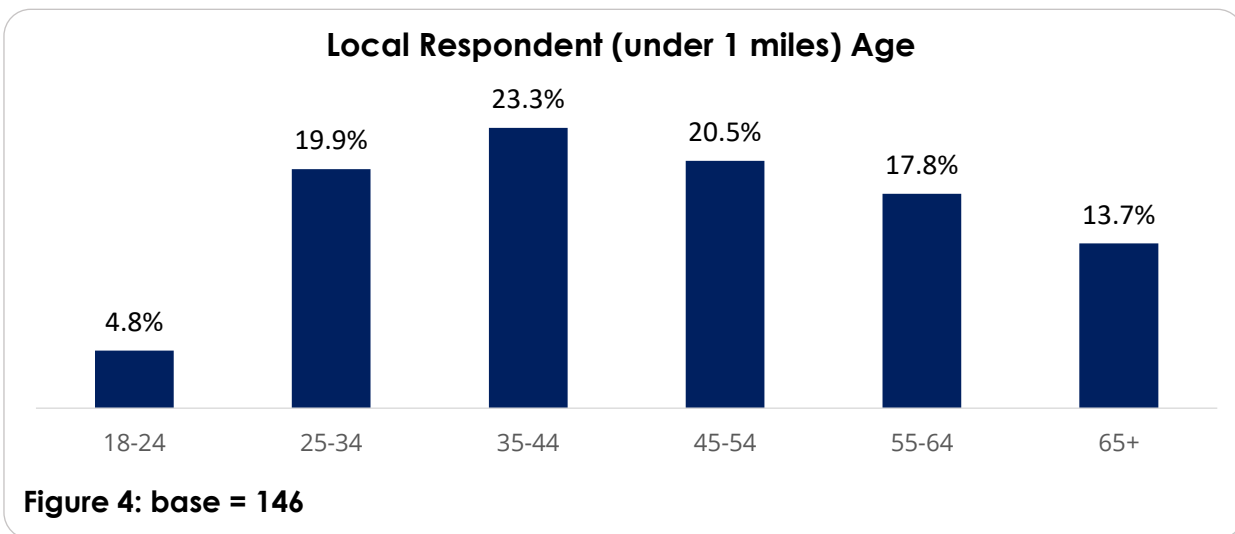
Stranraer Filling Station



### Average visits per week (local users)

<b>Grocery Shopping</b> Base - 144	<b>1.75 visits per week</b>
<b>Fuel Purchase</b> Base - 146	<b>1.47 visits per week</b>
<b>Morrisons Supermarket adjacent to Filling station</b> Base - 146	<b>1.19 visits per week</b>

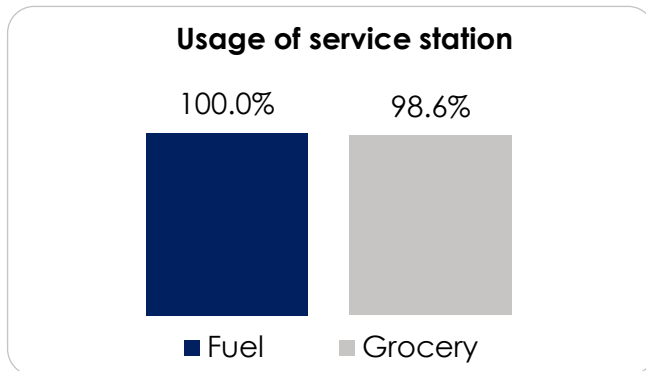
**Table 1: Base Varied**



# Research Findings – Premises Usage

Stranraer Filling Station

## How Stranraer Filling Station is being used



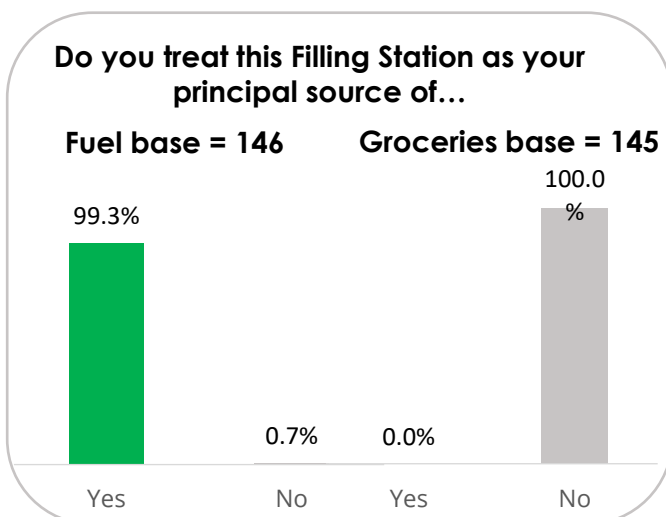
**144 participants** (98.6%)

Use service station as a source of **Groceries**

**146 participants** (100%)

Use service station as a source of **Petrol/DERV (Fuel)**

Figure 6: base = 146



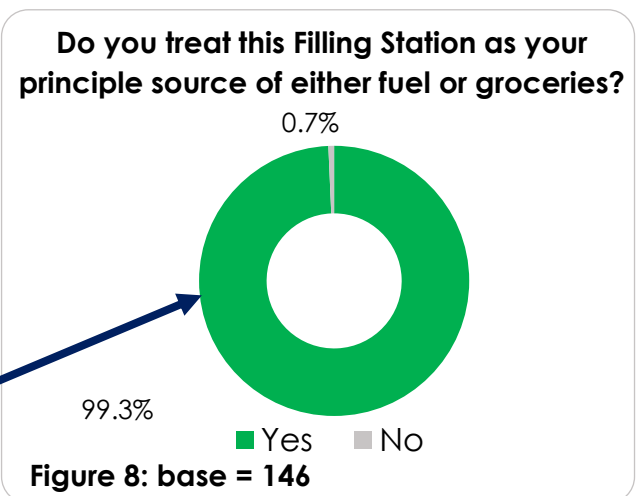
Participants, who live within the locality (within 1 mile) of the service station [146], were asked how they currently use the Service Station – **Figure 6**.

They were then asked if, in the ordinary course of their purchasing habits, they treated this Service Station as their principal source of Petrol/DERV or Groceries – **Figure 7**.

Figure 7: Base Varied

## Defining the population of interest

145(99.3%) local customers (participants) answered ‘yes’ to treating the service station as their principal source of either groceries or fuel. This forms the population of interest as outlined in the introduction – **Figure 8**.



**Population of interest**  
**145 participants**

Figure 8: base = 146

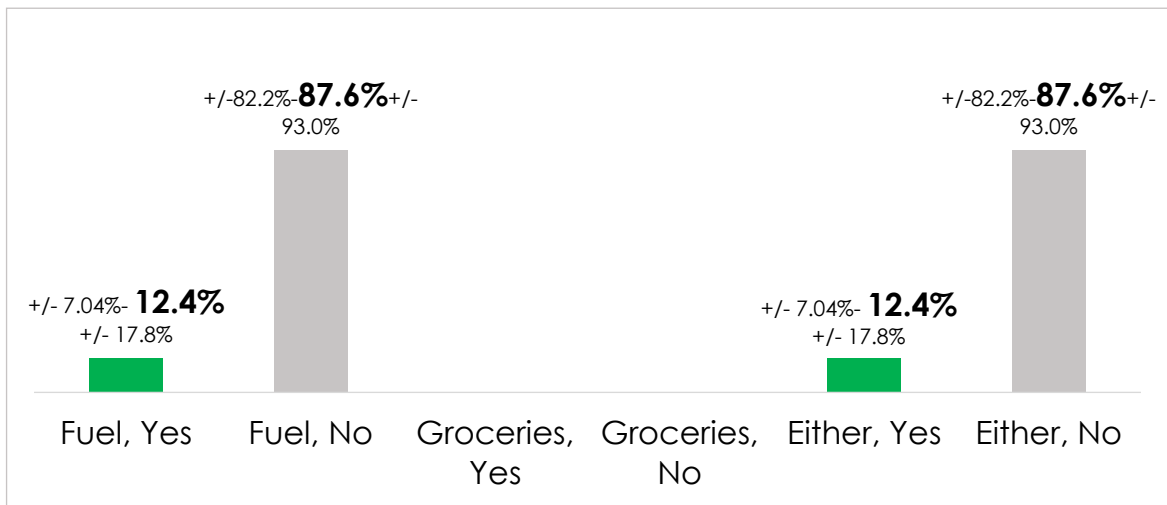
# Research Findings – Inconvenienced

Stranraer Filling Station

Once the population of interest had been defined (Base 145), these participants were asked:

*Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?*

## Materially Disadvantaged or Inconvenienced?



**Figure 9: Fuel base = 145**

**Groceries base = 0**

**Either base = 145**

The results show that a statistically significant proportion of persons in the locality (12.4%) see and treat the premises as the principal source from which they, in ordinary course, purchase groceries or fuel and that they would properly consider themselves materially disadvantaged or inconvenienced were any of these retail facilities to no longer be provided from said premises.

### **Bases Explained**

**Fuel:** Overall, 145 participants from the locality stated that they used the station as their principal source of fuel, of these participants 12.4% (18) stated that they would be materially disadvantaged if the premises could no longer provide them with fuel.

**Either:** The combined base and response for fuel and groceries.

# Research Findings – Inconvenienced

Stranraer Filling Station

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**FUEL:** In order to qualify the result all participants who coded yes to being materially disadvantaged if the service station could no longer provide fuel were asked **'Would you have an alternative fuel source you could use?' Base 18**

**Yes – 100% (18)**

**No – 0.0% (0)**

Those who answered 'Yes' to having an alternative fuel source – 100% (18) were then asked: **Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way? Base 18**

**Yes – 0.0% (0)**

**No – 100% (18)**

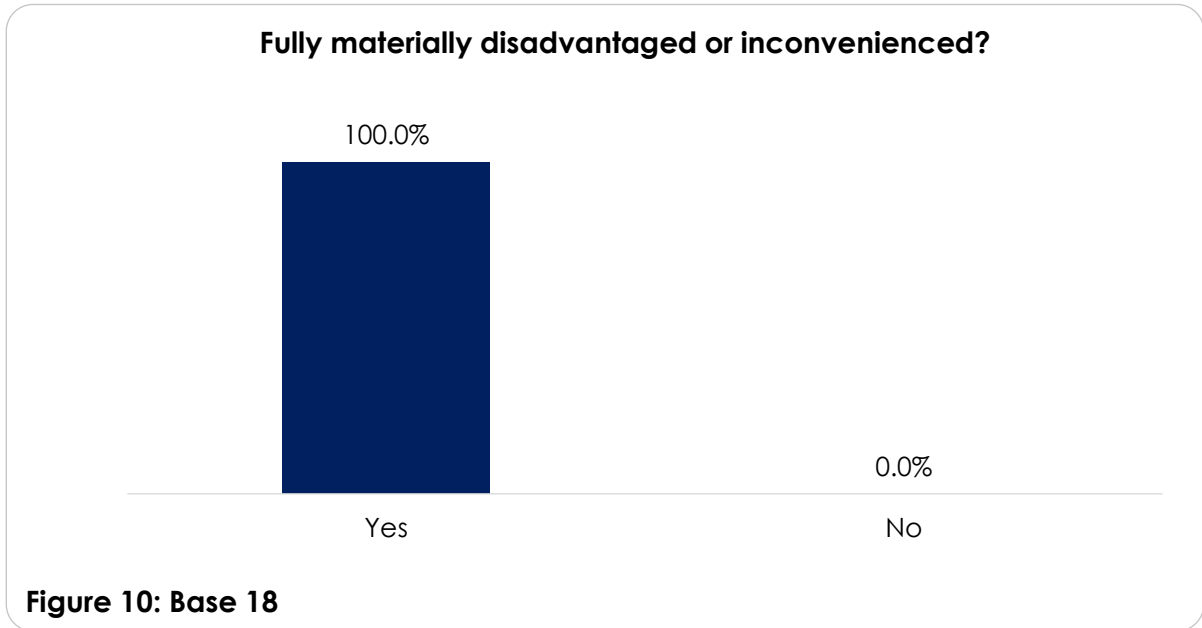
Results show that the alternative fuel sources available to 100% of participants would cause 100% of this group to be inconvenienced.

**100% (18) of those materially disadvantaged (base 18) confirmed this was still the case after considering alternatives.**

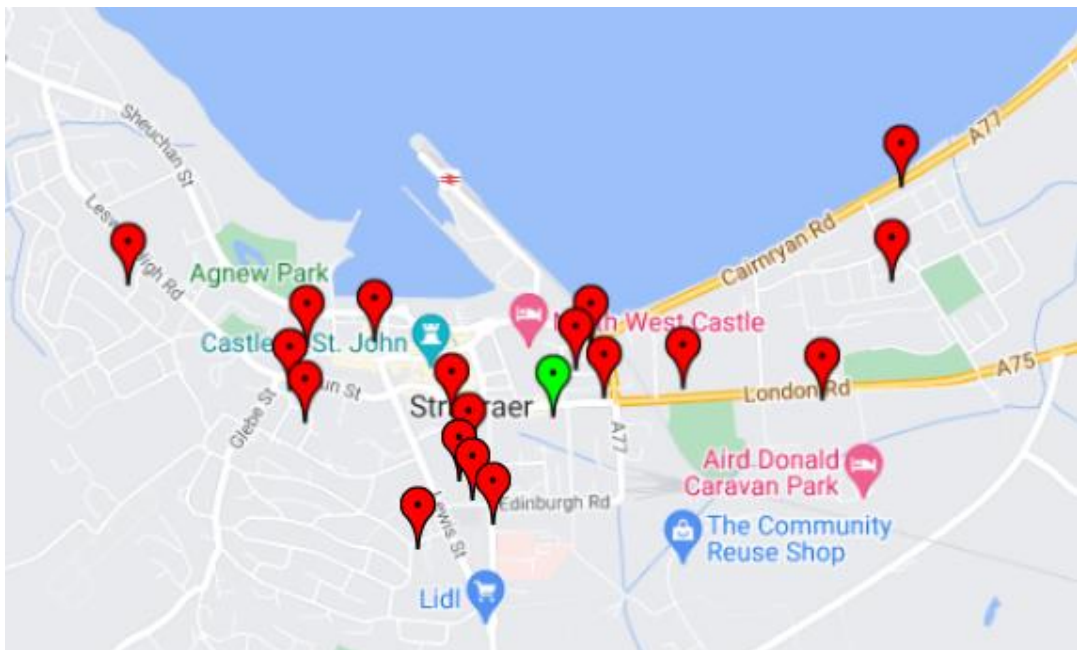
# Research Findings – Fully Inconvenienced

Stranraer Filling Station

The graph below highlights participants who live locally and use the garage as their principal source of either fuel or groceries and who, after considering local alternatives, still feel they would be materially disadvantaged or inconvenienced if the premises could no longer provide them with either.



The geo-map below shows where all participants (18) who coded 'yes' live; on average 0.35 miles from the station, in some cases the same postcode has been given and will be represented by only 1 icon.

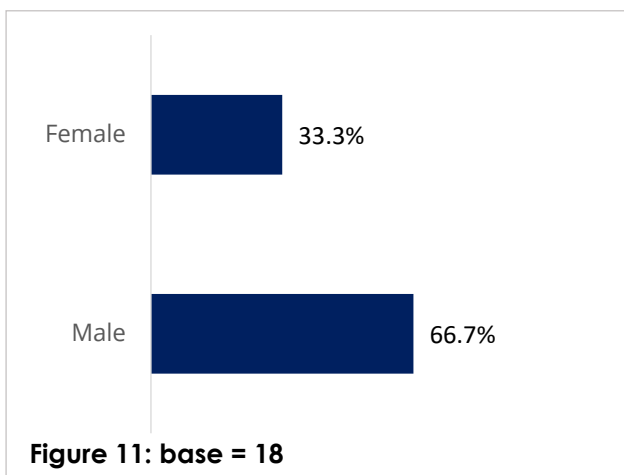


# Research Findings – Fully Inconvenienced

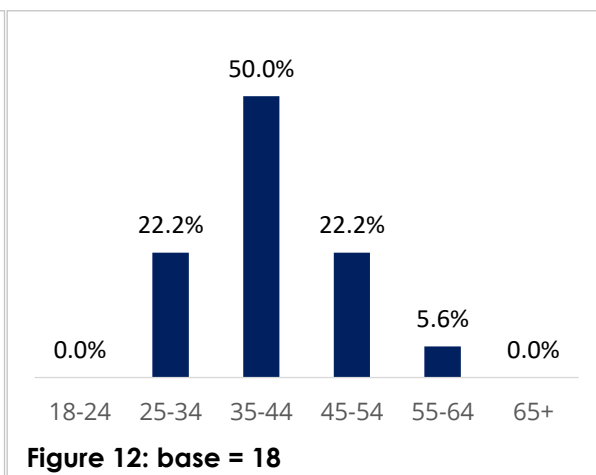
Stranraer Filling Station

The graphs below highlight the demographic of those who are materially disadvantaged or inconvenienced after having considered local alternatives.

## Gender



## Age



## Average visits per week

<b>Grocery Shopping</b> Base - 18	<b>3.10 visits per week</b>
<b>Fuel Purchase</b> Base - 18	<b>1.90 visits per week</b>
<b>Morrisons Supermarket adjacent to Filling station</b> Base - 18	<b>1.83 visits per week</b>

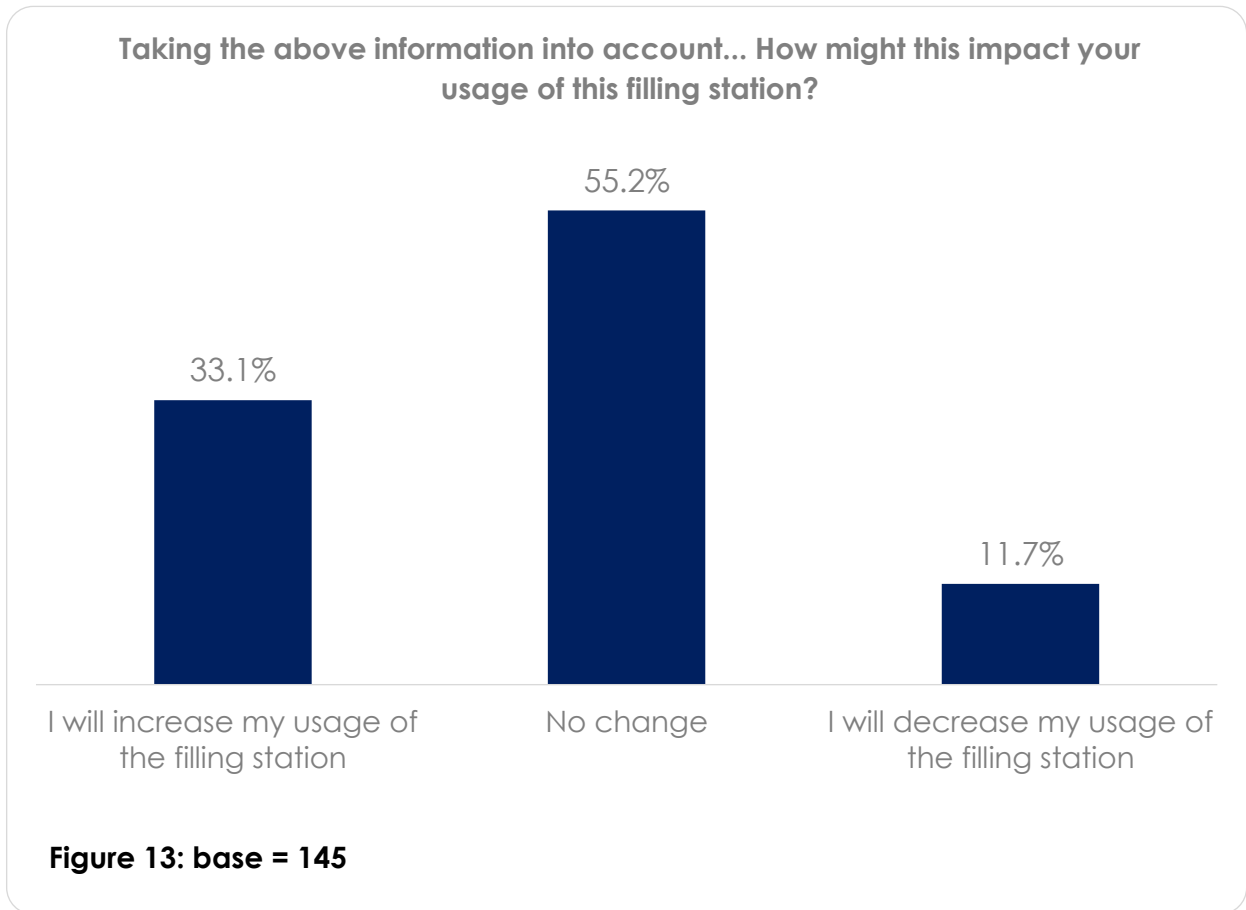
**Table 2: Base Varied**

# Research Findings – Motor Fuel Group

Stranraer Filling Station

Those in the population of interest (base: 145) were introduced to the Motor Fuel Group with a brief description of the new forecourt and its offerings.

After reading about the new ownership of the forecourt, those in the population of interest, were asked how this change will affect their usage. 88.3% of those surveyed would either have no change to their usage or increase their usage following the change in ownership. 11.7% of respondents stated that they would reduce their usage of the filling station.

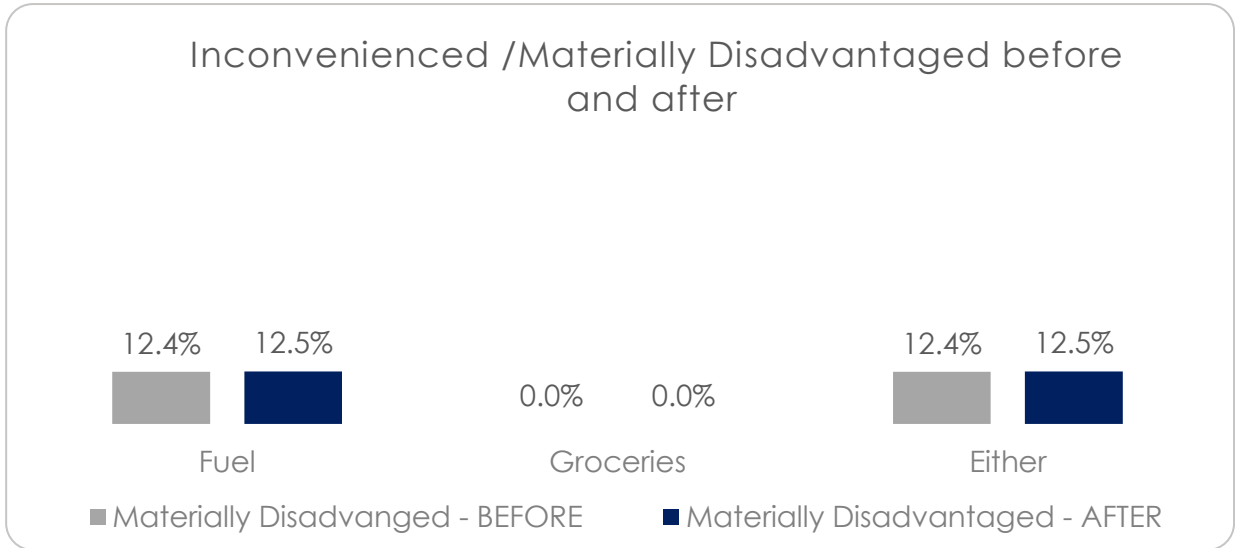


# Research Findings – Motor Fuel Group

Stranraer Filling Station

Those in the population of interest (Base: 145), were then asked again:

*Would you consider yourself materially disadvantaged or inconvenienced were this filling station to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?*



**Figure 14: Fuel base = 145**

**Groceries base = 0**

**Either base = 145**

This shows that 12.5% of those who live locally and use this filling station for their principal source of fuel and/or groceries would be inconvenienced or materially disadvantaged if the new MFG filling station was no longer able to provide them with fuel and/or groceries. This is compared to 12.4% of those who would be inconvenienced or materially disadvantaged if the current filling station was no longer able to provide them with fuel and/or groceries.



# About TMcK

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Taylor McKenzie Research has been delivering high-quality market research services since 2001. We work closely with our clients and research participants across the UK and beyond, providing the services needed to inform decision-making and drive positive change. A proud family business, our focus is on building trusted partnerships and consistently delivering excellence.

At Taylor McKenzie Research, our mission is to provide our clients with the high-quality data they need to make informed decisions. Our highly skilled and approachable team serves as an extension of your own, delving into your research brief in the pursuit of answers. Since 2001, we have been blending innovative ideas with proven research techniques, resulting in a diverse portfolio of services to meet varied client needs.

## [About Market Research Society \(MRS\)](#)

In the competitive world of market research, one name assures you of instant recognition and respect - that of MRS.

MRS is the 'voice of your profession'. Their role is to represent and communicate good practice in research to the business community, government and the public; to award accreditation and to provide support for our members.

### **Professional standards**

All members of the Society must comply with the [MRS Code of Conduct](#) which is enforced through a disciplinary process. This is the primary means by which market research remains a self-regulated profession. A range of guidelines and advisory services provide support to members in practical implementation of the Code.

The *Code of Conduct* embodies the principles of confidentiality and transparency. It provides protection to research users, participants and to researchers themselves. The Code has the confidence of the business community, government and regulators. It embraces the principles of data protection legislation. Membership of MRS is your way of showing that you subscribe to these ethical and legislative principles.

# Appendix 1 – Research Background

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The Licensing (Scotland) Act 2005 defines premises that operate in whole or in part as a garage for the sale of petrol or derv as “excluded premises”. Subject to the provisions of section 123(5) of the Act, garage premises are “excluded premises”. Where premises are “excluded premises”, sale of alcohol is not permitted. The Client wishes to explore the motivations and buying behaviours of the consumers who visit affected forecourt premises with the purpose of ascertaining whether or not their forecourt premises fall to be determined as “excluded premises” or within the exception contain under section 123(5). Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5<sup>th</sup> April 2011) whether a recognisable number of persons in the **locality**<sup>1</sup> see and treat the said premises as the **principal source**<sup>2</sup> from which they, in **ordinary course**<sup>3</sup>, purchase **groceries**<sup>4</sup> or fuel and who would properly consider themselves **materially disadvantaged** or **inconvenienced**<sup>5</sup> were these retail facilities to no longer be provided from said premises.

Should the research prove that a substantial % of a **representative sample**<sup>6</sup> local residents who use the outlet as their principal source of groceries and would be materially disadvantaged or inconvenienced if the outlet stopped selling groceries then it would help to form a case to include the outlet as being ‘not excluded’ from the changing legislation.

<sup>1</sup> **Locality** will be defined on a premises by premises basis. This will be determined via respondent answering what will be Q1 (How far away from this station do you live?) and will be confirmed with geo-mapping postcode software. Those living within the chosen distance will be deemed suitable to represent persons living in the locality and they will be further questioned on purchasing habits. Those living out with the chosen distance will be asked for their postcode and interview will be terminated.

<sup>2-3</sup> **Principal source / Ordinary course**; these points must be answered by asking each respondent a question that will be interpreted consistently and fully understood.

Generally speaking, do you treat this premises as your principal source for a) Petrol or DERV (a full description of DERV will be provided in Showcard to help understanding) b) Groceries. A simple yes or no answer will be collected. This will provide the research with its population of interest.

<sup>4</sup> **Groceries**; will be defined as being food or other things used within the home.

<sup>5</sup> **Materially disadvantaged or inconvenienced**; the term materially disadvantaged is perhaps not in the general diction of the average respondent, and we would not expect it to be used by a respondent if asked to describe how they felt about a retail outlet closing. However, when it is combined with the word inconvenienced in the Q. "Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with a) petrol (DERV) b) Groceries?" we would expect a good understanding. An open question asking why participants would feel materially disadvantaged or inconvenienced will be asked if 'yes' is coded at either a) petrol (DERV) or b) groceries.

<sup>6</sup> **Representative sample**; in quantitative market research studies which are to be conclusive it is very important that the data collected and the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection should be stratified in terms of opening hours and weekend / weekday footfall and respondent selection should be entirely random.

### **Statistical Representation**

In order for the findings to be conclusive it is very important that the data collected, the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection was stratified in terms of opening hours and weekend / weekday footfall and respondent selection was entirely random.

The table below indicates achieved error thresholds for the overall base of participants and for the population of interest base. Error bars are present throughout each table to represent statistical relevance of each figure.

<u>Population</u>	%GIVING PARTICULAR ANSWER		
	10%/90%	30%/70%	50%
Total Base 478	± 2.69	± 4.11	± 4.48
Local Base 146	± 4.87	± 7.43	± 8.11
Pop of interest Base 145	± 4.88	± 7.46	± 8.14
Inconvenienced Base 18	± 13.86	± 21.17	± 23.10

# Appendix 2 – Research Questionnaire

Good morning/afternoon my name is ..... & I am work for Taylor McKenzie Research & Marketing Ltd, an independent Scottish research agency. We are here today to better understand how this filling station is being used by its customers. We only have a few questions to ask and it is important you help so that we can ensure a representative view of all customers. It should only take 2 minutes.

## Q1 Interviewer select filling station

Stranraer Filling Station.....

## Q2 How far away from this Service station do you live?

Showcard s2

Within 1/4 of a mile

Go to Q3

Within 1/2 a mile

Within 1 mile

Within 1.5 miles

Within 1.5 to 2 miles

Within 2 to 10 miles (approx.) CLOSE

More than 10 miles away (approx.) CLOSE

## Q3 Which of these best describes how you travel to this station?

Showcard s3

Always by vehicle .....

Go to Q4

Always on foot .....

Go to Q4

Mostly by vehicle but sometimes on foot .....

Go to Q4

Mostly on foot but sometimes by vehicle .....

Go to Q4

Other (write in) .....

Go to Q3

## Q4 Including today, in the past 6 months have you used this station as a source of ...

Showcard s4

Interviewer - Read out...

Petrol or DERV (fuel)

Go to Q5

Groceries

Go to Q6

Both for Petrol or DERV (fuel) and Groceries

Go to Q5

**Interviewer note - if respondent queries what qualifies as 'groceries' please give the following description -**  
Groceries - 'food or other things used within the home'

**Q5 How often do you visit this station for the purchase of petrol or DERV (fuel)?**

Showcard s5

- Every day .....
- 4 - 5 times a week .....
- 2 - 3 times a week .....
- Once a week .....
- 2 - 3 times a month .....
- Once a month .....
- Once every 2 months .....
- 3 - 4 times a year .....
- Once a year .....
- Less often .....
- First visit** .....

**Q6 How often do you visit this station for the purchase of groceries?**

Showcard s5

- Every day .....
- 4 - 5 times a week .....
- 2 - 3 times a week .....
- Once a week .....
- 2 - 3 times a month .....
- Once a month .....
- Once every 2 months .....
- 3 - 4 times a year .....
- Once a year .....
- Less often .....
- First visit** .....

**Q7 And how often, if at all, do you visit the Morrisons Supermarket adjacent to this filling station?**

- Every day .....
- 4 - 5 times a week .....
- 2 - 3 times a week .....
- Once a week .....
- 2 - 3 times a month .....
- Once a month .....
- Once every 2 months .....
- 3 - 4 times a year .....
- Once a year .....
- Less often .....
- Never** .....

**Q8 Generally speaking, do you treat this premises as your principal source for:**

Showcard s6a & s6b

Interviewer - Read out full statement above for both petrol and groceries

	Yes	No
Purchasing Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Purchasing Groceries	<input type="checkbox"/>	<input type="checkbox"/>

**Q9** Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with:  
Showcard s7

	Yes	No
<b>Petrol or DERV (fuel)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative fuel source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?</b>	<input type="checkbox"/>	<input type="checkbox"/>
If no: Why is this? (probe fully) _____		
_____		

**Q10** Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with...  
Showcard s7b

	Yes	No
<b>Groceries</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative grocery source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is this alternative grocery source available to you without causing you to be disadvantaged or inconvenienced in any way?</b>	<input type="checkbox"/>	<input type="checkbox"/>

**Q11** Taking the above information into account  
How might this impact your usage of this filling station?

- I will increase my usage of the filling station* .....
- No change* .....
- I will decrease my usage of the filling station* .....

**Q12** Earlier in the survey we asked you if you would consider yourself materially disadvantaged or inconvenienced were this filling station be unable to provide you with:  
Petrol or DERV (fuel).  
You had answered {Q9a}

Now that you know about the changes that are coming to this site as a result of the purchase by MFG. Please now consider the question again...  
Would you consider yourself materially disadvantaged or inconvenienced were this filling station to be unable to provide you with:

	Yes	No
<b>Petrol or DERV (fuel)</b>	<input type="checkbox"/>	<input type="checkbox"/>
If yes: Why is this? (probe fully) _____		
_____		

**Groceries**

If yes: Why is this? (probe fully)

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**Q14 Finally: How often do you personally purchase alcohol in a supermarket, shop or off lice nowadays?**

Please select

- Weekly or more often .....
- Fortnightly .....
- Monthly .....
- Less Often .....
- Never .....

**Q15 The operator of this site are looking to provide a wide range of alcohol for off-sale purc addition to the existing grocery/convenience offer.**

**If suitable alcohol products were available to purchase at this premises, how likely or i do you think you would be to purchase alcohol here?**

- Very Likely .....
- Quite Likely .....
- Quite Unlikely .....
- Very Unlikely.....
- Don't know .....

**Q16 You mentioned you would be likely to purchase alcohol products at this premises... Assuming you could find everything you needed...**

Which of the following statements best describes you

- This alcohol purchase would replace a purchase from elsewhere .....
- This alcohol purchase would be in addition to a purchase elsewhere .....
- Unsure .....

**Q17 Which of the following statements best describe why you are likely to purchase alcohol location...**

Select ALL that apply

- Convenient .....
- Closer to where I live .....
- Closer to where I work .....
- Saves me making an additional journey .....
- I like shopping at this store .....
- Other: Please write in \_\_\_\_\_

**Q18 Record Gender**

- Male .....
- Female .....

**Q19 Which of these age groups do you fall into?**

Showcard s8

- 18-24.....
- 25-34.....
- 35-44.....
- 45-54.....
- 55-64.....
- 65+.....

**Interviewer Say: Could you please tell me your home postcode, this is so we can get a better understanding of store catchment. This data will never be used for contacting you and will never be passed on personal information.**

**Interviewer please enter with a space, as follows.... e.g. G2 4EZ**

**Postcode**

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## Appendix 3 – Open Ended Responses

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### **Q9b - Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with Fuel? If yes: Why is this?**

- "See this as my local station just a few streets away s d very convenient"
- "Local station that accepts shell fuel card for business fleet of 5 vans. Not aware if new garage owner will accept card or need to drive out of town"
- "My local petrol station and cheaper here than elsewhere"
- "Main place for fuel for bus for business as well as family's cars"
- "Nearest station to home and easy to get to and convenient opening hours plus Morrisons fuel card used for points"
- "Cheaper than others stations and closest so really convenient"
- "Great staff, low priced fuel and get meal deal Costa coffee for work and Morrisons points"
- "Use fuel genie card for taxi fleet so need to use garages that accept that card"
- "My local petrol station and I save money with points"
- "Buy petrol here and sandwiches for lunch in meal deal all good value plus get points"
- "Local station for me, buy lunch meal deal, coffee 3-4 times a week get fuel and Morrisons points"
- "Buy petrol here, sandwiches in meal deal for lunch most days and enjoy chat with staff"
- "Cheapest good petrol in area and get Morrisons points and buy meal deal 2 or 3 times a week"
- "Buy meal deals and coffee here most days for work as well as fuel for van"
- "Use Fuel Genie card here for company van and also fill up family car and get Morrisons points"
- "My local place, staff lovely, fill up family business cars and personal car here"
- "Love the friendly chatty staff, stop here for lunch meal deal almost daily, get petrol when needed and save points"
- "Buy meal deals and coffee here daily as well as petrol, very convenient access and amazing staff service"

### **Q12b – Would you consider yourself materially disadvantaged or inconvenienced were this filling station to be unable to provide you with Petrol or DERV (fuel)? If yes: Why is this?**

- "Would expect to pay much higher price for petrol and food"
- "Petrol will definitely be dearer if not Morrisons and this fuel also suits all of our vehicles"
- "Petrol price needs to stay low not charge motorway services prices and rip people off or I'll fill up 2 work vans and 4 family cars elsewhere"

"If they don't accept business fuel card, petrol prices go up and I don't get Morrisons points I'll go elsewhere"

"Will be paying more for fuel and not getting Morrisons fuel prices or points"

"Not willing to pay higher prices they'll charge for petrol and don't like the lack of choice, don't use BP, Esso stations like staff here, friendly"

"Want points and low-price fuel so will go somewhere else"

"Need garage group who accept fuel genie card"

"Expect to pay higher price with MFG, will just go to Solo garage instead"

"Not using Solo garage, don't like their staff or sandwiches even though petrol is cheap, and they offer meal deals"

"Will expect higher prices from BP or Esso, so won't use this garage plus no points on Morrisons card for fuel"

"Not paying higher price than Solo garage for petrol here will buy sandwiches in main store don't like BP/Esso meal deals"

"Can't afford BP or Esso prices, don't like their meal deal choices or price, no Morrisons points so miss Morrisons already.."

"Need to be able to use fuel genie card for fuel here"

"If new petrol station does not accept Genie fuel card"

"BP or Esso stations don't take fuel card will need to go somewhere else"

"Change of ownership will mean loss of the personal service here that I value highly"

"Refuse to pay high prices charged for petrol by Co's like shell and BP"

# Appendix 4 – Postcodes of Population of Interest

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DG9 7QF	DG9 7JY	DG9 7QR
DG9 7SS	DG9 7DY	DG9 0AN
DG9 0BG	DG9 7RS	DG9 7DR
DG9 7FH	DG9 8AZ	DG9 0AP
DG9 0BT	DG9 7SE	DG9 0AP
DG9 7SS	DG9 7SU	DG9 0EQ
DG9 7HB	DG9 7TZ	DG9 0DS
DG9 8HA	DG9 7RS	DG9 7PU
DG9 8AW	DG9 7PG	DG9 7LJ
DG9 7BA	DG9 7LL	DG9 7QG
DG9 8AH	DG9 7NN	DG9 7QT
DG9 0HZ	DG9 7AN	DG9 0DA
DG9 0HL	DG9 7HY	DG9 7QT
DG9 7LJ	DG9 7NE	DG9 7QG
DG9 7FJ	DG9 7HR	DG9 0DE
DG9 8DD	DG9 8DS	DG9 7RZ
DG9 7JS	DG9 7NL	DG9 0DJ
DG9 0DN	DG9 7NF	DG9 0EJ
DG9 8AW	DG9 7JU	DG9 7AG
DG9 7LJ	DG9 7LQ	DG9 7QT
DG9 7BS	DG9 7TE	DG9 7AP
DG9 8AU	DG9 7NZ	DG9 7TU
DG9 7QZ	DG9 7TL	DG9 7NL
DG9 7DH	DG9 7BN	DG9 0AQ
DG9 8HA	DG9 8DB	DG9 7RL
DG9 7DN	DG9 7SY	DG9 7BJ
DG9 8AQ	DG9 8HP	DG9 7QJ
DG9 8AD	DG9 7SZ	DG9 7BJ
DG9 7HT	DG9 8HG	DG9 0EF
DG9 0BX	DG9 7SL	DG9 7TT
DG9 8BU	DG9 7PA	DG9 7TA
DG9 7FH	DG9 8AX	DG9 8BZ
DG9 8DE	DG9 7SP	DG9 7JE
DG9 0AF	DG9 0EU	DG9 7PG
DG9 7ST	DG9 0EL	DG9 7HP
DG9 8AJ	DG9 0DS	DG9 7SU
DG9 7SF	DG9 7ST	DG9 7LU
DG9 7EP	DG9 8AX	DG9 0BS
DG9 7QN	DG9 7DR	DG9 7PW
DG9 7EX	DG9 8DG	DG9 0AU
DG9 7EP	DG9 7FG	DG9 7TQ
DG9 7DR	DG9 0BU	DG9 7QJ
DG9 8ET	DG9 8DY	DG9 7TG
DG9 7ATR	DG9 8AP	DG9 7BJ
DG9 8AU	DG9 7DR	DG9 8AZ
DG9 8AG	DG9 7SY	DG9 7LU
DG9 8EU	DG9 8AZ	DG9 7TW
DG9 7QU	DG9 7LF	DG9 7TQ
DG9 0EE		

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**From:** Mervyn Hill [mervynhillvanman@icloud.com](mailto:mervynhillvanman@icloud.com)

**Sent:** Tue 23/04/24 10:17

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

**Subject:** 0216W AS/02

Reference to the above application, I do NOT WANT an off-licence right outside my front door opposite my house with potential to be open 24hours selling fast food and doing deliveries, causing noise and disruption to myself and my neighbours on London Road and Royal avenue . We do NOT need another outlet for alcohol as Morrisons sell alcohol and there is a garage 5 minutes from Morrisons at Port Rosie that sell everything. It will lead to more antisocial behaviour . Not to mention , the extra litter and noise disruption. There are also 2 Public houses, The Ruddicot and The Pub, which cause enough disruption and vandalism on closing time.

I would also like to let it be known that the people surrounded by this possible licence application, were only made aware by myself, and they too are up in arms.

Kind regards

Mervyn Hill, Brunswick House, London Road, Stranraer

Sent from my iPhone

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OFFICIAL-SENSITIVE

**From:** Jim Ryder <[jimstranraer@gmail.com](mailto:jimstranraer@gmail.com)>  
**Sent:** Sunday, May 5, 2024 2:00 PM  
**To:** Comments and Complaints <[CorpServ-commentsandcomplaints@dumgal.gov.uk](mailto:CorpServ-commentsandcomplaints@dumgal.gov.uk)>  
**Subject:** EXTERNAL: FAO Val Valiente

--FAO Vald Valiente  
Clerk to the Licensing Board  
Wigtown Divisional Licensing Board  
Council Offices, Kirkbank, English Street  
Dumfries DG1 2HS

7 Royal Crescent  
Stranraer  
DG9 8HB

**Letter of Objection to Off Sales Licence under the Licence (Scotland) Act 2005-  
Section 45**

**Notice of Application for a Provisional Premises Licence**

**Motor Fuel Limited**

**per Harper Macleod, 45 Gordon Street, Glasgow G1 3PE**

**Morrisons Filling Station, London Road, Stranraer DG9 8ES**

Dear Sirs,

Please find this email as my objection to the granting of Licence under the 2005 Act section 45 this is due to the fact that the premises are surrounded by residential property on all sides the increase of anti social behaviour that the granting of a licence will bring. Also within 40meters there are premises already selling alcohol do we need a second.

Also I would have thought that the council would be trying to cut down on anti social behaviour in residential areas and also encouraging LOCAL businesses and not franchise from out with our region moving in.

Stranraer already has six premisses selling drink within 200meters of the proposed fuel station.

**More than anything you are encouraging DRINK DRIVE by allowing premisses  
selling fuel to buy alcohol at the same.**

Think again!

James Ryder

05/05/2024

Jim Ryder

[jimstranraer@gmail.com](mailto:jimstranraer@gmail.com)

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

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**LICENSING (SCOTLAND) ACT 2005:  
APPLICATION FOR PROVISIONAL PREMISES LICENCE  
STRANRAER (LONDON ROAD) SERVICE STATION, LONDON ROAD,  
STRANRAER DG9 8ES  
APPLICANT: MOTOR FUEL LIMITED**

1. The application relates to a general convenience store located adjacent to a petrol/derv filling station forecourt. This is a long-established business which has not previously been licensed for the sale of alcohol. The application is made on behalf of the new owner.

1.2 The shop sells a range of grocery products, including “food on the go”.

1.3 Section 123 of the Licensing (Scotland) Act 2005 is relevant to this application.

1.3.1 This Section sets out two definitions of “excluded premises”:-

- Effectively premises forming part of a Motorway Service Area, and;
- “Premises used as a garage or which form part of premises which are so used”;
- A “garage” is defined as “used for one or more of the following-
  - The sale by retail of petrol or derv;
  - The sale of motor vehicles, or;
  - The maintenance of motor vehicles”.

1.3.2 Normally excluded premises cannot be the subject of a Premises Licence. If an application for a Premises Licence for excluded premises is lodged it must be refused.

1.3.3 However, where, as with this application, the excluded premises are “used as a garage or which form part of premises which are so used”, the premises are not be considered as excluded premises if:-

“persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv or (b) groceries”;

and if the Board decides that this is the case, the application for a Premises Licence could competently be granted and operated.

2. The application was accompanied by a Section 50 Certificate from Planning and is for a Provisional Premises Licence.

2.1 Alcohol cannot be sold following the grant of a Provisional Premises Licence until such time as Confirmation of the licence has been approved.

2.2 The application for Confirmation would require to be accompanied by Section 50 Certificates from Building Standards and Food Hygiene.

3. There are two proposed alcohol display areas comprising of an area behind the counter inaccessible to customers and an area close to the counter as shown hatched on the attached plan.

4. The Off-sale hours applied for are:-

- Monday to Sunday 10am to 10pm.

These hours are within the Board's Licensed Hours Policy.

4.1 Current opening hours are Monday to Saturday 6am to 10.30pm and Sunday 8am to 8pm. These opening hours may change in the future.

5. The operating plan will allow customers to order groceries, food and drinks, including alcoholic drinks, for home delivery from the premises.

5.1 The Board's Licensing policy statement includes the following paragraph relating to home deliveries which include online purchases of alcohol:

*The Board acknowledges concerns raised by NHS Dumfries and Galloway at individual meetings held August/ September 2023 with regard to increased levels of online sales of alcohol. The Board encourages applicants for premises licences which will include online sales to provide the Board with details of how the deliveries will operate and in particular :*

*1. the hours of delivery;*

*2. the steps which will be taken to verify the age of the person ordering and accepting delivery of the alcohol ; and*

*3. the use of age verification policies such as Challenge 25 or a similar verification scheme for all deliveries.*

5.2 Section 119 is relevant confirming it is an offence to deliver alcohol unless the following is in place:

1. a day book recording the order is kept on the premises from where the alcohol was despatched; and
2. a delivery book or invoice is carried by the person delivering the alcohol.

The information required to be entered in the book or invoice is:

1. the quantity, description and price of the alcohol; and
2. the name and address of the person to whom the alcohol is to be delivered.

5.3 It will be necessary for age verification to take place at the point of delivery.

5.3.1 The applicant's Agent has confirmed deliveries will be fulfilled by a third party and there is a policy in place to prevent delivery of alcohol to persons under 18 years of age.

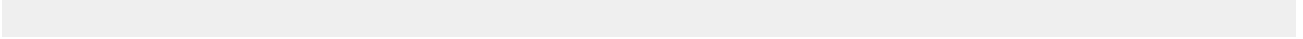
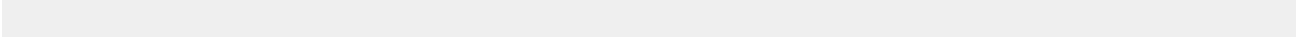
5.4 Section 120 prohibits delivery of alcohol to any premises (other than licensed premises) between the hours of midnight and 6am.

6. The application was advertised on the Board's website page from Monday 15 April 2024. At the same time a notice must be displayed at the premises.



6.1 A visit was made on 22 April 2024, at which time the notice was displayed in the window at the entrance of the premises.

*Julia Farroll*  
Licensing Standards Officer  
30 April 2024





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

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**LICENSING (SCOTLAND) ACT 2005: SECTION 23**

**APPLICATION: NEW PREMISES LICENCE**

**PREMISES: CLUBHOUSE, ISLE OF WHITHORN BOWLING CLUB, MAIN STREET,  
ISLE OF WHITHORN, NEWTON STEWART**

**APPLICANT: ISLE OF WHITHORN BOWLING CLUB, MAIN STREET, ISLE OF  
WHITHORN**

**1. Reason for Report**

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

1.2 Members are asked to consider the application for a new premises licence received on 12 August 2024 and detailed in **Appendix 1** to this report.

**2. Background**

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

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- NHS Dumfries & Galloway
- Local Community Council

2.2 There are no notifiable neighbours (those within 4 metres in any direction of any boundary of the premises).

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

2.4 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.

2.5 Notice of the application was published on the Board's webpage from **Monday 12 August 2024 until Tuesday 3 September 2024**.

2.6 At the time of writing this report, signed Confirmation of Site Notice has not yet been received.

**3. Objections and Representations**

3.1 The last date for objections/representations was **Monday 2 September 2024**.

3.2 No objections have been received.

**4. Responses**

The following responses have been received:

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

- Police Scotland – clear report
- Building Standards – no adverse comments
- SFRS – no adverse comment
- Planning – no planning issues

## 5. Determination of 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 In terms of section 23 (5) the grounds for refusal are:

- The premises are excluded premises
- The application must be refused under
  - Section 25(2) (where the Board has refused a premises licence and this is a subsequent application received within 12 months of the refusal)
  - Section 64(2) (where the application is for 24 hour operation and exceptional circumstances have not been shown to justify that operation)
  - Section 65(3) (the application relates to off sales outwith 10am to 10pm)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is *not a fit and proper person to be the holder of a premises licence*;
- The Licensing Board considers that the granting of the application would otherwise, be inconsistent with one or more of the licensing objectives, namely: (preventing crime and disorder/securing public safety/preventing public nuisance/protecting and improving public health/protecting children and young persons from harm);
- That having regard to:
  - i) The nature of the activities proposed to be carried on in the premises
  - ii) the location, character and condition of the premises; and
  - iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol
- The Board considers that that, if the application were to be granted, there would, as a result, be overprovision of licensed premise 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  
4 September 2024



## APPENDIX 1

<b>Applicant/Agent</b>	Darren O'Neill Isle of Whithorn Bowling Club Main Street Isle of Whithorn Newton Stewart DG8 8LE
<b>Address of Premises</b>	Clubhouse Isle of Whithorn Bowling Club Main Street Isle of Whithorn Newton Stewart DG8 8LE
<b>Description</b>	Premises is a clubhouse, which is situated next to the Bowling Green. The intention is to operate a bar for sale of alcohol to be consumed on the premises.
<b>Core Times</b>	<p><u>On Sales</u></p> <p>Monday 12 noon to 12 midnight  Tuesday 12 noon to 12 midnight  Wednesday 12 noon to 12 midnight  Thursday 12 noon to 12 midnight  Friday 12 noon to 12 midnight  Saturday 12 noon to 12 midnight  Sunday 12.30pm to 12 midnight</p>
<b>Activities</b>	<p>Bar Meals, Receptions, Recorded Music, Gaming, Indoor/Outdoor sports and Televised Sport both within and outwith core hours.</p> <p>Club/Group Meetings and Outdoor Drinking Facilities within core hours.</p> <p><b><u>Outwith Core Hours Information</u></b> Bowling can commence prior to 12 noon.</p>
<b>Children and Young Persons</b>	<p><b>TERMS</b> – Children and Young Persons can be unaccompanied but after 9pm must be accompanied by an adult.</p> <p><b>AGES</b> – Children aged 0-15 and Young Persons aged 16-17 years will be allowed entry.</p> <p><b>TIMES</b> – Children and Young Persons will be allowed entry from 12 noon to 12 midnight.</p>

	<b>PARTS</b> – Children and Young Persons can access all public parts of the premises.
<b>Capacity</b>	Total 42 Inside 30 Outside 12
<b>Last Date for Objections/Representations</b>	2 September 2024

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

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**LICENSING (SCOTLAND) ACT 2005: SECTION 20  
APPLICATION FOR PREMISES LICENCE  
PREMISES: CLUBHOUSE, ISLE OF WHITHORN BOWLING CLUB, MAIN  
STREET, ISLE OF WHITHORN DG8 8LE  
APPLICANT: ISLE OF WHITHORN BOWLING CLUB**

1. This application relates to the clubhouse and outdoor area, adjacent to the bowling green.
  - 1.1 The premises will operate as a Members' Club and facilitate the sale of alcohol to club members and guests.
2. Alcohol has previously been available on the premises by the use of Occasional Licences each year, well within the limit allowed for voluntary organisations.
3. The building is accessible by a ramp at the rear of the club with capacity for 30 persons indoors and 12 persons outdoors (see the attached photographs).
4. Children and young persons are allowed entry unaccompanied until 9pm, thereafter they must be accompanied by an adult.
  - 4.1 The Board's policy states that children should be accompanied at all times, however, given the main purpose of the club is to participate in bowling, I would be supportive of the request.
5. The hours applied for are:-  
On-sale  
Monday to Saturday 12 Noon to 12midnight  
Sunday 12.30pm to 12midnight  
Festive hours – 24, 25, 26 December and 1 January to 2am
  - 5.1 These times are within the Licensed Hours Policy of the Wigtown Divisional Licensing Board.
6. The application was advertised on the Board's website page from 12 August 2024. At the same time, a notice must be displayed at the premises.
  - 6.1 A visit was made on 15 August 2024 at which time the notice was displayed on the window of the Clubhouse.
  - 6.2 A further copy of the notice was provided with a request that it be displayed on the railings at the Club.
7. I have no adverse comments.

*Julia Farroll*  
Licensing Standards Officer  
20 August 2024

