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ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD

Meeting of Wednesday 18 September 2024
at 10.30am – Remote Meeting

Ian Carruthers (Convener) – Annandale South;
Karen Carruthers – Annandale East and Eskdale;
Archie Dryburgh MBE – Annandale East and Eskdale;
George Jamieson – Annandale South;
Gail Macgregor – Annandale North;
Stephen Thompson – Annandale North;

VLAD VALIENTE
Clerk to the Licensing Board

Annandale and Eskdale Divisional Licensing Board

Meeting of Wednesday 18 September 2024
at 10.30am – Remote Meeting

1. SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION
2. DECLARATIONS OF INTEREST
3. MINUTE OF MEETING 13 MARCH 2024 5 - 16

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 17 - 18
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Next Meeting Date: Friday, 4 October 2024

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ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD

**Minute of Meeting of Wednesday 13 March 2024 at 2.00pm
Via MS Teams**

MEMBERS PRESENT

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

APOLOGIES

Karen Carruthers - Annandale East and Eskdale

IN ATTENDANCE

Stuart Davidson - Licensing Standards Officer
Sharon Davidson - Licensing Manager
Sergeant Amy Ritchie - Police Scotland
Cheryl Syme - Senior Licensing Officer
Ben Thom - Solicitor
Caroline Treanor - Solicitor

VLAD VALIENTE
Clerk to the Licensing Board

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

5 Members present with 1 apology submitted and the Convener approved Members' remote participation at the Hearing.

2. **DECLARATIONS OF INTEREST**

NONE

3. **MINUTE OF MEETING 15 SEPTEMBER 2023**

Decision

AGREED

4. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – Report by the Clerk to the Licensing Boards**

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated powers during the period from 29 August 2023 until 21 February 2024:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 172

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 41

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 34

Extended Hours

Total number issued 17

5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – Report by Clerk to the Licensing Boards**

Decision

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

6. **LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE –**
Report by the Clerk to the Licensing Boards

Decision

NOTED in Appendix 2

7. **LICENSING (SCOTLAND) ACT 2005: VARIATION OF PREMISES LICENCE –**
HETLAND HALL HOTEL, CARRUTHERSTOWN - Report by the Clerk to the
Licensing Boards

Decision

Having heard from the applicant's agent, Licensing Standards Officer and Police Scotland on their objection, the Board voted on the application

7.1 MOTION by Councillor Dryburgh to grant the application subject to modification of the seasonal variation terminal hour to 1am, as per the Boards Licensed Hours Policy.

7.2 AMENDMENT by the Convener, Councillor Ian Carruthers to grant the application in full.

7.3 On a Vote being taken by roll call between the Motion and Amendment, members voted as follows:

Motion – 3 Votes being:

Councillor Dryburgh, Councillor Jamieson and Councillor Thompson

Amendment – 2 Votes being:

Councillor Ian Carruthers and Councillor Gail MacGregor

Decision

GRANTED the application in full subject to modification of the Seasonal Variation terminal hour to 1am as per the Boards Licensed Hours Policy as detailed in **Appendix 3**

8. **LICENSING (SCOTLAND) ACT 2005: SECTION 12A CHIEF CONSTABLE'S**
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.

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

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

<u>Application No. 1 – Ref L.6/654A</u>	
Name & Address of Applicant or Agent	Aldi Stores Limited Holly Lane Atherstone Warwickshire CV9 2SQ
Name & Address of Premises	Aldi Butts Street Annan DG12 5AN
Nature of variation	Change to layout of premises, no change to capacity
Effective Date of Minor Variation	7 September 2023

<u>Application No. 2 – Ref L.1/616A</u>	
Name & Address of Applicant or Agent	Kelvin Abbott 5 The Wynd Canonbie DG14 0UU
Name & Address of Premises	Cross Keys Hotel Main Road Canonbie DG14 0SY
Nature of variation	Change of Designated Premises Manager to Kelvin Abbott
Effective Date of Minor Variation	27 September 2023

<u>Application No. 3 – Ref L.6/698A</u>	
Name & Address of Applicant or Agent	Alliance Property Holdings Ltd Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL
Name & Address of Premises	Morrisons Daily 72 High Street Annan DG12 6DL
Nature of variation	Change of Premises name to 'Morrisons Daily' and change to layout resulting in a reduction in capacity to 17.5m ²
Effective Date of Minor Variation	13 October 2023

<u>Application No. 4 – Ref L.6/698A</u>	
Name & Address of Applicant or Agent	M & L Richardson and Sons Low Row Service Station Low Row Brampton Cumbria CA8 2JE
Name & Address of Premises	Crossways Filling station Glasgow Road Gretna DG16 5EN
Nature of variation	Change of layout resulting in decrease in capacity from 6.90m ² to 6.29m ²
Effective Date of Minor Variation	27 October 2023

<u>Application No. 5 – Ref L.6/622A</u>	
Name & Address of Applicant or Agent	Gretna Green Group Ltd Gretna Green Dumfries and Galloway DG16 5EA
Name & Address of Premises	The Blacksmith Shop at Gretna Green Gretna Green Dumfries and Galloway DG16 5EA
Nature of variation	Change of Designated Premises Manager to Victoria O'Hara
Effective Date of Minor Variation	17 November 2023

<u>Application No. 6 – Ref L.6/695A</u>	
Name & Address of Applicant or Agent	Tesco Stores Ltd Kestrel Way Shire Park Welwyn garden City Herts AL7 1ZR
Name & Address of Premises	Tesco Scott's Street Annan DG12 6JH
Nature of variation	Change of Designated Premises Manager to Derek Hanson
Effective Date of Minor Variation	20 November 2023

<u>Application No. 7 – Ref L.6/704A</u>	
Name & Address of Applicant or Agent	First Motorway Services Limited Norton Canes MSA Betty's Lane Norton Canes Cannock Staffordshire WS11 9UX
Name & Address of Premises	W H Smith Annandale Water Motorway Service Area Junction 16 A74(M) Johnstonebridge Lockerbie DG11 1HD
Nature of variation	Change of layout – no change to capacity
Effective Date of Minor Variation	23 November 2023

<u>Application No. 8 – Ref L.1/633A</u>	
Name & Address of Applicant or Agent	Globebrow Holdings Ltd Manor Adventure The Manor Seifton Craven Arms Shropshire SY7 9BY
Name & Address of Premises	Kings Arms Hotel 29 High Street Lockerbie DG11 2JL
Nature of variation	Change of Designated Premises Manager to Ryan Lloyd
Effective Date of Minor Variation	8 December 2023

<u>Application No. 9 – Ref L.6/669A</u>	
Name & Address of Applicant or Agent	Petrogas Group UK Ltd 3 The Limes Dunstable Street Amphill Bedford MK45 2GJ
Name & Address of Premises	Lockerbie Service Station 1 Carlisle Road Lockerbie DG11 2DJ
Nature of variation	Change of Designated Premises Manager to Gillian McCreddie
Effective Date of Minor Variation	19 January 2024

<u>Application No. 10 – Ref L.1/654A</u>	
Name & Address of Applicant or Agent	Gretna Green Limited Headless Cross Gretna Green DG16 5EA
Name & Address of Premises	Gretna Hall Hotel Gretna Green Gretna DG16 5DY
Nature of variation	Change to layout plan – no change to capacity or operating plan
Effective Date of Minor Variation	1 February 2024

<u>Application No. 11 – Ref L.1/632A</u>	
Name & Address of Applicant or Agent	RAD Limited 27 Barony Road Auchinleck KA18 2LL
Name & Address of Premises	Hetland Hall Hotel Carrutherstown Dumfries DG1 4JX
Nature of variation	Change of Designated Premises Manager to Vivien Kyle
Effective Date of Minor Variation	1 February 2024

<u>Application No. 12 – Ref L.2/603A</u>	
Name & Address of Applicant or Agent	John Stoddart McLatchie 18 Sherwood Park Lockerbie DG11 2DX
Name & Address of Premises	The Black Bull Inn 11-13 Station Square Lockerbie DG11 2HA
Nature of variation	Change of Designated Premises Manager to Ross Newton
Effective Date of Minor Variation	14 February 2024

Appendix 2

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

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

<u>No. 1 – Ref L.6/708A</u>	
Name & Address of Licence Holder	Galldachd Na H-Alba Limited Sunnybrae Old Well Road Moffat DG10 9AP
Name & Address of Premises	Galldachd Na H-Alba Limited t/a Lowland Brewing 8 Well Street Lockerbie DG11 2EY
Date Licence Surrendered	20 November 2023

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

Applicant/Agent	RAD Ltd 17 Barony Road Auchinleck KA18 2LL
Address of Premises	Hetland Hall Hotel Carrutherstown Dumfries DG1 4JX
Nature of Variation	<p><u>Operating Plan</u></p> <ul style="list-style-type: none"> • Receptions outwith core hours • Clubs within and outwith core hours • Live Performances outwith core hours • Recorded Music within and outwith core hours' • Televised Sport outwith core hours • Conference Facilities outwith core hours <p>Outwith core hours depicts our early morning activities, such as the example rotary club meetings, business meetings that require conference facilities, also recorded and live music for life celebrations, example being funeral play list or wedding harp or guitar player ie at early morning receptions.</p> <p>Capacity is currently 344, proposed to increase to 604 - <u>Capacity Breakdown below;</u></p> <ul style="list-style-type: none"> • Function Lounge / Ceremony Room - 180 • Lounge Bar – 54 • Restaurant – 110 • Restaurant Outdoor patio area – 30 • New Restaurant – 200 • New Restaurant – Outdoor decking area – 30 <p>Add Seasonal variation – 24, 25, 26, 31 December and 1 January, the premises will remain open until 02:00am.</p> <p>Add Seasonal variation - 24, 25, 26, 31 December and 1 January, the premises will remain open until 01:00am.</p> <p>Sunday's core times; Change of temrnal hours from 11pm to 12midnight</p> <p><u>Children and Young Persons</u></p>

PARTS of the premises to which children and young persons will be allowed entry;

- **Guests – all public areas and bedrooms**
- **Non-guests – all public areas**

TERMS Children and Young Persons will be permitted entry as residents, to attend a private function or for the purpose of consuming a meal. All Children and Young Persons must be accompanied by an adult.

Layout Plan

New Restaurant to be added as a new bar and function room area which includes an outdoor Decking and Patio area.

Any other Changes

Change to Description to now read: Hotel with 32 bedroom accommodation, New Restaurant, New Restaurant decking area, Restaurant, Restaurant Outdoor patio area, Lounge Bar and Function Lounge / Ceremony Room Facilities in a rural Location.

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**DUMFRIES AND GALLOWAY LICENSING BOARDS
ANNANDALE & ESKDALE 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 22 February 2024 until 27 August 2024, the following Occasional Licences and Extended Hours were granted:

Occasional Licences : Applied for by a Personal Licence Holder

Total number issued 245

Occasional Licences : Applied for by a Premises Licence Holder

Total number issued 55

Occasional Licences : Applied for by a Voluntary Organisation

Total number issued 40

Extended Hours

Total number issued 18

Cheryl Syme
Senior Licensing Officer
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Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries, DG2 2HS

Date of Report: 10 September 2024

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

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

<u>Application No. 1 – Ref L.1/625A</u>	
Name & Address of Applicant or Agent	Richard Rodderick Mossop 10 Murray Street Annan DG12 6EG
Name & Address of Premises	Firth Hotel 41 Scotts Street Annan DG12 6JE
Nature of variation	Change of address of Designated Premises Manager
Effective Date of Minor Variation	12 March 2024

<u>Application No. 2 – Ref L.1/635A</u>	
Name & Address of Applicant or Agent	John Maxwell 15 High Street Lochmaben DG11 1NG
Name & Address of Premises	Kings Arms Hotel 15 High Street Lochmaben DG11 1NG
Nature of variation	Change of address of Designated Premises Manager
Effective Date of Minor Variation	12 March 2024

<u>Application No. 3 – Ref L.4/606A</u>	
Name & Address of Applicant or Agent	The Buccleuch Centre Buccleuch Square Langholm DG13 0AW
Name & Address of Premises	The Buccleuch Centre Buccleuch Square Langholm DG13 0AW
Nature of variation	Change of Designated Premises Manager to Iona Davidson
Effective Date of Minor Variation	12 March 2024

<u>Application No. 4 – Ref L.6/711A</u>	
Name & Address of Applicant or Agent	Motor Fuel Limited 10 Bricket Road St Albans AL1 3JX
Name & Address of Premises	Gretna Service Station A74(M) North Bound Gretna DG16 5HQ
Nature of variation	Change of Designated Premises Manager to Arslan Saeed
Effective Date of Minor Variation	22 March 2024

<u>Application No. 5 – Ref L.6/709A</u>	
Name & Address of Applicant or Agent	Access Retail Limited Colvin Filling Station High Street Moffat DG10 9HG
Name & Address of Premises	Colvin Filling Station High Street Moffat DG10 9HG
Nature of variation	Change of Designated Premises Manager to Marie Helen Cannon
Effective Date of Minor Variation	10 April 2024

<u>Application No. 6 – Ref L.2/612A</u>	
Name & Address of Applicant or Agent	Away Resorts Ltd The Maylands Building 200 Maylands Avenue Hemel Hempstead Hertfordshire HP2 7TG
Name & Address of Premises	Moffat Manor Beattock Country Park Beattock Moffat DG10 9RE
Nature of variation	Change of Designated Premises Manager to Zara Rowbotham
Effective Date of Minor Variation	18 April 2024

<u>Application No. 7 – Ref L.6/695A</u>	
Name & Address of Applicant or Agent	Tesco Stores Ltd Kestrel Way Shire Park Welwyn Garden City Herts AL7 1ZR
Name & Address of Premises	Tesco Store Scotts Street Annan DG12 6JH
Nature of variation	Change of Designated Premises Manager to Michele Little
Effective Date of Minor Variation	23 April 2024

<u>Application No. 8 – Ref L.1/632A</u>	
Name & Address of Applicant or Agent	RAD Ltd 27 Barony Road Auchinleck KA18 2LL
Name & Address of Premises	Hetland Hall Hotel Carrutherstown Dumfries DG1 4JX
Nature of variation	Change of Designated Premises Manager to Iain Robertson
Effective Date of Minor Variation	15 May 2024

<u>Application No. 9 – Ref L.6/678A</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 Glenesk Road Langholm DG13 0ES
Nature of variation	Change of Designated Premises Manager to Shona Mckenna
Effective Date of Minor Variation	15 May 2024

<u>Application No. 10 – Ref L.6/695A</u>	
Name & Address of Applicant or Agent	Tesco Stores Ltd Kestrel Way Shire Park Welwyn Garden City Herts
Name & Address of Premises	Tesco – Annan Scott's Street Annan DG12 6JH
Nature of variation	Change of Designated Premises Manager to Philip O'Connell
Effective Date of Minor Variation	23 May 2024

<u>Application No. 11 – Ref L.1/602A</u>	
Name & Address of Applicant or Agent	Daniel Bevins Limetree House Eastgate Moffat DG10 9AE
Name & Address of Premises	Annandale Arms Hotel High Street Moffat DG10 9HF
Nature of variation	Change of Designated Premises Manager to Daniel Bevins
Effective Date of Minor Variation	5 June 2024

<u>Application No. 12 – Ref L.6/702A</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 Glenesk Road Langholm DG13 0ES
Nature of variation	Change of Designated Premises Manager to Diane Adamson
Effective Date of Minor Variation	25 June 2024

<u>Application No. 13 – Ref L.6/678A</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 Annan Road Gretna DG16 5DH
Nature of variation	Change of Designated Premises Manager to Diane Adamson
Effective Date of Minor Variation	28 June 2024

<u>Application No. 14 – Ref L.6/678A</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 Glenesk Road Langholm DG13 0ES
Nature of variation	Change of Designated Premises Manager to Shona Mckenna
Effective Date of Minor Variation	28 June 2024

<u>Application No. 15 – Ref L.1/672A</u>	
Name & Address of Applicant or Agent	Li Zhu Chen 30 Lytton Street Dundee DD2 1EU
Name & Address of Premises	Crown Hotel 95 High Street Lockerbie DG11 2DA
Nature of variation	Change of Designated Premises Manager's home address
Effective Date of Minor Variation	1 July 2024

<u>Application No. 16 – Ref L.2/628A</u>	
Name & Address of Applicant or Agent	Sean McGimpsey Thorns Farm Brydekirk Annan DG12 5NQ
Name & Address of Premises	Station House Station Road Annan DG12 6AS
Nature of variation	Change of Designated Premises to Danial Marshall
Effective Date of Minor Variation	5 July 2024

<u>Application No. 17 – Ref L.2/639A</u>	
Name & Address of Applicant or Agent	Georgia Nicole Clark 128 High Street Annan DG12 6DP
Name & Address of Premises	The Commercial Inn 128 High Street Annan DG12 6DP
Nature of variation	Change of Designated Premises to John Steel
Effective Date of Minor Variation	11 July 2024

<u>Application No. 18 – Ref L.1/610A</u>	
Name & Address of Applicant or Agent	Norman Gormley 12 High Street Langholm DG13 0JH
Name & Address of Premises	Buck Hotel High Street Langholm DG13 0JH
Nature of variation	Change of Designated Premises to Neil Cully
Effective Date of Minor Variation	30 July 2024

<u>Application No. 19 – Ref L.6/629A</u>	
Name & Address of Applicant or Agent	Sangaranathan Ravishangar 23 Bellevue Road Bexleyheath Kent DA6 8ND
Name & Address of Premises	SR Freshway 4 High Street Locuhmaben DG11 1NY
Nature of variation	Change of Designated Premises to Sangaranathan Ravishangar and change of premises name to 'SR Freshway'
Effective Date of Minor Variation	30 July 2024

<u>Application No. 20 – Ref L.1/611A</u>	
Name & Address of Applicant or Agent	RAD Ltd 27 Barony Road Auchinleck KA18 2LL
Name & Address of Premises	Kinmount Hotel Carrutherstown Dumfries DG1 4LD
Nature of variation	Change of Designated Premises to Paul McCormick
Effective Date of Minor Variation	30 July 2024

<u>Application No. 21 – Ref L.6/705A</u>	
Name & Address of Applicant or Agent	BP Oil UK Limited Chertsey Road Sunbury on Thames TD16 7BP
Name & Address of Premises	BP Annandale Water M&S SF Annandale water Services Johnstonebridge Lockerbie DG11 1HD
Nature of variation	Change of Designated Premises to Kevin Dunn
Effective Date of Minor Variation	21 August 2024

<u>Application No. 22 – Ref L.1/623A</u>	
Name & Address of Applicant or Agent	Catherine Mcghee Ecclefechan Hotel High Street Ecclefechan DG11 3DF
Name & Address of Premises	Ecclefechan Hotel High Street Ecclefechan DG11 3DF
Nature of variation	Change of Designated Premises to Catherine Mcghee
Effective Date of Minor Variation	23 August 2024

<u>Application No. 23 – Ref L.3/618A</u>	
Name & Address of Applicant or Agent	PizzaExpress Limited Building 01 Arc Uxbridge Sanderson Road Uxbridge Middlesex UB8 1DH
Name & Address of Premises	PizzaExpress Unit 60/61 Gretna Gateway Outlet Village Glasgow Road Gretna DG16 5GG
Nature of variation	Change of Designated Premises to Kinga Hijnal
Effective Date of Minor Variation	4 September 2024

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

Date of Report: 10 September 2024

Vlad Valiente
Clerk to the Licensing Boards
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**DUMFRIES AND GALLOWAY LICENSING BOARDS
ANNANDALE & ESKDALE DIVISIONAL LICENSING BOARD**

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

<u>Application No 1. – Ref L.1/641A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Pappan ltd 3 Colebridge Road Greenmount Bury Manchester BL8 4EW
Name & Address of Transferee or Agent	David Willis 86 High Street Annan DG12 6DW
Name & Address of Premises	Queensberry Arms Hotel 47 High Street Annan DG12 6AD
Effective Date of Transfer	21 March 2024

<u>Application No 2. – Ref L.1/602A – SECTION 33</u>	
Name & Address of Previous Premises Licence Holder	Margaret Tweedie Annandale Arms Hotel High Street Moffat DG10 9HF
Name & Address of Transferee or Agent	Daniel Bevins Limetree House Eastgate Moffat DG10 9AE
Name & Address of Premises	Annandale Arms Hotel High Street Moffat DG10 9HF
Effective Date of Transfer	5 June 2024

Application No 3. – Ref L.1/623A – SECTION 33	
Name & Address of Previous Premises Licence Holder	Sheila Kelly Turrat House High Street Ecclefechan
Name & Address of Transferee or Agent	Catherine Mcghee Ecclefechan Hotel High Street Ecclefechan DG11 3DF
Name & Address of Premises	Ecclefechan Hotel High Street Ecclefechan DG11 3DF
Effective Date of Transfer	22 August 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
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Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
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Dumfries
DG1 2HS

Date of Report: 10 September 2024

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

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

<u>No. 1 – Ref L.2/640A</u>	
Name & Address of Licence Holder	The Orogen Distilling Co Ltd 10 Elsee Road Rugby Warwickshire CV21 3BA
Name & Address of Premises	Meikle Dyke Dalton Lockerbie DG11 1DU
Date Licence Surrendered	17 April 2024

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

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

Date of Report: 10 September 2024

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

LICENSING (SCOTLAND) ACT 2005: SECTION 23

APPLICATION: PREMISES LICENCE

PREMISES: WESTLANDS COUNTRY PARK LIMITED, THE BROATS MOSS, ANNAN

**APPLICANT: WESTLANDS COUNTRY PARK LIMITED, FARRIES, KIRK & MCVEAN
CHARTERED ACCOUNTANTS, TINWALD DOWNS ROAD, HEATHHALL, DUMFRIES**

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 21 June 2024 and detailed at **Appendix 1**.

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 (Disestablished)
- Neighbours (those within 4 metres in any direction of any boundary of the premises) – No neighbouring properties

2.2 Satisfactory Section 50 Certificates for Planning, Building Standards and Food Hygiene and a 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 **Friday 5 July 2024 to Saturday 27 July 2024**

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 26 July 2024**

3.2 No objections or representations have been received.

4. Responses

The following responses have been received:

- LSO report – no adverse comments (**Appendix 2**)
- Police Scotland – no objections
- Planning – no planning issues
- Environmental Health – no objections

- SFRS – no comments

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
DG1 2HS

10 September 2024

Appendix 1

Applicant/Agent	Westlands Country Park Limited c/o Farries Kirk & McVean Chartered Accountants Tinwald Downs Road Heathhall Dumfries DG1 3SJ
Address of Premises	Westlands Country Park Limited The Broats Moss Annan DG12 6RS
Description	<p>The new building is set within Westlands Country Park which extends to 59.62 acres (24.13 ha) and comprises self-catering holiday lodges with hot tubs, a clay pigeon shooting range, two large fly-fishing ponds and woodlands.</p> <p>The new building acts as a visitor centre for the country park comprising a reception, a restaurant with outdoor terraces, an amenity/clothing shop with off-sales cabinets, a gun shop and offices for management of the premises and country park.</p>
Core Times	<p><u>On Sales</u></p> <p>Monday 11.00am – 11.00pm Tuesday 11.00am – 11.00pm Wednesday 11.00am – 11.00pm Thursday 11.00am – 12.00am Friday 11.00am – 12.00am Saturday 11.00am – 12.00am Sunday 11.00am – 11.00pm</p> <p><u>Off Sales</u></p> <p>Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm</p>
Activities	Conference Facilities, Bar Meals, Receptions, Club Meetings, Recorded Music, Live Performances, Dance

	<p>Facilities, Indoor/Outdoor Sports, Televised Sport and Outdoor Drinking Facilities within core hours</p> <p>Restaurant Facilities within and outwith core hours</p> <p><u>Further info 'outwith core hours'</u> – The restaurant in the visitor centre opens at 09.00am each day and offers breakfasts to visitors from 09.00am to 11.00am before the core hours come into effect.</p> <p><u>Any other Activities:</u></p> <p>The visitor centre primarily acts as a bar & restaurant predominantly for the benefit of the visitors holidaying at the country park or those visiting to shoot clay pigeons or fly fishing. It is also a facility for members of the local community. For visitors to the country park and the local community there will be regular quiz nights, charity events and family entertainment, all within core hours.</p>
<p>Children and Young Persons</p>	<p>TERMS – Children and young persons who are holidaying at the country park shall be supervised by suitable adults at all times when attending the visitor centre for the purpose of dining or attending a private prearranged function.</p> <p>AGES – Children 0-15 years; Young Persons 16 to 17 years</p> <p>TIMES – Children and Young persons, whether attending when holidaying at the country park, visiting the country park or attending a private function, are allowed access within the core hours stated in Q2 from 11.00am to 11.00pm Monday to Wednesday and Sunday 11.00am to 12.00am on Thursday to Saturday provided they are supervised by a suitable adult for the duration of their visit.</p> <p>It is entirely the responsibility of the supervising suitable adult whether a young child is allowed to remain until the terminal hour.</p> <p>PARTS – Children and young persons will be allowed in all public areas, specifically the restaurant including lower restaurant area and all outdoor terraces under the supervision of a suitable adult for the specified purposes; however, children and young persons are excluded from the immediate area of the bar counter and the off-sales area as indicated on the plan.</p> <p>For clarity a private pre-arranged function is when the premises or part of the premises is given over to a private party and those attending are only there by private invitation and the premises or that specified part of the premises are</p>

	then not accessible to the general public.
Capacity	Onsales – 265 Indoors – 120 Outdoors - 145 Offsales – 2.756m ²
Last Date for Objections/Representations	Friday 26 July 2024

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

LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR PREMISES LICENCE

PREMISES: WESTLANDS COUNTRY PARK LIMITED, THE BROATS MOSS, ANNAN, DG12 6RS

APPLICANT: WESTLANDS COUNTRY PARK LIMITED, c/o FARRIES KIRK & McVEAN CHARTED ACCOUNTANT, TINWALD DOWN ROAD, HEATHHALL, DUMFRIES, DG1 3SJ

1. This application involves the provision of on and off sales in a visitor centre venue run by Westlands Country Park Limited.
2. The visitor centre is set within Westlands Country Park which extends to 59.62 acres (24.13 ha) and comprises self-catering holiday lodges with hot tubs, a clay pigeon shooting range, two large fly-fishing ponds and woodlands.
3. The new building acts as the visitor centre for the country park comprising a reception, a restaurant with outdoor terraces/drinking area, an amenity/clothing shop with off-sales cabinets, a gun shop and offices for management of the premises and country park.
4. The hours applied for are: -

On Sales

Monday to Wednesday	11.00am – 11.00pm
Thursday to Saturday	11.00am – 12.00am
Sunday	11.00am – 11.00pm

Off Sales

Monday to Sunday	10.00am – 10.00pm
------------------	-------------------

all of which are within the Board's Licensing Hours Policy.

5. The premises are a well-established local business and have been operating for several years.
6. The premises are currently licensed for the sale of alcohol (on and off-sales) by use of Occasional Licences. These have been applied for and granted by the Annandale and Esdale Licensing Board since 19.04.2021 with 86 occasional licences. There have been no issues from a licensing perspective during this time.
7. Other activities that are applied for are Conference Facilities, Bar Meals, Receptions, Club Meetings, Recorded Music, Live Performances, Dance Facilities, Indoor/Outdoor Sports, Televised Sport and Outdoor Drinking Facilities all within core hours. Restaurant Facilities within and outwith core hours.

8. Further info 'outwith core hours' – The restaurant in the visitor centre opens at 09.00am each day and offers breakfasts to visitors from 09.00am to 11.00am before the core hours come into effect.

9. Any other Activities – The visitor centre primarily acts as a bar & restaurant predominantly for the benefit of the visitors holidaying at the country park or those visiting to shoot clay pigeons or fly fishing. It is also a facility for members of the local community. For visitors to the country park and the local community there will be regular quiz nights, charity events and family entertainment, all within core hours.

10. There is a very substantial and established outdoor area which is detailed within the layout plan. This area is extremely scenic with numerous tables and chairs for visitors to use and take in the scenery. This is accessed from the bar and lounge area of the visitor centre.

11. Capacity for the premises

The capacity is – 265

Indoors – 120

Outdoors - 145

Off sales – 2.756m²

12. Children and Young People

The application is looking to ensure that Children and Young People are allowed entry to the premises, the terms etc are as follows.

TERMS – Children and young persons who are holidaying at the country park shall be supervised by suitable adults at all times when attending the visitor centre for the purpose of dining or attending a private prearranged function.

AGES – Children 0-15 years; Young Persons 16 to 17 years.

TIMES – Children and Young persons, whether attending when holidaying at the country park, visiting the country park or attending a private function, are allowed access within the core hours stated in Q2 from 11.00am to 11.00pm Monday to Wednesday and Sunday 11.00am to 12.00am on Thursday to Saturday provided they are supervised by a suitable adult for the duration of their visit.

It is entirely the responsibility of the supervising suitable adult whether a young child is allowed to remain until the terminal hour.

PARTS – Children and young persons will be allowed in all public areas, specifically the restaurant including lower restaurant area and all outdoor terraces under the supervision of a suitable adult for the specified purposes; however, children and young persons are excluded from the immediate area of the bar counter and the off-sales area as indicated on the plan.

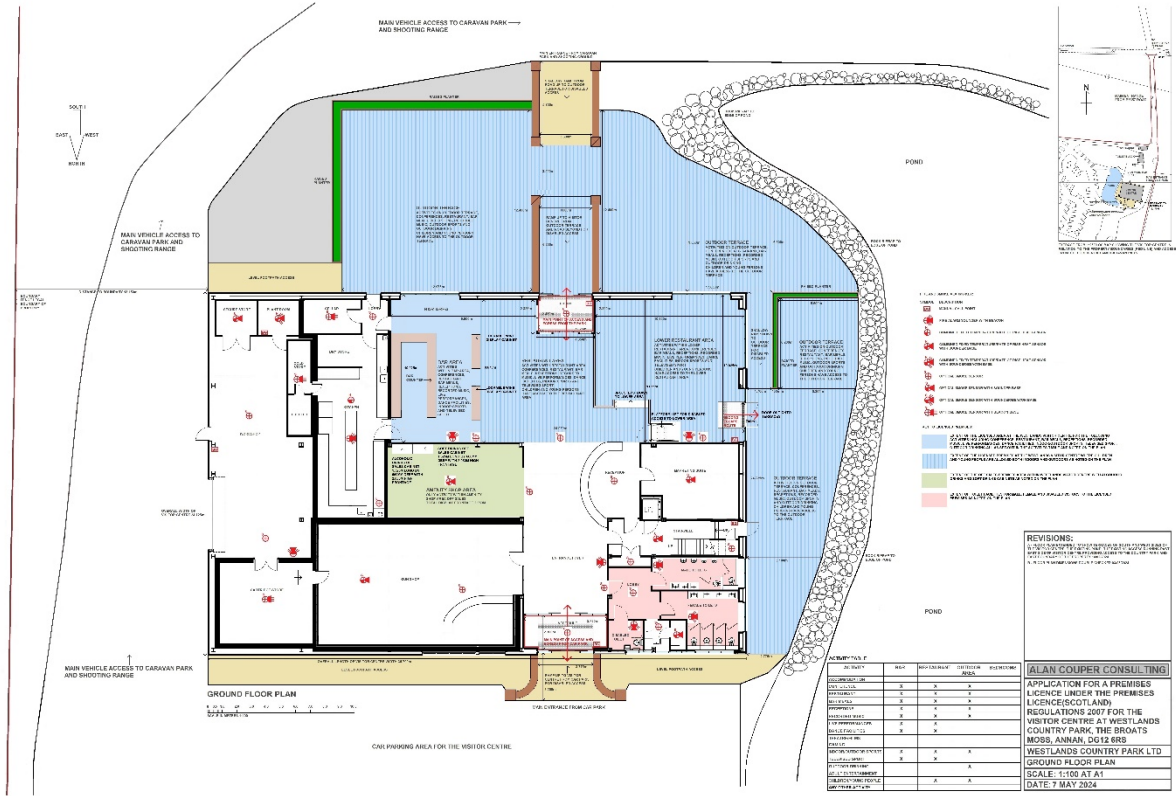
For clarity a private pre-arranged function is when the premises or part of the premises is given over to a private party and those attending are only there by private invitation and the premises or that specified part of the premises are then not accessible to the general public.

The Children and Young persons applied for are extremely responsible and within policy.

12. The application was advertised on the Board's website page from Friday 5 July 2024, simultaneously a notice was displayed at the premises. The Notice was checked on Wednesday 17 July at which time it was correctly displayed.

I have no adverse comments to make.

Stuart Davidson
Licensing Standards Officer
17 July 2024



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

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

APPLICATION: PROVISIONAL PREMISES LICENCE

APPLICANT: WELCOME BREAK GROUP LIMITED, 2 VANTAGE COURT, TICKFORD STREET, NEWPORT PAGNELL

PREMISES TO BE LICENSED: WH SMITH @ GRETNA GREEN, WELCOME BREAK, GRETNA GREEN SERVICES, GRETNA

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 27 June 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) – There are no neighbouring properties

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 **Friday 5 July 2024 to Saturday 27 July 2024**.

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 26 July 2024**.

3.2 No Objections have been received

4. Responses

The following responses have been received:

- LSO Report – no adverse comments (**Appendix 2**)

- Police Scotland – clear report
- Planning – No planning issues
- SFRS – no comments

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 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, 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

10 September 2024

Appendix 1

Applicant/Agent	TLT LLP For Welcome Break Group Limited 2 Vantage Court Tickford Street Newport Pagnell Buckinghamshire ML16 9EZ
Address of Premises	WH Smith @ Gretna Green Welcome Break Gretna Green Services Gretna DG16 5HQ
Description	Retail store selling a wide range of convenience food, drinks, snacks and gifts, located within Welcome Break Gretna Green Services.
Core Times	<u>Off Sales</u> Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
Activities	Recorded Music both within and outwith core hours The premises may open for general trade prior to the commencement of core hours. Recorded music may be played prior to the commencement of core hours. This will be background level only. <u>Any other Activities:</u> The primary activity undertaken in the premises is the general retail sale of the following: Groceries, confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, newspapers & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click & collect. Paypoint payment. National Lottery outlet. Automated cash machine. Sampling & promotional activities.

Children and Young Persons	N/A
Capacity	1.77m ²
Last Date for Objections/Representations	Friday 26 July 2024

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR PROVISIONAL PREMISES LICENCE**

PREMISES: WH SMITH @ GRETNA GREEN, WELCOME BREAK, GRETNA GREEN SERVICES, GRETNA, DG16 5HQ

APPLICANT: TLT LLP, FOR WELCOME BREAK GROUP LIMITED, 2VANTAGE COURT, TICKFORD STREET, NEWPORT PAGNELL, BUCKHAMSHIRE, ML16 9EZ

1. The application relates to a general retail store located within the Welcome Break, Gretna Green Services, which is situated off the A74(M) Glasgow to Carlisle motorway, junction 21.

1.2 The premises primary activity is the general retail sale of groceries, confectionery and a wide range of snacks and gifts which would normally be found in a retail shop (activities are fully detailed in the operating plan). Also on sale is beer/wines/spirits and other alcoholic products, non-alcoholic drinks.

1.3 WH Smith is a long-established business and the premises above are currently licensed for the sale of alcohol (Off-sales only) by use of Occasional Licences. These have been applied for and granted by the Annandale and Esdale Licensing Board since 14.08.23 with 28 occasional licences. There have been no issues from a licensing perspective during this time.

2. The Off-sale hours applied for are.

- Monday to Sunday 10am to 10pm.

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

2.2 The premises may open for general trade prior to the commencement of core hours and recorded music may be played at that time.

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

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

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

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

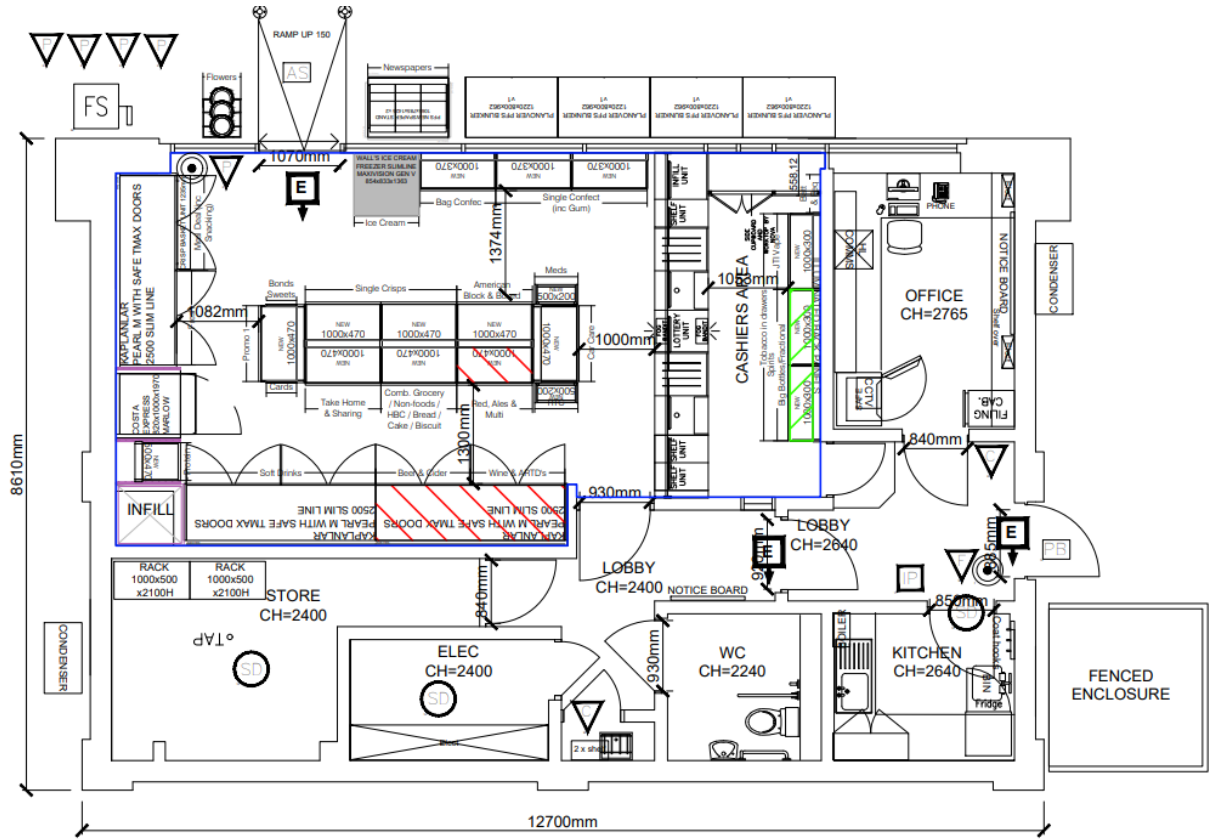
5. The application was advertised on the Board's website page from Friday 5 July 2024. At the same time a notice must be displayed at the premises.

5.1 A visit was made on Tuesday 16 July 2024, at which time the notice was displayed clearly at the entrance of the premises.

5.2 I have no adverse comments to make regarding this application.

Stuart Davidson
Licensing Standards Officer
16 July 2024





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

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

APPLICATION: PROVISIONAL PREMISES LICENCE

APPLICANT: WELCOME BREAK GROUP LIMITED, 2 VANTAGE COURT, TICKFORD STREET, NEWPORT PAGNELL, BUCKINGHAMSHIRE

PREMISES TO BE LICENSED: WAITROSE @ GRETNA GREEN, WELCOME BREAK, GRETNA GREEN SERVICES, GRETNA

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 27 June 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) – There were no neighbouring properties

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 **Friday 26 July 2024 to Saturday 17 August 2024**.

2.5 Signed Confirmation of Site Notice has been received.

3. Objections and Representations

3.1 The last date for objections/representations was **Friday 16 August 2024**.

3.2 No Objections have been received

4. Responses

The following responses have been received:

- LSO Report – no adverse comments (**Appendix 2**)

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

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 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, 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

10 September 2024

Appendix 1

Applicant/Agent	TLT LLP For Welcome Break Group Limited 2 Vantage Court Tickford Street Newport Pagnell Buckinghamshire ML16 9EZ
Address of Premises	Waitrose @ Gretna Green Welcome Break Gretna Green Services Gretna DG16 5HQ
Description	Retail store selling a wide range of convenience food, drinks, snacks and gifts, located within Welcome Break Gretna Green Services.
Core Times	<u>Off Sales</u> Monday 10.00am – 10.00pm Tuesday 10.00am – 10.00pm Wednesday 10.00am – 10.00pm Thursday 10.00am – 10.00pm Friday 10.00am – 10.00pm Saturday 10.00am – 10.00pm Sunday 10.00am – 10.00pm
Activities	Recorded Music both within and outwith core hours The premises may open for general trade prior to the commencement of core hours. Recorded music may be played prior to the commencement of core hours. This will be background level only. <u>Any other Activities:</u> The primary activity undertaken in the premises is the general retail sale of the following: Groceries, confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, newspapers & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click & collect. Paypoint payment. National Lottery outlet. Automated cash machine. Sampling & promotional activities.

Children and Young Persons	N/A
Capacity	9.56m ²
Last Date for Objections/Representations	Friday 16 August 2024

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

**LICENSING (SCOTLAND) ACT 2005:
APPLICATION FOR PROVISIONAL PREMISES LICENCE**

PREMISES: WAITROSE @ GRETNA GREEN, WELCOME BREAK, GRETNA GREEN SERVICES, GRETNA, DG16 5HQ

APPLICANT: TLT LLP, FOR WELCOME BREAK GROUP LIMITED, 2VANTAGE COURT, TICKFORD STREET, NEWPORT PAGNELL, BUCKHAMSHIRE, ML16 9EZ

1. The application relates to a general retail store located within the Welcome Break, Gretna Green Services, which is situated off the A74(M) Glasgow to Carlisle motorway, junction 21.

1.2 The premises primary activity is the general retail sale of groceries, confectionery and a wide range of snacks and gifts which would normally be found in a retail shop (activities are fully detailed in the operating plan). Also on sale is beer/wines/spirits and other alcoholic products, non-alcoholic drinks.

1.3 Waitrose is a long-established business and the premises above are currently licensed for the sale of alcohol (Off-sales only) by use of Occasional Licences. These have been applied for and granted by the Annandale and Esdale Licensing Board since 02.04.23 with 34 occasional licences. There have been no issues from a licensing perspective during this time.

2. The Off-sale hours applied for are.

- Monday to Sunday 10am to 10pm.

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

2.2 The premises may open for general trade prior to the commencement of core hours and recorded music may be played at that time.

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

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

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

4. There are two proposed alcohol display areas comprising of an area on the first aisle on entry to the store on the right-hand side and then another small area at the rear of the shop wall, both as shown hatched on the layout plan.

5. The application was advertised on the Board's website page from 26 July 2024. At the same time a notice must be displayed at the premises.

5.1 A visit was made on Wednesday 31 July 2024, at which time the notice was displayed clearly at the entrance of the premises.

5.2 I have no adverse comments to make regarding this application.

Stuart Davidson
Licensing Standards Officer
31 July 2024



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

**LICENSING (SCOTLAND) ACT 2005 (THE ACT)
PREMISES LICENCE REVIEW (SECTION 36)
PREMISES: KINGS ARMS HOTEL, 15 HIGH STREET, LOCHMABEN
PREMISES LICENCE HOLDER: JOHN MAXWELL**

1. Reason for Report

As the Board has received a premises licence review application and the Convener has determined that the application should not be rejected, the Board must hold a Hearing.

2. Background

2.1 The Board received an application for a Premises Licence Review from Police Scotland on 7 August 2024 in respect of the above-named premises (**Appendix 1**).

2.2 Where the Board receives an application for a Premises Licence Review it must hold a Review Hearing within 42 days of the date of the application, unless the Board rejects the application as being vexatious or frivolous or does not disclose any matter relevant to any ground for review.

2.3 The Convener has determined that the application should not be rejected.

2.4 In terms of legal procedure, Notice of the Hearing and a copy of the Premises Licence Review Application were forwarded to both the Licence Holder and Licensing Standards Officer (LSO) and Notice of the Hearing has also been given to Police Scotland.

2.5 The statutory LSO report that the Board is legally obliged to take into account is detailed at **Appendix 2**.

3. Determination

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

3.2. Grounds for Review

The Board must be satisfied that a ground of review is established in the first instance and the grounds for review are:

- that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence;
- that one or more of the conditions to which the Premises Licence is subject has been breached; or
- any other ground relevant to one or more of the Licensing Objectives (those Objectives being):
 - (a) Preventing Crime and Disorder
 - (b) Securing Public Safety
 - (c) Preventing Public Nuisance
 - (d) Protecting and Improving Public Health

(e) Protecting Children and Young Persons from Harm.

3.3. Board's Powers on Review

At a Review Hearing, if the Board is satisfied that a ground for review has been established (whether or not on the basis of any circumstances alleged in the Premises Licence Review Application) the Board may take any of the following steps as are considered necessary or appropriate for the purposes of any of the Licensing Objectives.

3.4 The steps that the Board may take are to:-

- issue a written warning to the licence holder;
- make a variation of the licence (the Board can provide that the variation applies for a certain time period only);
- suspend the licence for such period as the Board may determine
- revoke the licence.

3.5 The above steps take immediate effect.

3.6 It is also open to the Board to take no further action even if a ground for review is established.

3.7 Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence then the Board must revoke the licence.

3.8 This revocation takes effect after a 28 day period beginning with the day on which the Board makes the decision unless, during that 28 day period:

- the premises licence holder makes an application to transfer the licence and the Board grants that transfer; or
- a variation application is made which seeks to vary the licence and the Board considers that the variation, if granted, would remove the ground on which the licence was revoked.

3.9 If the Board receives either of the above applications and grants that application, then the Board must recall its revocation.

3.10 The Board also retains the power to extend the 28 day period pending determination of either a transfer or variation application.

4. Recommendations

4.1 Members are asked to consider

- (i) whether a ground of review exists; and
- (ii) if a ground of review is established, which discretionary steps (if any) it wishes to take as per paragraphs 3. 4 and 3.6 above;

4.2 If no ground of review is established then no order can be made.

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

10 September 2024

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OFFICIAL SENSITIVE: POLICE AND PARTNERS

7 August 2024

Your Ref: L.1/635A

Our Ref: 21379

Clerk of the Board
 Annandale & Eskdale Divisional Licensing
 Kirkbank
 Council Offices
 English Street
 Dumfries
 DG1 2HS



**POLICE
 SCOTLAND**

Keeping people safe

Steven Meikle
 Chief Superintendent

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

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005 - SECTION 36

PREMISES LICENCE REVIEW APPLICATION

LICENCE NO: L.1/635A

PREMISES: KINGS ARMS HOTEL, 15 HIGH STREET, LOCHMABEN, DG11 1NG.

PREMISES LICENCE HOLDER: JOHN MAXWELL

In terms of section 36(1) of the Licensing (Scotland) Act 2005 I hereby make application to the Annandale and Eskdale Licensing Board for a review of the premises licence in respect of the premises known as KINGS ARMS HOTEL, LOCHMABEN 15 HIGH STREET, LOCHMABEN, DG11 1NG.

This application for review is made in terms of the grounds set out at Section 36(3)(a): that one or more of the conditions to which the premises licence is subject has been breached namely.

2. (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.

Description of Premises

The Kings Arms Hotel is situated within the High Street, Lochmaben. This is an area of both commercial and residential properties. The Premises Licence Holder and Designated Premises Manager is Mr John Maxwell. The Operating Plan provides for accommodation and functions. The premises is licensed for On Sales only with its core hours being:

Day	Opening Time	Terminal Hour
Monday	11.00am	11.00pm

OFFICIAL SENSITIVE: POLICE AND PARTNERS

Tuesday	11.00am	11.00pm
Wednesday	11.00am	11.00pm
Thursday	11.00am	12.00am 1am for function
Friday	11.00am	12.00am 1am for function
Saturday	11.00am	12.00am 1am for function
Sunday	11.00am	11.00pm

Incident 1 – Saturday 15 June 2024

At 0130 hours on Saturday 15 June 2024 whilst on routine patrols police officers observed lights still on within the premises. At this time it was also evident that there were still several persons within and music playing. Officers entered the premises and observed about twelve people still within the bar area consuming alcohol. It was also observed that some still had full glasses.

It was ascertained at this time that the only staff member on was a male who stated it was his job to clean the bar and close the premises. The male appeared to believe that the premises should close at 2300 hours however seemed to have been hesitant to ask the patrons to leave. It was clarified that the terminal hour for the premises for that evening was 0000 hours or 0100 hours if there was a function. There was no function on and regardless the premises was clearly operating past it's licensed hours. The male closed the premises after police intervention. CCTV footage obtained from the premises show alcohol still being served to the patrons present at about 0130 hours with police officers entering at about 0131 hours.

It was later confirmed that the male is employed as bar staff at the premises however is not the holder of a personal licence. The Premises Licence Holder and Designated Premises Manager being Mr John Maxwell. It was also ascertained that a Mr Sangaranathan Ravishangar is leasing he premises from Mr Maxwell. Later enquiries with Annandale and Eskdale Licensing Board found that there are no applications pending in relation to any transfer of premises licence or appointment of a new Designated Premises Manager.

Incident 2 – Sunday 7 July 2024

At 0040 hours on Sunday 7 July 2024 whilst on routine patrols police officers observed the lights to be on within the premises and the front door open. On entering around fifteen people within consuming what appeared to be alcohol. It was noted that most of the glasses were full or half full. Officers spoke with the member of staff who was behind the bar. For clarity this was not the same staff member that was present during the first incident. He advised that he believed the licensed hours to be 1100 hours to 0030 hours. He was unable to locate the licence however officers were able to confirm that the terminal hour for that evening was 0000 hours or 0100 hours if there was a function. The staff member confirmed that there was no function on that evening.

The customers within were asked to leave by police officers and they did so without issue. Officers remained within the area to confirm that the door to the premises were closed and all customers had left the area without issue.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

On Tuesday 23 July 2024 police traced Mr John Maxwell in Dumfries. He has been cautioned and charged with the following offences.

1. Licensing (Scotland) Act 2005 Section 63(1) – Prohibiting sale/consumption/taking away of alcohol outside licensed hours – Relates to incident on 15 June 2024
2. Licensing (Scotland) Act 2005 Section 63(1) & Section 141B - Prohibiting sale/consumption/taking away of alcohol outside licensed hours and by hands of employee did allow that consumption of alcohol outwith licensed hours – Relates to incident on 7 July 2024

He confirmed that he was not present during either incident and advised that he was unaware that these incidents had occurred.

While it is accepted that Mr Maxwell has leased the premises to a third party he has remained as the Premises Licence Holder and Designated Premises Manager thereby retaining responsibility for the running of the premises in alignment with the licensing objectives. On both occasions the staff in the premises appeared to be unsure of their responsibilities and did not seem to have the confidence to deal with patrons who were quite happy to be staying after licensed hours. Mr Maxwell's decision to remain in charge of the premises has meant that Police Scotland has not spoken with the leaseholder which if we had the opportunity to do after the first incident the second incident might have been prevented.

In light of the above two incidents, it is considered that the actions of Mr Maxwell do not support the licensing objectives of preventing crime and disorder and preventing public nuisance.

I request that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2A) of the Act.

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

Yours faithfully

Steven Meikle
Chief Superintendent

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

LICENSING (SCOTLAND) ACT 2005

**PREMISES: KINGS ARMS HOTEL, 15 HIGH STREET, LOCHMABEN DG11 1NG.
L.1/635A**

LICENCE HOLDER: JOHN MAXWELL, PERSONAL LICENCE NUMBER DG/A/0722

1. Mr Maxwell has held the licence for these premises since the inception of the Licensing (Scotland) Act 2005, 1 September 2009. He is also the Designated Premises Manager (DPM) and has been since 2018.
2. The premises operates as a public house and despite the name, does not operate as a hotel.
3. The building consists of a public and lounge bar as well as a seating area / function room that accommodates catering. The premises were refurbished last year, and the licence holder has been attempting to submit a new layout plan and major variation application to comply with these changes since summer 2023.
4. The on-sale hours for the premises are: -

On Sales

Monday to Wednesday	11.00am – 11.00pm
Thursday to Saturday	11.00am – 12.00am, 0100am with approved functions
Sunday	11.00am – 11.00pm

5. The occupant capacity of the premises is 170 comprising of function Hall - 90 persons capacity and bar area - 80 persons capacity.
6. LSO visits – During the past 11 months, I have called at the premises as follows.
 - 09.11.23 – Check current operating plan and layout plan due to the premises refurbishment. Advice given and follow up emails sent.
 - 21.02.24 – Routine inspection with Mr Maxwell and to discuss layout plan and major variation application. Inspection of signage and staff training all in order but he was having some issues on progression of major variation application. Advice given.
 - 10.07.24 – Routine inspection (unannounced), signage in order. One new staff member did not have appropriate training on request, this was rectified the following day.
7. **Review application.**
8. I met with Mr Maxwell and a discussion took place on the substance of the review applications submitted by the Chief Constable.

9. Mr Maxwell was not present when the Police called at the premises as described. He admits that he has left a lot of the day to day running of the premises with another person who is a Personal Licence Holder (Mr Sangaranathan Ravishangar).

10. Mr Maxwell stated he would not have allowed these alleged incidents to occur had he been there himself in his role as Licence holder and DPM. Mr Maxwell confirmed to me he had ensured all staff were trained as per the conditions of the premises licence prior to these Police visits and has again carried out subsequent staff training and a reminder of the operating hours.

11. The role of a DPM is being responsible for the day to day running of the premises, training and supervision of staff and ensuring the premises is run in accordance with the requirements of the licence.

12. **Recommendation**

That the Board have regard to the information provided in reaching its decision in the Premises Licence Review.

Stuart Davidson
Licensing Standards Officer
29 August 2024

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

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

1. Reason for Report

As the Board has received a section 84A report from the Chief Constable it must, in law, hold a Hearing.

2. Background

2.1 On 7 August 2024, the Chief Constable, in terms of his power under section 84A the Act, submitted to the Board a report alleging that John Maxwell, the holder of a personal licence, has acted in a manner that is inconsistent with the licensing objectives, (a) Preventing Crime and Disorder and (c) Preventing Public Nuisance (**Appendix**).

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

2.3 In terms of procedure, both the letter and Notice of Hearing have been sent to the licence holder.

3. Determination

3.1 At its Hearing the Board may, after giving

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

3.2 It is also open to the Board to take no action.

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

4. Recommendations

4.1 Members are asked to consider whether they wish to:

- | |
|---|
| <ul style="list-style-type: none">• revoke• suspend• endorse the licence or• take no action; and |
|---|

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

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
Dumfries

10 September 2024

OFFICIAL SENSITIVE: POLICE AND PARTNERS

7 August 2024

Your Ref: DG/A/0722

Our Ref: AP/COS

Clerk of the Board
Annandale & Eskdale Divisional Licensing
Kirkbank
Council Offices
English Street
Dumfries
DG1 2HS



**POLICE
SCOTLAND**

Keeping people safe

Steven Meikle
Chief Superintendent

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: JOHN MAXWELL, KINGS ARMS HOTEL,
15 HIGH STREET, LOCHMABEN, DG11 1NG
LICENCE NO: DG/A/0722**

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

- Preventing Crime and Disorder
- Preventing Public Nuisance

Mr Maxwell holds a personal licence issued by Annandale and Eskdale Licensing Board on 12 February 2020, which is due to expire on 11 February 2030. At the time of the below mentioned incidents he was the Premises Licence Holder and Designated Premises Manager for Kings Arms Hotel, Lochmaben.

Incident 1 – Saturday 15 June 2024

At 0130 hours on Saturday 15 June 2024 whilst on routine patrols police officers observed lights still on within the premises. At this time it was also evident that there were still several persons within and music playing. Officers entered the premises and observed about twelve people still within the bar area consuming alcohol. It was also observed that some still had full glasses.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

It was ascertained at this time that the only staff member on was a male who stated it was his job to clean the bar and close the premises. The male appeared to believe that the premises should close at 2300 hours however seemed to have been hesitant to ask the patrons to leave. It was clarified that the terminal hour for the premises for that evening was 0000 hours or 0100 hours if there was a function. There was no function on and regardless the premises was clearly operating past it's licensed hours. The male closed the premises after police intervention. CCTV footage obtained from the premises show alcohol still being served to the patrons present at about 0130 hours with police officers entering at about 0131 hours.

It was later confirmed that the male is employed as bar staff at the premises however is not the holder of a personal licence. The Premises Licence Holder and Designated Premises Manager being Mr John Maxwell. It was also ascertained that a Mr Sangaranathan Ravishangar is leasing he premises from Mr Maxwell. Later enquiries with Annandale and Eskdale Licensing Board found that there are no applications pending in relation to any transfer of premises licence or appointment of a new Designated Premises Manager.

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The customers within were asked to leave by police officers and they did so without issue. Officers remained within the area to confirm that the door to the premises were closed and all customers had left the area without issue.

On Tuesday 23 July 2024 police traced Mr John Maxwell in Dumfries. He has been cautioned and charged with the following offences.

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He confirmed that he was not present during either incident and advised that he was unaware that these incidents had occurred

While it is accepted that Mr Maxwell has leased the premises to a third party he has remained as the Premises Licence Holder and Designated Premises Manager thereby retaining responsibility for the running of the premises in alignment with the licensing objectives. He

OFFICIAL SENSITIVE: POLICE AND PARTNERS

has confirmed that he was unaware of either incident which as somebody who as completed the necessary training to become a personal licence holder there is a reasonable expectation that he understands the role of a Designated Premises Manager and understands that while he continues to remain as such he undertakes all responsibilities with regards to the day to day management of the premises.

It is the Chief Constable's view that the Board should consider all options open to them under Sect 84(7) or 84(7A) of the Act.

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

Yours faithfully

Steven Meikle
Chief Superintendent

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