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STEWARTRY DIVISIONAL LICENSING BOARD

Meeting of Friday 27 September 2024
at 10.30am – Remote Meeting

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

VLAD VALIENTE
Clerk to the Licensing Board

Stewartry Divisional Licensing Board

Meeting of Friday 27 September 2024
at 10.30am – Remote Meeting

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
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4. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR OCCASIONAL LICENCES AND EXTENDED HOURS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS** 11 - 12
5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS FOR MINOR VARIATIONS (GRANTED UNDER DELEGATED AUTHORITY) – REPORT BY THE CLERK TO THE BOARDS** 13 - 16
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7. **LICENSING (SCOTLAND) ACT 2005: SURRENDER OF PREMISES LICENCE – REPORT BY THE CLERK OF THE BOARDS** 19 - 20
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Next Meeting Date: Date Not Specified

STEWARTRY DIVISIONAL LICENSING BOARD

**Minute of Meeting of Tuesday 7 May 2024
at 10.30am via Teams**

MEMBERS PRESENT

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

APOLOGIES

Dougie Campbell - Dee and Glenkens;

IN ATTENDANCE

Stuart Davidson - Licensing Standards Officer
Julia Farroll - Licensing Standards Officer
Cheryl Syme - Senior Licensing Officer
Ben Thom - Solicitor (Clerk)

VLAD VALIENTE
Clerk to the Licensing Board

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

Four Members present via MS Teams. The Convener approved remote participation.

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTE OF MEETING 26 JANUARY 2024**

APPROVED

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

Decision

NOTED that the following Occasional Licences and Extended Hours had been granted under delegated authority during the period from 11 January 2024 until 18 April 2024:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 64

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 0

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 7

Extended Hours

Total number issued 0

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

Decision

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

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

Decision

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

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

Decision

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

8. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE – CROCKETFORD SHOP, CROCKETFORD – REPORT BY THE CLERK TO THE BOARDS**

Decision

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

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

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

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

Appendix 2

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

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

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

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

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

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

Stewartry Divisional Licensing Board
Application for Variation of Premises Licence

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

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

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

For the information of the Licensing Board, during the period from 19 April 2024 until 11 September 2024 the following Occasional Licences and Extended Hours were granted:

Occasional Licences: Applied for by a Personal Licence Holder

Total number issued 114

Occasional Licences: Applied for by a Premises Licence Holder

Total number issued 19

Occasional Licences: Applied for by a Voluntary Organisation

Total number issued 34

Extended Hours

Total number issued 1

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

Date of Report: 19 September 2024

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

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

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

<u>Application No. 1 – Ref 0053S</u>	
Name & Address of Applicant or Agent	Co-operative Group Food Ltd Dept 10227 1 Angel Square Manchester M60 0AG
Name & Address of Premises	Co-op Kirkcudbright 6 St Cuthbert Street Kirkcudbright DG6 4HZ
Nature of variation	Change of Designated Premises Manager to Emma Chambers
Effective Date of Minor Variation	22 April 2024

<u>Application No. 2 – Ref 0047S</u>	
Name & Address of Applicant or Agent	Guelder Three Limited 210 Cygnet Court Centre Park Warrington WA1 1PP
Name & Address of Premises	Cally Palace Hotel and Golf Course Gatehouse of Fleet DG7 2DL
Nature of variation	Change of Designated Premises Manager to Lucy Gourlay
Effective Date of Minor Variation	25 April 2024

<u>Application No. 3 – Ref 0024S</u>	
Name & Address of Applicant or Agent	L & N Hospitality Limited Kirkcudbright Bay Hotel 25 St Cuthberts Street Kirkcudbright DG6 4DJ
Name & Address of Premises	Kirkcudbright Bay Hotel 25 St Cuthbert Street Kirkcudbright DG6 4DJ
Nature of variation	Change to layout plan, changes to layout, reduction in capacity from 107 to 77
Effective Date of Minor Variation	2 May 2024

<u>Application No. 4 – Ref 0010S</u>	
Name & Address of Applicant or Agent	Paul Swalwell Auchenlarie Holiday Park Gatehouse of Fleet Castle Douglas DG7 2EX
Name & Address of Premises	Planet Libourer & Annexe Auchenlarie Caravan Park Foodmarket, Planet Libourer & Annexe Auchenlarie holiday Park Gatehouse of Fleet Castle Douglas DG7 2EX
Nature of variation	Change of Designated Premises Manager to Craig Farman
Effective Date of Minor Variation	30 May 2024

Application No. 5 – Ref 0037S	
Name & Address of Applicant or Agent	Scottish Midland Co-operative Society Limited Hillwood House 2 Harvest Drive Newbridge EH28 8QJ
Name & Address of Premises	Scotmid 129 King Street Castle Douglas DG7 11X
Nature of variation	Change of Designated Premises Manager to Michaela Docherty
Effective Date of Minor Variation	22 June 2024

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

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

Ext: 63353

Date of Report: 19 September 2024

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

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

<u>Application No. 1 – Ref 0036S – SECTION 33</u>	
Name & Address of Applicant or Agent	Blackwater Produce Ltd Strathmore Kendoon St Johns Town of Dalry Castle Douglas DG7 1DX
Name & Address of Transferee or Agent	The Olive Retreat Ltd 139 King Street Castle Douglas DG7 1DX
Name & Address of Premises	Nikos Greek Restaurant 139 King Street Castle Douglas DG7 1DX
Effective Date of Transfer	10 May 2024

<u>Application No. 2 – Ref 0024S – SECTION 33</u>	
Name & Address of Applicant or Agent	L&N Hospitality Limited 25 St Cuthbert Street Kirkcudbright DG6 4DJ
Name & Address of Transferee or Agent	KB Hotel Ltd Unit 2a Pavilion 2 Castlecraig Business Park Players Road Stirling FK7 7SH
Name & Address of Premises	Kirkcudbright Bay Hotel 25 St Cuthbert Street Kirkcudbright DG6 4DJ
Effective Date of Transfer	5 June 2024

Agenda Item 6

PUBLIC

Cheryl Syme
Senior Licensing Officer (Board Services)
Licensing

Ext: 63353

Date of Report: 19 September 2024

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

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

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

<u>No. 1 – Ref 0077S</u>	
Name & Address of Licence Holder	LAL (Public House) Limited Albert House 308 Albert Drive Pollockshields Glasgow G41 5RS
Name & Address of Premises	Douglas Arms Hotel 206 King Street Castle Douglas DG7 1DB
Date Licence Surrendered	22 July 2024

<u>No. 2 – Ref 0115S</u>	
Name & Address of Licence Holder	Zoran Perovic 53 Ashfield Drive Dumfries DG2 9BP
Name & Address of Premises	Luigis 3 Maxwell Street Dalbeattie DG5 4AH
Date Licence Surrendered	3 September 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: 19 September 2024

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

LICENSING (SCOTLAND) ACT 2005: SECTION 23

APPLICATION: PREMISES LICENCE

PREMISES: CRAIGIEKNOWES GOLF AND TEEROOM, KIPPFORD, DALBEATTIE

APPLICANT: JULIE CLANAHAN, 96 HIGH STREET, DALBEATTIE

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 11 July 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
- 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 19 July 2024 to Saturday 10 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 9 August 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 – 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 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

19 September 2024

Appendix 1

Applicant/Agent	Julie Clanahan 96 High Street Dalbeattie DG5 4HB
Address of Premises	Craigieknowes Golf and Teerom Kippford Dalbeattie DG5 4LE
Description	Premises will be run as a pub with the addition of off-sales. The premises is situated in a rural area. The building is detached.
Core Times	<p><u>On Sales</u></p> <p>Monday 11.00am – 12midnight Tuesday 11.00am – 12midnight Wednesday 11.00am – 12midnight Thursday 11.00am – 12midnight Friday 11.00am – 12midnight Saturday 11.00am – 12midnight Sunday 11.00am – 12midnight</p> <p><u>Off Sales</u></p> <p>Monday 11.00am – 10.00pm Tuesday 11.00am – 10.00pm Wednesday 11.00am – 10.00pm Thursday 11.00am – 10.00pm Friday 11.00am – 10.00pm Saturday 11.00am – 10.00pm Sunday 11.00am – 10.00pm</p>
Activities	<p>Bar Meals, Receptions, Club/Group Meetings, Recorded Music outwith core hours</p> <p>Live Performances and Outdoor Drinking Facilities within core hours.</p> <p>Outwith Core Hours info: Recorded Music , Receptions and group Meetings before core hours. To Provide teas, Coffees and Breakfasts before core hours.</p> <p><u>Any other Activities:</u></p>

	Please note that no cooking will take place on the premises. Sandwiches, cakes will be packaged and delivered to the premises. Tea, Coffee will be available from coffee machine.
Children and Young Persons	<p>TERMS – Children will only be allowed entry when accompanied by an adult aged 18 or over. Young persons unaccompanied till 10pm then accompanied by an adult.</p> <p>AGES – 0-17</p> <p>TIMES – Children and Young Persons till 10pm unless attending a function then terminal hour.</p> <p>PARTS – Children and Young Persons must be seated away from the bar on the fixed seating area and can also be seated in the beer garden to the front of the premises.</p>
Capacity	<p>Onsales Total – 90</p> <p>Indoors – 40</p> <p>Outdoors – 50</p>
Last Date for Objections/Representations	Friday 9 August 2024

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

**LICENSING (SCOTLAND) ACT 2005: SECTION 20
APPLICATION FOR PREMISES LICENCE
PREMISES: CRAIGIEKNOWES GOLF AND TEEROOM, KIPPFORD,
DALBEATTIE DG5 4LE
APPLICANT: JULIE CLANACHAN**

1. This application relates to a tearoom, which includes an outdoor area, located in the grounds of a 9 hole golf course.
 - 1.1 The premises will operate as a pub and will offer a selection of pre-prepared sandwiches, cakes, hot and cold drinks.
2. Alcohol has been available in the premises since June 2024 using Occasional Licences.
3. The building is on ground floor level with capacity for 40 persons indoors and 50 persons outdoors (see the attached photographs).
4. Children and young persons are allowed entry normally until 10pm unless attending a function, in which case, to the terminal hour.
 - 4.1 Children must be accompanied by an adult and all times, young persons can be unaccompanied up to 10pm, thereafter they require to be accompanied by an adult.
5. The hours applied for are:-

On-sale
Monday to Sunday 11am to 12midnight
Off-sale
Monday to Sunday 11am to 10pm
 - 5.1 These times are within the Licensed Hours Policy of the Stewartry Divisional Licensing Board.
6. The application was advertised on the Board's website page from 19 July 2024. At the same time, a notice must be displayed at the premises.
 - 6.1 A visit was made on 1 August 2024 at which time the notice was displayed on the door of the tea room, inside the building.
 - 6.2 A request was made to the applicant that the notice be relocated to the "A" board on the pavement outside the boundary of the premises.
7. I have no adverse comments.

Julia Farroll
Licensing Standards Officer
5 August 2024

