

DUMFRIES AND GALLOWAY LICENSING BOARD

Meeting of Thursday, 17th April, 2025
at 10.30am in Council Hall – Hybrid Meeting

Tony Berretti – Mid and Upper Nithsdale;
Linda Dorward – Lochar;
Archie Dryburgh MBE – Annandale East and Eskdale;
Iain Howie – Castle Douglas and Crocketford;
Ivor Hyslop – Lochar;
David Inglis – Mid Galloway and Wigtown West;
Kim Lowe – Abbey;
Gail Macgregor – Annandale North;
Jackie McCamon – Mid Galloway and Wigtown West;
Stephen Thompson – Annandale North;

VLAD VALIENTE
Clerk to the Licensing Board

Dumfries and Galloway Licensing Board

Meeting of Thursday 17th April, 2025
at 10.30am in Council Hall – Hybrid Meeting

1. **SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE OF MEETING - 4 MARCH 2025** 1 - 2
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5. **LICENSING (SCOTLAND) ACT 2005: APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY** 5 - 10
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Next Meeting Date: Tuesday, 20 May 2025

DUMFRIES AND GALLOWAY LICENSING BOARD

Minute of Meeting of Tuesday 4 March 2025 at 10.30am
Hybrid Hearing

MEMBERS PRESENT

Tony Berretti	-	Mid and Upper Nithsdale
Archie Dryburgh MBE	-	Annandale
Iain Howie	-	Castle Douglas and Crocketford
Ivor Hyslop (Convener)	-	Lochar
David Inglis	-	Mid Galloway and Wigtown West
Kim Lowe	-	Abbey
Stephen Thompson	-	Annandale North

APOLOGIES

Linda Dorward	-	Lochar
Gail Macgregor	-	Annandale North
Jackie McCamon	-	Mid Galloway and Wigtown West;

IN ATTENDANCE

Julia Farroll	-	Licensing Standards Officer
Inspector Hugh McCombe	-	Police Scotland
Cheryl Syme	-	Senior Licensing Officer
Caroline Treanor	-	Solicitor

VLAD VALIENTE
Clerk to the Licensing Boards

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

7 Members present via MS Teams and 3 apologies. The Convener approved Members' remote participation.

2. **DECLARATIONS OF INTEREST**

None

3. **MINUTES OF MEETING – 23 JANUARY 2025**

Decision

AGREED

4. **LICENSING (SCOTLAND) ACT 2005: APPLICATION GRANTED UNDER DELEGATED AUTHORITY**

Decision

NOTED the applications granted under delegated authority as detailed in the report.

5. **LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE**

Decision

Having heard from the applicant, the Licensing Standards Officer and the Chief Constable's representative, Members **AGREED** to grant the application with the following condition agreed by the applicant and in terms of its powers under section 27(6) Licensing (Scotland) Act 2005.

The outdoor drinking area must be contained by a suitable barrier whilst in use at all times, to the satisfaction of the Licensing Standards Officer.

7. **LICENSING (SCOTLAND) ACT 2005: PERSONAL LICENCE APPLICATION – JAKUB SIENKOWIEC**

Decision

Having heard from the Chief Constable's representative and the Applicant, members **AGREED** to grant the application

DUMFRIES AND GALLOWAY LICENSING BOARD

Minute of Meeting of Wednesday 26 March 2025 at 3.00pm
Hybrid Hearing

MEMBERS PRESENT

Tony Berretti	-	Mid and Upper Nithsdale
Linda Dorward	-	Lochar
Archie Dryburgh MBE	-	Annandale
Iain Howie	-	Castle Douglas and Crocketford
Ivor Hyslop (Convener)	-	Lochar
David Inglis	-	Mid Galloway and Wigtown West
Kim Lowe	-	Abbey
Gail Macgregor	-	Annandale North
Jackie McCamon	-	Mid Galloway and Wigtown West
Stephen Thompson	-	Annandale North

IN ATTENDANCE

Julia Farroll	-	Licensing Standards Officer
Cheryl Syme	-	Senior Licensing Officer
Ben Thom	-	Principal Solicitor

VLAD VALIENTE
Clerk to the Licensing Boards

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

10 Members present

4 Members present in Council Hall being:- Ivor Hyslop, Tony Berretti, Linda Dorward and Stephen Thompson

6 Members present via MS Teams as **AGREED** by the Convener being:- Archie Dryburgh, Iain Howie, David Inglis, Kim Lowe, Gail Macgregor and Jackie McCamon.

2. DECLARATIONS OF INTEREST

Councillor Hyslop made a statement of connection in respect of Item 5, by virtue of the fact that he knew one of the people who had provided a character reference and determined that this did not amount to an interest and as such that he would remain in the meeting during consideration of this item.

3. MINUTES OF MEETING – 11 MARCH 2025

Decision

AGREED

4. LICENSING (SCOTLAND) ACT 2005: APPLICATION GRANTED UNDER DELEGATED AUTHORITY

Decision

NOTED the applications granted under delegated authority as detailed in the report.

5. LICENSING (SCOTLAND) ACT 2005: REVIEW OF PREMISES LICENCE – HUGO'S BAR AND RESTAURANT, 4 BATH PLACE, MOFFAT

Decision

The Licensing Board heard from the applicant, the Licensing Standards Officer and the Licence Holder's Agent.

PROCEDURE – The meeting was adjourned from 4.50pm and reconvened at 5.30pm with all Members present.

AGREED that (a) a ground for review had been established and (b) to take **NO FURTHER ACTION**.

DUMFRIES AND GALLOWAY LICENSING BOARD

**THE LICENSING (SCOTLAND) ACT 2005
APPLICATIONS GRANTED UNDER DELEGATED AUTHORITY**

1. Summary

This report details licences which have been granted under delegated powers, by the Clerk to the Licensing Board during the period starting from 11 February 2025 to 26 March 2025 and invites Members to note the report and appendices.

2. Applications

2.1 The undernoted table details the number of occasional licences, extended hours and personal licences granted:

Application Type	Total number granted
Occasional licences – applied for by a personal licence holder	128
Occasional licences – applied for by a premises licence holder	14
Occasional licences – applied for by a voluntary organisation	29
Extended Hours	1
Personal Licences	23

2.2 The following appendices further detail applications granted in respect of:-

Minor variation of premises licences - Appendix 1

Transfer of premises licences - Appendix 2

Surrender of Premises Licences – Appendix 3

Cheryl Syme
Senior Licensing Officer
Kirkbank House
English Street
Dumfries
DG1 2HS

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries
DG2 2HS

9 April 2025

APPLICATIONS FOR MINOR VARIATION OF PREMISES LICENCES

	<u>Licence Holder</u>	<u>Name and address of Premises</u>	<u>Type of variation</u>	<u>Granted date</u>
1.	Fiona Macpherson Hannay	Cardoness Handy Shop Cardoness Holiday Park Gatehouse of Fleet	Change of DPM to Fiona Hannay	12/02/2025
2.	Annandale Distillery Company Ltd	The Annandale Distillery Ltd Northfield Annan DG12 5LL	Change of DPM to Lee Medd	13/02/2025
3.	Tesco Stores Limited	Tesco Dumfries Extra Cuckoos Bridge Retail Glasgow Road Dumfries DG2 9BF	Change of DPM to Sean McCarter	14/02/2025
4.	Firm of Mabie House Hotel	Mabie House Hotel New Abbey Road Dumfries DG2 8HB	Change of DPM to Phillipa Carson	14/02/2025
5.	Abigail Rickerby	The Station Kirkpatrick Fleming Lockerbie DG11 3AU	Change of DPM to Abigail Rickerby	25/02/2025
6.	Ailish Imrie	Normandy Bar Troqueer Road Dumfries DG2 7DF	Change of DPM to William Imrie	27/02/2025
7.	Wm Morrison Supermarkets Limited	Morrisons Brooms Road Dumfries DG1 2SH	Change of DPM to Jamie Nicholson	27/02/2025
8.	John Alexander Maxwell	The Beagle Country Pub Barend Holiday Village Sandyhills Dalbeattie	Change of DPM to John Maxwell and change of premises name to 'Crab Pot'	27/02/2025
9.	Lidl Great Britain Limited	Lidl Great Britain Limited Brooms Road Dumfries DG1 2DZ	Change to layout plan – no change to capacity	27/02/2025
10.	Lee Park Estates Limited	The Headland Bar Burrowhead Holiday Village ISLE OF WHITHORN Newton Stewart DG8 8JB	Change of DPM to Egle Praneviciute	28/02/2025

11.	Richard Graham	Crown Hotel 36 Main Street Glenluce DG8 0PS	Change of home address of DPM/Licence Holder	28/02/2025
12.	Pakeerathen Mahalingam	Mirza Store Premier 2 High Street Moffat DG10 9DW	Change of home address of DPM	05/03/2025
13.	T J Morris (Scot) Ltd	Home Bargains Unit 2 Dumfries Retail Park College Mains Road Dumfries DG2 0NU	Change to layout plan – no change to capacity	05/03/2025
14.	Wigtown Community Inn Limited	The Wigtown Ploughman 30 South Main Street Wigtown Newton Stewart DG8 9HG	Change of premises name from 'The Plough Inn' to 'The Wigtown Ploughman'; Change of DPM to Julie Willan	05/03/2025
15.	Motor Fuel Limited	Gretna Service Station A74(M) North Bound Gretna DG16 5HQ	Change of DPM to Vasudevareddy Annapareddy	10/03/2025
16.	Gretna Supporters Society Limited 2007	Clubhouse Raydale Park Dominion Road Gretna DG16 5AP	Change of DPM to Stuart Rome	13/03/2025
17.	Laura Anne Phillips	The Galloway Galloway Point Holiday Park Portpatrick DG9 9AA	Reappointment of DPM Laura Phillips	13/03/2025
18.	Alan Brown	Crossmichael Shop 27 Main Street Crossmichael DG7 3AU	Change to layout of shop – no change to capacity	14/03/2025
19.	Trad Music Trust	The Vault Arts Centre 40 Victoria Street Newton Stewart DG8 6BT	Reappointment of DPM Nathon Hooper	14/03/2025
20.	Stuart Martin Wales Partnership	S.M. Wales & Family Store 2 Kerrsland Road Stranraer DG9 7SE	Change of DPM to Veeramurugan Gunasekaran	14/03/2025
21.	Co-operative Group Food Limited	Co-op Glenesk Road Langholm DG13 0ES	Change of DPM to Andrew Ewart	25/03/2025
22.	Co-operative Group Food Limited	Co-op Station Yard	Change of DPM to Geoffrey Whittle	25/03/2025

		Holm Street Moffat DG10 9EP		
23.	Phoenix Wolf Property Limited	The Store at Sanquhar 31-33 High Street Sanquhar DG4 6PW	Change of DPM to Kieran Rundle	25/03/2025
24.	Lochinvar Leisure Ltd	Lochinvar Hotel 3 Main Street St Johns Town of Dalry DG7 3UP	Change of DPM address	25/03/2025

Appendix 2**APPLICATIONS FOR TRANSFER OF PREMISES LICENCES**

	<u>Applicant</u>	<u>Name and address of Premises</u>	<u>New licence holder</u>	<u>Granted date</u>
1.	Joanne Hird	Acorns Tearoom & Shop 17 High Street Dalbeattie DG5 4AD	Kerry Widdowson	24/02/2025
2.	Thomas Jack Cooper	The Plough Inn 30 South Main Street Wigtown DG8 9HG	Wigtown Community Inn Limited	26/02/2025

SURRENDER OF PREMISES LICENCES

	<u>Licence Holder</u>	<u>Name and address of Premises</u>	<u>Date licence surrendered</u>
1.	Lindsay Duncan	Carsphairn Shop and Tearooms Main Street Carsphairn DG7 3TQ	26/02/2025
2.	Dawn Barclay	Cobwebs 31/32 South Main Street Wigtown DG8 9HG	13/03/2025
3.	Kirkcudbright Golf Club	Kirkcudbright Golf Club Stirling Crescent Kirkcudbright DG6 4EZ	21/03/2025

DUMFRIES AND GALLOWAY LICENSING BOARD**LICENSING (SCOTLAND) ACT 2005: SECTION 45
APPLICATION FOR PROVISIONAL PREMISES LICENCE****1. Reason for Report**

This report details an application received for a provisional premises licence. The Board is statutorily obliged to hold a Hearing in respect of such applications.

2. Background

2.1 The application received by the Licensing Service is listed below and is detailed in the attached hearing summary. The hearing summary contains details of the application and associated relevant material, for Members to consider and determine.

Application received

Hearing 1	Standard General Store, Main Street, Penpont, Thornhill Appendix 1 – details of application Appendix 2 – LSO report
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2.2 As is required by law, a copy of the application was sent to:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- Local Community Council
- NHS Dumfries and Galloway
- Neighbours: Persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises).

2.3 In terms of the law, the Board is obliged to advertise notice of such applications on its website for a continuous period of 21 days. The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

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

2.5 Signed Confirmation of Site Notice has been received.

3. Determining the application

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 The Board must consider whether any of the grounds for refusal apply and
- (i) If NO ground of refusal applies, the Board must GRANT the application
 - (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

3.3 In terms of section 23 (5) the grounds for refusal are:-

- The premises are excluded premises
- The application must be refused under

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

the Board considers that the premises are unsuitable for use for the sale of alcohol

- The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises in the locality.

4. Recommendation

Members are asked to either GRANT or REFUSE the application.

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9 April 2025

Hearing 1 – Appendix 1

Applicant/Agent	Robert Jordan PR Retail Consultants Ltd For Hajendiran Saba 50 Carrick Road Dumfries DG2 9PR
Address of Premises	Standard General Store Main Street Penpont Thornhill DG3 4BP
Description/Activities	The premises is a convenience store open from approximately 06:30 hours to 22:00 hours. Therefore, the usual convenience store goods and services will be available both within and outwith core hours.
Core Times	<u>Off Sales</u> Monday to Sunday 10:00 to 22:00 hours
Capacity	10.6m ²
Last Date for Objections/Representations	27 March 2025

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

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

PREMISES: STANDARD GENERAL STORE, MAIN STREET, PENPONT, THORNHILL, DG3 4BP

APPLICANT: HAJENDIRAN SABA, 50 CARRICK ROAD, DUMFRIES, DG2 9PR

1. This application has been submitted by Robert Jordan, PR Retail Consultants Ltd, agent on behalf of Hajendiran Saba, 50 Carrick Road, Dumfries DG2 9PR and seeks a provisional premises licence application for Standard General Store, Main Street, Penpont, Thornhill, DG3 4BP.

2. The store referred to is a general convenience store which is open daily from 06:30 hours to 22:00 hours. The primary activity undertaken at the premises is the normal associated business of a convenience store and these activities will take place within and outwith core hours.

3. The core hours applied for are: -

Off Sales

Monday to Sunday 10am – 10.00pm

These are within the Dumfries and Galloway Licensing Board's Hours Policy for off sales.

4. The premises are well established in the village of Penpont and have been operating at the location as a local convenience store for several years with the applicant only taking over as the owner more recently. There are no other convenience stores in the village of Penpont with off sales availability.

5. I met with Mr Hajendiran Saba at the premises on Wednesday 12 March 2025 and found him extremely professional and helpful. He has experience working in a convenience store in Cheshire as well as experience selling alcohol to the public in that store.

6. Mr Hajendiran Saba has resided in Dumfries since last year and taken on the business at the premises in late 2024. He has applied for his personal licence and this process is ongoing - he hopes to have this issued to him in the near future.

7. The proposed displays of alcohol were not set up yet in the store during the visit. However, this would not require much in the way of significant work or change/refurb within the premises as the shelving and refrigerated unit are already in place with routine items for sale. The display areas meet the plan requirements as well as providing clear visibility for the applicant or anyone working at the counter area. CCTV is also in place.

8. The application was advertised on the Board's website page from Thursday 6 March 2025, simultaneously a notice was displayed at the premises. The Notice was checked on Wednesday 12 March 2025 at which time it was correctly displayed.

9. I have no adverse comments to make.

Stuart Davidson
Licensing Standards Officer
12 March 2025

DUMFRIES AND GALLOWAY LICENSING BOARD

**LICENSING (SCOTLAND) ACT 2005: SECTION 30
APPLICATIONS FOR MAJOR VARIATIONS OF PREMISES LICENCES**

1. Reason for Report

This report details applications received for major variation of premises licences. The Board is statutorily obliged to hold a Hearing in respect of such applications.

2. Background

2.1 The applications received by the Licensing Service are listed below and are detailed in the attached hearings summaries. Each hearing summary contains details of the application and associated relevant material, for Members to consider and determine.

Applications received

Hearing 1	Crumb, 53 St Michael Street, Dumfries Appendix 1 – details of application Appendix 2 – LSO report Appendix 3 – revised layout plan showing refurbishment taking into account increased capacity request
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2.2 As is required by law, a copy of each application was sent to:

- Police Scotland
- The Local Authority
- Scottish Fire and Rescue Service (SFRS)
- Local Community Council
- NHS Dumfries and Galloway
- Neighbours: Persons having notifiable interest in neighbouring land (within 4 metres in any direction of any boundary of the premises).

2.3 In terms of the law, the Board is obliged to advertise notice of the applications on its website for a continuous period of 21 days. The applicant is also obliged to display a site notice of A4 size at or near the premises in a place and at a height where the notice can conveniently be read by the public on the same dates as the Board's notice.

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

2.5 Signed Confirmation of Site Notice has been received in respect of each application.

3. Determining the applications

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 The Board must consider whether any of the grounds for refusal apply and
- (i) If NO ground of refusal applies, the Board must GRANT the application
 - (ii) If ANY ground of refusal applies, the Board must REFUSE the application.

3.3 **The section 30(5) grounds for refusal**

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

- Licensing Objectives ground of refusal

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

- Unsuitability of the premises

That having regard to:-

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

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

- Overprovision

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

4. Recommendation

Members are asked to either GRANT or REFUSE the application.

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DG1 2HS
01387 245903

Vlad Valiente
Clerk to the Licensing Boards
Kirkbank House
English Street
Dumfries
DG2 2HS

9 April 2025

Dumfries and Galloway Licensing Board
Application for Variation of Premises Licence

Applicant/Agent	The Partnership of Peter & David Byrne 2 Victoria Road Dumfries DG2 7NU
Address of Premises	Crumb 53 St Michael Street Dumfries DG1 2QB
Nature of Variation	<p><u>Operating Plan</u></p> <p>Increase in capacity from 42 to 60.</p> <p><u>Layout Plan</u></p> <p>Changes to layout plan following refurbishment and increase to capacity.</p>
Last Date for Objections/Representations	Monday 24 March 2025

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

LICENSING (SCOTLAND) ACT 2005: APPLICATION FOR VARIATION OF PREMISES LICENCE

PREMISES: CRUMB, 53 ST. MICHAEL STREET, DUMFRIES, DG1 2QB

APPLICANT: THE PARTNERSHIP OF PETER & DAVID BYRNE, 2 VICTORIA ROAD, DUMFRIES, DG2 7NU.

1. This application has been submitted by The Partnership of Peter and David Byrne, 2 Victoria Road, Dumfries, DG2 7NU. The application seeks a variation to the current operating and layout plan for Crumb, 53 St. Michael Street, Dumfries, DG1 2QB.

2. The restaurant, Crumb is a mid-terraced building on St. Michael Street, Dumfries, comprising of a modern restaurant that has been completely refurbished between 2022 and 2024.

3. The refurbishment at the premises was due to a significant fire at the premises which caused severe damage and closure. The date of the fire was 9 February 2022 and resulted in closure for over 2 years until 26 April 2024. The refurbishment and increase in the capacity were due to the fire which gutted the building.

4. The current operating hours are: -

On Sales

Monday to Sunday 11.00am – 01.00am

Off Sales

Monday to Sunday 11.00am – 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 and at the location since 2017.

6. The applicant is seeking a major variation as follows:

Operating Plan – Increase in capacity from 42 to 60.

Layout Plan – Changes to layout plan following refurbishment and increase to capacity.

7. From my enquiry with the licence holder, the refurbishment alluded to above has allowed the applicant to modernise, reshape and add extra seating to the restaurant from 42 to 60.

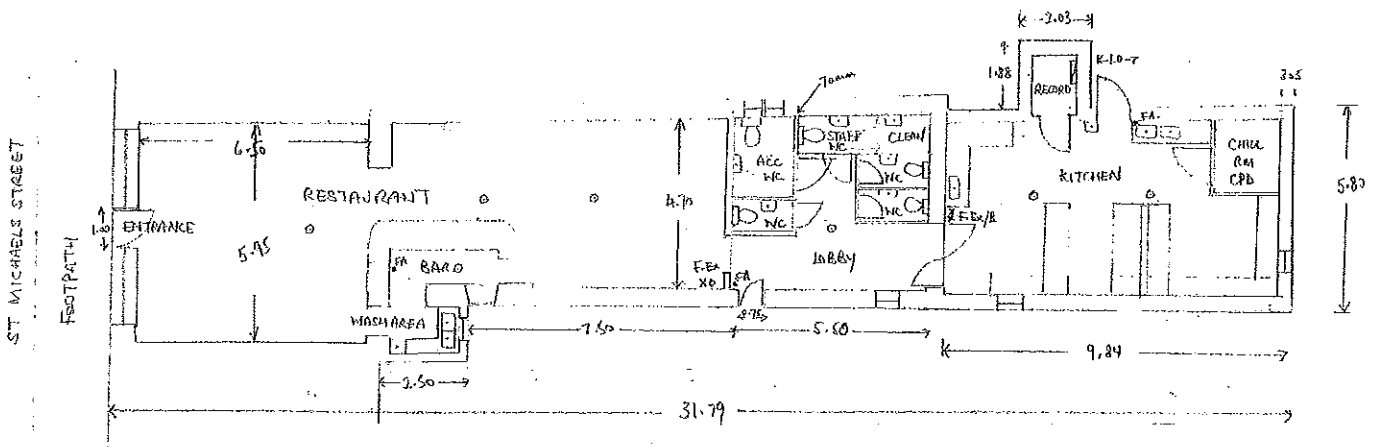
8. The application was advertised on the Board's website page from Monday 3 March 2025, simultaneously a notice was displayed at the premises. I attended at the premises on Thursday 6 March 2025 at which time the Notice was correctly displayed.

9. I have conducted a full licensing inspection at the premises and found the applicant and DPM (Designated premises Manager) were fully compliant with all aspects of the checks. I found the applicant and DPM to be extremely professional and responsible with regarding to alcohol licensing.

10. I have no adverse comments to make.

Stuart Davidson
Licensing Standards Officer
6 March 2025

All Activities will be carried out in the restaurant. Children and young people will be allowed entry to the restaurant area and toilet areas



GROUND FLOOR PLAN

SCALE 1:100

KEY:

- FA - FIRE ALARM
- x F.E./B - FIRE EXTINGUISHERS (x2) / FIRE BLANKET
- x F.E. - FIRE EXTINGUISHERS (x2)
- - SMOKE DETECTOR

CRUMB RESTAURANT
 53 ST MICHAELS STREET
 DUMFRIES
 DG1 3QB
 MR P BYRNE
 JANUARY 2025

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DUMFRIES AND GALLOWAY LICENSING BOARD

**LICENSING (SCOTLAND) ACT 2005 (THE ACT): SECTION 84A
CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: DANIEL MARSHALL****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 8 January 2025, the Chief Constable, in terms of his power under section 84A of the Act, submitted to the Board a report alleging that Daniel Marshall, the holder of a personal licence, has acted in a manner that is inconsistent with the licensing objectives (1) Preventing Crime and Disorder, (2) Securing Public Safety and (3) Preventing Public Nuisance (**Appendix 1**).

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

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:

- revoke;
- suspend; or
- endorse the licence or
- take no action; and

4.2 If a determination is made that having regard to the licensing objectives 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 Board
Kirkbank House
Dumfries

9 April 2025

8 January 2025

Your Ref: DG/N/1107

Our Ref: AP/COS

Clerk of the Board
Nithsdale 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: DANIEL MARSHALL
3 LINCLUDEN GARDENS, LINCLUDEN, DUMFRIES, DG2 0DL
LICENCE NO: DG/N/1107**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Daniel Marshall 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
- Securing Public Safety
- Preventing Public Nuisance

Mr Marshall holds a personal licence which was issued by Nithsdale Licensing Board and is due to expire on 6 December 2032. At this time, he is the Designated Premises Manager for Station House, 35 Station Road, Annan, DG12 6AS.

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

About 2000 hours, on Monday 9 December 2024, Mr Marshall has driven his vehicle into the car park at Co-Op, Annan Road, Gretna. When he has exited his vehicle,

he has seen his ex-partner, ex-partners new partner and another person chatting. Without provocation Mr Marshall has directed a tirade of abuse towards his ex-partner, this included making homophobic remarks. He then entered the store, going out of sight.

When Mr Marshall has exited the store, he has entered his vehicle and reversed at speed out of the car park. A few minutes later he has returned and again conducted himself in an angry, agitated and aggressive manner towards the witnesses and as such the witnesses have decided to leave the scene to prevent any further issues. Mr Marshall's ex-partner and one other have got into their van and left the car park heading in the direction of Annan. A short while later they have observed Mr Marshall approaching the rear of their vehicle at speed. Mr Marshall has then overtaken the van within a built up area and has cut in front of them causing the ex-partner to brake harshly in order to avoid a collision.

Mr Marshall has then driven excessively slowly in front of the witnesses to further provoke them and as such they have driven into a cul-de-sac to try to avoid him. Mr Marshall has thereafter parked his car in such a way that the witnesses could not leave. He has gotten out of his vehicle and started banging on the bonnet of the victim's vehicle and demanded that his ex-partner get out and speak with him. Due to this erratic behaviour Police have been called. On Police arrival there was nothing on-going and no complaints of a domestic nature were made.

About 1100 hours on Sunday 15 December 2024 Mr Marshall's ex-partner has attended at the Station House to open the business for the day. Mr Marshall has come downstairs and been verbally abusive to the victim. The victim has stated that he did not want an argument at which point Mr Marshall has become aggressive and attempted to grab the keys out of the victim's hand. This has resulted in the victim sustaining several small cuts to his hand. Throughout this altercation the victim has made several attempts to leave the premises however Mr Marshall has stood in the way of the doors and prevented him from leaving. Eventually the victim released his grip on the keys and Mr Marshall took possession and allowed the victim to leave the premises at which point the victim contacted Police.

On Monday 16 December 2024 Mr Marshall was arrested, interviewed and subsequently charged with

- Criminal Justice and Licensing (Scotland) Act 2010 Sect 38, sex-ort*, domestic
- Road Traffic Act 1988 Section 2 (Dangerous Driving)
- Robbery, domestic

**When an offence is aggravated by prejudice towards certain characteristics then that is recognised by Police Scotland and documented. Due to the language used by Mr Marshall during the above described incident the charge was indorsed with an aggravator regarding sexual orientation.*

He was released on Undertaking to appear at Dumfries Sheriff Court on Tuesday 31 December 2024 at which an Intermediate Diet was set for 4 February 2025 and a Trial Diet was set for 14 March 2025.

The circumstances surrounding these charges show poor judgement and falls far below what can reasonably be expected of a Personal Licence Holder. Although acknowledged that it was prior to trading commencing and no members of the public being present it is particularly concerning that the second incident has occurred within the premises that Mr Marshall is the Designated Premises Manager.

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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DUMFRIES AND GALLOWAY LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005 SECTION 28 NON-PAYMENT OF ANNUAL FEE/PREMISES CEASED TO BE USED FOR THE SALE OF ALCOHOL HILLCREST HOUSE, MAIDLAND PLACE, WIGTOWN DG8 9EU

1 Reason for Report

Members are asked to consider whether the above-named premises have ceased to be used for the sale of alcohol and whether the Premises Licence has, as a consequence, ceased to have effect.

2 Background

2.1 The holder of any premises licence is responsible for payment of the annual fee by 1 October each year.

2.2 Condition 10 is a mandatory condition attached to the premises licence requiring payment of the annual fee.

2.3 All premises licence holders were sent notice of the level of annual fee on 29 August 2024, in advance of 1 October 2024. Any licence holder who did not pay or make arrangement before that date was sent a second reminder on 16 December 2024.

2.4 A Premises Licence takes effect on the date the Board determines and continues in effect until the occurrence of one of 6 events. One of these events is “the licensed premises in respect of which the licence was issued cease to be used for the sale of alcohol”.

3 Premises Licence

3.1 A Premises Licence has been in force in respect of Hillcrest House, Maidland Place, Wigtown, in terms of the Licensing (Scotland) Act 2005 since 1 September 2009. The premises were mainly used for the sale of alcohol to guests and did not form a big part of the business.

3.2 Andrew Passfield has been the Premises Licence Holder and Designated Premises Manager since February 2019. In 2024, Mr Passfield was unable to comply with the statutory refresher training requirements in respect of his Personal Licence. His Personal Licence was therefore revoked on 5 August 2024. This meant that he was unable to be the Designated Premises Manager as he could no longer authorise the sale of alcohol as required by the mandatory condition attached to the premises licence.

3.3 Mr Passfield confirmed that the sale of alcohol has not been taking place since July 2024.

3.4 I spoke to Mr Passfield on 6 August 2024 at which time he verbally confirmed he no longer required the Premises Licence. However, the licence was not formally surrendered and is therefore still current.

3.5 I emailed Mr Passfield on 14 February 2025 and sent a letter out on 27 February 2025 enclosing a form to be completed to formally surrender the licence. Mr Passfield has

not responded to the email or letter and has not paid the annual fee or completed the form to surrender the licence.

3.6 I spoke with Mr Passfield by phone on 12 March 2025. Mr Passfield again confirmed that the premises licence was no longer required. He further confirmed that he would not be completing the form to surrender the licence and that verbal confirmation of his wish to surrender the licence should be sufficient. It was clear he did not want to be contacted again by the Licensing Service for any matter.

3.7 It should be noted the premises are now licensed as a short term let in terms of the Civic Government (Scotland) Act 1982.

3.8 The annual fee for 2024/25 remains unpaid and Mr Passfield is in breach of condition 10 of the conditions attached to the premises licence. Mr Passfield has stated on several occasions that as the licence is not required, he does not intend to pay the annual fee.

4. Recommendation

Members are asked to note the terms of the report and consider the following options:-

4.1 Whether the premises have ceased to be used for the sale of alcohol by virtue of the fact that the licence holder has advised on several occasions that he is not selling alcohol and has no intention of in the future; or

4.2 Whether to initiate a premises licence review proposal for non-payment of the annual fee, noting that the licence holder is unwilling to further engage with the Licensing Service.

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Vlad Valiente
Clerk to the Licensing Board
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Date of Report: 19 March 2025

DUMFRIES AND GALLOWAY LICENSING BOARD

EQUALITY ACT 2010

**THE EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND) REGULATIONS 2012
MAINSTREAMING REPORT AND EQUALITY OUTCOMES (2025 - 2029)**

1. Reasons for the report

To request the Licensing Board to adopt Dumfries and Galloway Council's Equalities Mainstreaming Report 2023– 2025 and proposed Equality Outcomes 2025-2029 both of which were agreed by the Council's Tackling Poverty, Inequalities and Housing Sub Committee on 13 March 2025 and agree to both being published.

2. Recommendations

Members are asked to:

2.1 adopt the Council's Equalities Mainstreaming Report 2023 - 2025 and proposed Equality Outcomes 2025- 2029; and

2.2 agree to publish these documents on Dumfries and Galloway Licensing Board's webpage no later than 30 April 2025.

3. Background

3.1 The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force in May 2012. These specific duties are designed to help public authorities in the exercise of their functions to have due regard to the need to:

- Put an end to unlawful behaviour that is banned by the Equality Act 2010 including discrimination, harassment and victimisation
- advance equality opportunities between people who have a protected characteristic (see para 3.3 below) and those who do not
- foster good relations between persons who have a protected characteristic and those who do not

3.2 The key legal requirements for public authorities (which includes the Council and, separately, the Licensing Board) contained in these specific duties are to:

- publish a Report every two years on the progress it has made to make the equality duty integral to the exercise of its functions so as to better perform that duty (mainstreaming report);
- publish every four years a set of equality outcomes which they consider will enable them to better perform the equality duty and report progress;
- Assess and review policies and practices;
- Gather and use employee monitoring information;
- Publish gender pay gap information;
- Publish statements on equal pay;
- Publish equality information in a manner which is accessible.

3.3 The public sector equality duty covers the following protected characteristics:

- age

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

3.4 Guidance issued by the Equalities and Human Rights Commission states that the purpose of the public sector equality duty is to ensure that public authorities and organisations carrying out public functions think about how they can improve society and promote equality in every aspect of their day-to-day business. This means that they must consider, and keep reviewing, how they are promoting equality in:

- decision making
- internal and external policies
- procuring goods and services
- the services they provide
- recruitment, promotion and performance management of employees

3.5 A public authority must publish a report on the progress it has made to make the equality duty integral to the exercise of its functions so as to better perform that duty every two years (a mainstreaming report). There is also a legal duty to publish a set of equality outcomes which it considers will enable it to better perform the equality duty.

3.6 The Council's Equalities Mainstreaming Report 2023-2025 may be found on the following link:

[Agenda for Tackling Poverty, Inequalities and Housing Sub Committee on Thursday, 13th March, 2025, 2.00 pm - Dumfries and Galloway Council](#)

3.7 The Council's Equality Outcomes 2025-2029 may be found at Appendix 4 of the above link.

3.7.1 Page 15 of the Council's Equality Outcomes provides for the Board's Equality Outcome as follows:

Issue/ Inequality	High risks are associated with under-age consumption of alcohol and gambling
Theme	Licensing
Equality Outcome	Reduce the opportunities for children and young people to be involved in risky behaviours relating to alcohol and gambling
Protected Characteristic Groups Supported	<ul style="list-style-type: none"> • Age
General Equality Duty	Will help to eliminate discrimination, advance equality of opportunity and foster good relationships
Link to Strategic Priority	Contributes to our Council priority to support the most vulnerable people
Activities	<ul style="list-style-type: none"> • Support awareness programmes about the dangers of under-age consumption of alcohol and gambling • Support reductions in opportunities for alcohol and gambling to be available to children and young people

3.7.2 This Outcome is slightly amended and combines the undernoted two Equality Outcomes which were in place for 2017-2021:

- Reduce the opportunities for children and young people to be involved in gambling behaviours and
- Reduce opportunity for under aged consumption of alcohol especially in and around local outdoor music events.

3.8 Mainstreaming equality means integrating equality into the day-to-day working of the Boards. This means taking equality into account in the Boards' exercise of their functions i.e. equality must be a component of everything the Boards do as a public body. The mainstreaming report which has been adopted by Dumfries and Galloway Council details how it will meet the general and specific duties, presents an overview of the Council's work on equality, and evidence of the progress achieved. The Board, while legally independent from the Council, requires in law also to publish a mainstreaming report and equality outcomes and it is recommended that it adopts Dumfries and Galloway Council's report and outcomes in order to fulfil their obligations under the Equalities legislation.

Caroline Treanor
Solicitor

9 April 2025

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