

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL
CHAMBERS, KILMORY, LOCHGILPHEAD
on TUESDAY, 25 FEBRUARY 2020**

Present: Councillor David Kinniburgh (Chair)
Rory Colville
Gordon Blair
Jean Moffat
Richard Trail

Attending: Susan Mair, Depute Clerk
Kelly Coffield, Licensing Assistant
Alison Brodie, Licensing Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Sergeant Iain McNicol, Police Scotland

1. APOLOGIES

Apologies were intimated from Robin Currie, Audrey Forrest, Roddy McCuish, Lorna Douglas and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 12TH
NOVEMBER 2019**

The Minutes of the meeting held on Tuesday 12th November were submitted and approved.

4. APPLICATIONS FOR GRANT OF A PROVISIONAL PREMISES LICENCE

**(a) Isle of Bute Gin Distillery, 59 & 65 High Street, Rothesay, Isle of Bute,
PA20 9AU**

Niall Hassard, Solicitor, Glasgow appeared on behalf of the applicants. Rhona Wheatley, Director of the Company was also present. Mr Hassard explained that the Company were producing on the mainland at present but wanted to move to the island as soon as possible.. They are applying for a provisional licence as the premises are still under construction. There is also to be a retail shop with online facility for sales with a capacity of 20 persons. This is the first step of what is to be a much wider visitor experience. There is an ambition to have a whisky provision also in

the future.

Rory Colville enquired whether the brewery or the applicant was based in Glasgow. Niall Hassard answered that they were currently in Glasgow but wanted to move to Bute in the future.

The Chair, David Kinniburgh asked if there was any distilling at present. Niall Hassard replied that there was nothing at present. They were still awaiting HMRC permissions. However, they use a lot of local botanicals. These will be initially infused in Unit 65 and visitors can buy the product in the shop. Unit 59 will be used for distilling in the future.

The Chair moved that the application be granted as applied for. With no-one else being otherwise minded, this became the decision of the Board

(b) Rococo, 1 Glebe Street, Campbeltown, PA28 6JJ

The applicants, Morag McMillan and Paula McLean, appeared in support of their application. They explained that the premises would operate as a cocktail lounge serving cocktails and teas and coffees in Campbeltown. Works to re-furbish the premises were still ongoing. The premises was to include children and young persons for bookings and private parties. There is nothing similar in the area to cover the time between 5.00pm and the evenings and this would bridge that gap.

Richard Trail asked if there would be a demand for this type of premises from Monday to Thursday. The applicant replied it would probably only be busy at the weekends. If the business proves successful, they may possibly extend it to other days of the week.

Rory Colville asked what kind of live performances they would be holding. The applicant explained it would be acoustic performances only. There would be no bands. There is a capacity for only 20 people, so it would be small scale.

Jean Moffat asked where the cocktails would be produced, as looking at the plan there was no bar. The applicant advised that they would be produced in the back of the premises where there is a galley kitchen. All food would be prepared off-site and then brought onto the premises. There would be no hot food.

David Kinniburgh asked if extended hours and occasional licence applications would be submitted for special events.

Eric Dearie, Licensing Standards Officer explained that an extended hours application would be required.

The Chair moved that the application be granted as applied for. With no-one else being otherwise minded, this became the decision of the Board.

5. APPLICATIONS FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) **Argyllshire Gathering Halls, Breadalbane Street, Oban, PA34 5NZ**

No-one appeared to speak in support of the application.

Eric Dearie, Licensing Standards Officer, explained that the premises did not offer off-sales at the moment. The provision of off-sales will enable the holding of events where alcohol is offered for off-sales such as local produce stalls and alcohol festivals.

The Chair moved that the application be granted as applied for. With no-one else being otherwise minded, this became the decision of the Board.

(b) **Bute Shinty & Amateur Athletic Sports Club, Shinty Pavilion, Meadows Road, Rothesay, Isle of Bute**

David Herriot, Treasurer and Alan Liddell, Secretary appeared in support of their application. The Club recently became a charitable organisation. There is now a Ladies League on Sundays and they want to be able to offer hospitality to visiting teams. They are also removing the off-sales element of the licence as this is not used. They are adding bar meals, televised sport and dance facilities. The bar meals element of it is to cover the hospitality element. With regard to the televised sport as an activity, maybe on a Saturday afternoon, members may choose to watch sports results and the like. The dance facilities is for birthday parties and similar events. They also wish to add an outdoor drinking area along the back of the premises. This was formerly a play area but the play equipment was removed. There is the possibility of acquiring much of the surrounding land too.

Raymond Park, Licensing Standards Officer advised the application was very much as described. They simply wished to update the operating plan for future requirements.

David Kinniburgh, Chair asked for clarification on the outdoor areas. He said that from looking at the plan, it looked like there were two areas and asked if the Shinty Club owned both parts.

The applicant advised that they owned part of it and leased the other part from the Mount Stuart Trust.. Negotiations were ongoing, however, to acquire the leased area.

David Kinniburgh asked how they would monitor the outdoor drinking area to which the applicant advised that they could put a roped fence around the area. He further advised it would not be used intensively and it is fenced either side so the public cannot stray onto it.

The Chair asked what the proposal was for children and young persons. The Licensing Standards Officer, Raymond Park answered they were happy to comply with Board policy.

Susan Mair, Depute Clerk asked if, as well as licensing the strip of land in their ownership, the Club also wished to licence the larger area for the holding of large-scale events. This could be achieved by making it a condition that the licensing of the larger area would only come into effect once the Club had acquired ownership of it. In the meantime, occasional licences could be applied for if necessary, subject to a letter of consent from the Mount Stuart Trust.

The Chair moved that the application be granted as applied for subject to the condition noted above by the Depute Clerk in respect of the larger outside area. With no-one else being otherwise minded, this became the decision of the Board.

(c) **Dalmally Golf Club, Old Sawmill, Dalmally, PA33 1AE**

Maud Marshall, Secretary and Martin O'Keefe, appeared in support of their application. Maud Marshall explained that there were three parts to the application:- (1) a change to the opening hours on a Sunday as there was more usage of the Club on Sundays; (2) to add off-sales as they are launching their own branded whisky and want to be able to sell bottles of it from the premises; and (3) they also wish to add an outdoor area. There is no change to the capacity.

Eric Dearie, Licensing Standards Officer advised that they also required to change the wording on the seasonal variation due to the change in the Sunday opening.

The Chair asked if the outdoor area was the long strip that faces onto the fairway. The applicant confirmed that it was but it was set well back from the road.

The Chair also asked for the reason for off-sales. The applicant replied they are looking at selling branded whisky. It was also in case members wished to buy a small amount of alcohol to take onto the course with them.

The Chair moved to grant the application as applied for. With no-one else being otherwise minded, this became the decision of the Board.

(d) **Koo Kitchen & Wine, Unit 3, 7 Victoria Street, Rothesay, Isle of Bute, PA20 0AJ**

The applicant was unable to attend the meeting but had sent an email explaining her reasons. She has two businesses on the island and would have had to close both of them to attend today. Raymond Park, Licensing Standards Officer explained she has been running the business for a while now and wishes to extend her opening hours.

The Chair asked how many people she employed. Raymond Park replied that there were three or four altogether over both businesses.

The Chair moved to grant the application as applied for. With no-one else

being otherwise minded, this became the decision of the Board.

(e) **The View, 34 George Street, Oban, PA34 5NL**

No-one appeared in support of the application. Eric Dearie, Licensing Standards Officer read out his report and explained there had been an extensive refurbishment of the premises including the addition of a new balcony area. Jean Moffat asked Eric Dearie if it was a covered balcony and whether it was glazed at the front or open? The Licensing Standards Officer advised he did not know.

The Chair advised it was regrettable that no-one was present to answer the issues which the members had raised. On this basis, he moved that the application be continued to the next Board meeting in April. This was seconded by Jean Moffat and, with no-one else being otherwise minded, this became the decision of the Board..

(f) **Tiree Whisky Company Limited, 1A West Hynish, Isle of Tiree, PA77 6UF**

Ian Smith appeared in support of the application and Darren Campbell was also present in support of the application. It was explained that they currently only have the storage container licensed. They are expanding and wish to have three separate components-the container, a distillery for producing Tyree gin and conducting tours and tastings including a gin school and a shop for on and off sales. They were also seeking a seasonal variation to address the varying business and tourism requirements throughout the year.

Jean Moffat asked if the gin was made on the island. The applicant confirmed that it was. The production of the gin was moved to the island in February of last year.

The Chair moved to grant the application as applied for. With no-one being otherwise minded, this became the decision of the Board.

6. APPLICATION FOR GRANT OF A PERSONAL LICENCE

(a) **Eric Gothard, Wide Mouthed Frog Hotel & Restaurant, Dunbeg, Oban, PA37 1PX**

The applicant, Eric Gothard was present for the hearing. He explained the circumstances around his conviction. He had endured three years of abuse from his partner, and, although not proud of his actions, he had reacted in self-defence. He had also looked into the possibility of suffering from PTSD as he had served in the military and had received counselling for this.

His partner is now receiving treatment and has taken a back seat in the business. He is now working in the premises and requires the personal licence to enable him to take on the role of premises manager.

Eric Dearie, Licensing Standards Officer explained that the applicant's partner is currently the premises manager and her personal licence is due to be revoked. This is another reason why the applicant requires a personal licence so that they can continue to sell alcohol.

The Police letter mentioned a child had been in the house at the time the assault took place. The Chair asked if a child had been present The applicant advised the child had been in the house but was not in the room at the time. She was four years old.

The applicant stated he was ashamed about what had happened but he and his partner were now getting on really well. He thanked Eric Dearie for his support and thanked the Licensing Board for their time.

Jean Moffat, Rory Colville, Richard Trail and Gordon Blair all commended the applicant on attending today's hearing.. They said it was a difficult topic to discuss and taking him at face value, from what they had heard today, they were willing to give him a chance and were supportive of the application.

The Chair, David Kinniburgh concurred with his fellow Board members. The applicant had turned up, spoken regarding the incident, which he obviously regretted and provided an explanation. He was happy for the licence to be granted.

The Board agreed to grant the licence.

7. APPLICATION FOR REVIEW OF A PERSONAL LICENCE

(a) Robert McLean, 22 Burnside, Bruichladdich, Isle of Islay, PA49 7UR

The licence holder, Robert McLean, was present for the hearing. He explained the circumstances surrounding the conviction. He explained he had been in Glasgow on holiday. He had a few drinks in the evening and got up the next morning to attend a job interview. It was his first offence and he very much regrets his actions.

He further explained that he has just started a new job. This is the interview he was going for and he is now working at Islay House. He asked for a bit of leniency and for the Board not to take his licence away.

Richard Trail felt that, in the circumstances, he had learnt his lesson and did not want to take his livelihood away.

The Chair agreed but he was of the view that there should be some form of sanction. He moved to endorse the licence and this was seconded by Gordon Blair. With no-else being otherwise minded, this became the decision of the Board.

8. APPLICATION FOR REVIEW OF A PERSONAL LICENCE (CONTINUED FROM A PREVIOUS MEETING)

(a) Mr Peter MacLellan, 23 Shore Street, Bowmore, Isle of Islay, PA43 7LB

The licence holder, Peter MacLellan was present, and explained what had happened. He had a couple of glasses of wine with his dinner late at night and thought he was fit to drive. On arriving home, he was approached by the Police, breathalysed and charged. He has been in the licensed trade for 50 years and was very ashamed of what happened.

Jean Moffat felt that if he had been in the licensed trade for 50 years, he should have known that one drink can be sufficient to put you over the limit. The licence holder agreed that he should not have been driving at all and went on a refresher course afterwards in Glasgow.

Rory Colville asked what type of course it was. The licence holder replied it was everything to do with alcohol including what it can do to your body. He felt it was for the business and good for himself to do the course.

The licence holder reiterated that he does not drink very much at all. He is very fit and is embarrassed about it. It will not happen again.

Jean Moffat stated she was disinclined to continue the licence. She doesn't feel the licence holder knows the licensing laws sufficiently.

Rory Colville took a different view and felt that he had voluntarily booked himself onto a course to learn more about alcohol. He felt the licence should be endorsed.

Richard Trail agreed with Rory Colville.

Gordon Blair thought they had to be consistent and the Chair agreed. The Chair said he was surprised that the applicant did not appreciate he would have been over the limit and was of the view that some action should be taken.. He moved that the licence be endorsed and this was seconded by Rory Colville. With no-one else being otherwise minded, this became the decision of the Board.

(b) Katrina Paterson, 6 McKelvie Road, Oban, PA34 4GB

The licence holder was not present. An email had been received from her solicitor to the effect that she was not able to attend as she was not fit at the present time.

The Police read out their letter setting out the circumstances regarding her conviction. Rory Colville expressed the view that the disposal appeared lenient, having regard to the level of alcohol. The Police pointed out that she had received a lengthy period of disqualification.

Jean Moffat asked if this matter could be continued to the next meeting to

enable the licence holder to attend. Richard Trail agreed.

The Chair stated that it was difficult to establish when she would be in a position to attend and moved that her licence be endorsed. With no-one else being otherwise minded, this became the decision of the Board.

9. CONSIDERATION OF A REVIEW OF A PREMISES LICENCE

(a) Keystore, 8-10 Old Luss Road, Helensburgh, G84 7BJ

The Police had submitted a letter seeking a review of the premises licence which all Board members had considered. The Board agreed to hold a review of the premises licence at the next Licensing Board Meeting in April.

10. REVIEW OF PREMISES LICENCE - NON-PAYMENT OF ANNUAL FEE

A list of unpaid fees was submitted and the Board decided that a final letter should be issued requiring payment of the annual fee within seven days, failing which, the premises licence would be suspended until such time as the annual fee is paid.

11. REVIEW OF PERSONAL LICENCES

(a) Revocation of personal licences where licence holders have not undertaken the refresher training

The list of personal licence holders who had not undertaken the required refresher training within the prescribed timescale was noted and the Board agreed to revoke their personal licence.

(b) Revocation of personal licences where licence holders have not applied to renew their licence

The list of personal licence holders who had not submitted an application to renew the licence was noted and the Board agreed to revoke their licences.

12. ANY OTHER BUSINESS

13. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held on Tuesday 21st April 2020 at 11.00am within the Council Chamber, Kilmory. Lochgilphead, PA31 8RT.