

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held BY SKYPE
on FRIDAY, 15 MAY 2020**

Present:

David Kinniburgh (Chair)	Robin Currie
Rory Colville	Lorna Douglas
Roddy McCuish	Richard Trail
Jean Moffat	Gordon Blair

Attending:

Susan Mair, Depute Clerk to the Board
Margaret MacLean, Admin Assistant
Kelly Coffield, Licensing Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer

1. APOLOGIES

Apologies were intimated from Audrey Forest and Sandy Taylor.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

**3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 25TH
FEBRUARY 2020**

The minutes of the meeting held on 25th February 2020 were submitted and approved.

4. APPLICATIONS FOR GRANT OF A PREMISES LICENCE

(a) Isle of Iona Gin, Cnocoran, Isle of Iona, PA76 6SP

The applicant Brian Livingstone, Director of the company attended. Mr Livingstone explained that the gin would not be distilled on the island but he hoped to have his own micro distillery at some point in the near future. He advised that under the current circumstances he would like to sell to wholesalers and restaurants via his online website.

Roddy McCuish asked if the business would be purely for distribution rather than distilling. Mr Livingstone replied yes but for a short term only as he had a large amount of stock he required to sell. Mr McCuish referred to the registered address and asked if this was the only connection to Iona. Mr Livingstone said he was advised to work with another distillery for guidance as financially at present, it was not viable to

run the business from the Island but his plan was to set up his own brewery and a botanical garden eventually.

Robin Currie asked if the off-sales hours of 11.00am to 6.00pm would be used for the online sales. Mr Livingstone said that the alcohol could be purchased at any time but the processing and distribution would take place between these hours.

Lorna Douglas referred to the premises and wondered if they would be used for administration purposes only. Mr Livingstone advised this would be for processing and the storage of alcohol and added that he had all the relevant permissions from HMRC.

Jean Moffat referred to the layout plan which showed the bedroom as the licensed area. Mr Livingstone explained the alcohol would be stored in the warehouse and the bedroom would be used to process orders.

Having considered the foregoing, the Board agreed to grant the application as applied for.

(b) **Muasdale Stores, Muasdale, Tarbert, PA29 6XD**

The applicant, Will Anderson attended and advised that the premises were an existing convenience store and he wanted to sell alcohol due to local and tourist demand. Mr Anderson applied to trade from 10.00am to 7.00pm each day but wanted to open until 8.00pm in the summer months.

The Chair referred to the seasonal variation and suggested an amendment. He asked Mr Anderson if it would be more appropriate to change the terminal hour to 8.00pm and close at 7.00pm in the winter months. Mr Anderson advised he was happy with the amendment and confirmed that the summer period would be from 1st April to 30th September.

Having considered the foregoing, the Board agreed to grant the application with the amended time for the seasonal variation.

(c) **P & D Grocers, 92 High Street, Rothesay, Isle of Bute, PA20 9BN**

The applicant Paul MacDonald attended and advised that due to demand, he wanted to sell alcohol from his convenience store. He added that this was a new venture and he wanted to serve both locals and tourists alike.

Raymond Park, Licensing Standards Officer advised that the premises had been vacated for some time but had been refurbished. He said that this was a modest application with 2 alcohol display areas, in the fridge and behind the counter.

Rory Colville asked Mr MacDonald for justification for a further off-sales premises. Mr MacDonald said there had been an off-sales for many decades in the area but it had closed some time ago. He stated that the Co-op was the only premises available and locals wanted a shop within the vicinity.

The Chair asked what type of alcohol would be stored in the fridge. Mr MacDonald stated that there would be no spirits only beer, lager, shandy and predominantly soft drinks and confirmed the spirits would be displayed behind the counter. The Chair enquired about the counter and if it could be closed and locked to which Mr MacDonald replied yes.

Having considered the foregoing, the Board agreed to grant the application as applied for.

(d) **Whitetail Tea Room and Shop, The Steadings, Tiroran, Isle of Mull, PA69 6ES**

The applicant, Lawrence McKay attended. Mr McKay explained that the premises had been under the hotel licence since 2017. He intended to split the premises and planned to sell the hotel but under the current circumstances this was on hold. He said that the shop was a window and retail outlet for his island gin and required both on and off sales for the business. Mr McKay referred to the seasonal variation and explained it was a more flexible approach due to the remoteness of the area and customer demand.

Eric Dearie, Licensing Standards Officer advised that the alcohol display area was 0.9% and the terminal hour for the outdoor drinking area was 8.00pm, both well within the Board's Policy.

Rory Colville noted that there was no delineation for the outside drinking area. Mr McKay advised he had a small area marked on the layout plan which contained 4 tables in the courtyard only.

The Chair asked if the area was enclosed and if it had a gated entrance. Mr McKay replied yes and that it was in fact, half of the courtyard area. He explained the layout in detail.

Mr Dearie suggested that an amended plan be submitted to clarify the licensed area.

Rory Colville stated he was happy to grant the application subject to an amended layout plan. Roddy McCuish agreed.

The Chair referred to the seasonal variation and stated that there were no issues due to the remote area.

Having considered the foregoing, the Board agreed to grant the application subject to an amended layout plan being submitted.

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) **The Reef Inn, Crossapol, Isle of Tiree, PA77 6UP**

The applicant, Sian Milne attended and advised that the 8 bedroom inn was a new build which would be open all year round and provide high

quality food. Ms Milne said she had hoped to hold small events in the near future but the business model would be more about food therefore making it more family friendly.

Eric Dearie, Licensing Standards Officer noted there was no terminal hour for the outside drinking area therefore suggested the usual Board's Policy of 8.00pm for children and young persons and 10.00pm for adults. He added that the seasonal variation was flexible but the Board may wish to look favourably on this due to the location.

The Chair asked Ms Milne if there was a reason why children under 10 years would be permitted to the outdoor drinking area. Ms Milne said she wanted a flexible approach to allow a more family friendly environment and was happy to accept what the Board suggested.

Roddy McCuish supported the application.

Gordon Blair referred to the craft activities and if they required to be pre-booked. Ms Milne advised that she wanted to do something different as there was very little to do on the island in inclement weather.

Rory Colville enquired about the building near the premises which was also owned by the applicant. Mr Colville asked if a condition relating to both properties could be imposed to ensure they are owned by the same person, if not, the Board's Policy could be applied.

Ms Milne said she was developing the plot to ensure it was separate from the business and therefore more private.

The Chair asked the Depute Clerk, Susan Mair if applying such a condition was possible. Ms Mair advised that the application could be granted as applied for but if there was any change in the future, the Board's Policy could then be applied.

The Chair stated he was happy to grant the application with the condition relating to same ownership.

Richard Trail stated that the term 'under 10 years old' should be amended to 0-15 years with a terminal hour of 8.00pm for the outside drinking area. Rory Colville agreed.

Eric Dearie referred to the Board's Policy regarding the terminal hour for outside drinking areas which was 8.00pm for children and young persons and 10.00pm for adults.

Ms Milne advised she would be happy with this. She asked what would happen if the house was sold and the new owners objected to the licence. Susan Mair confirmed that once a licence is granted it is in force until suspended or revoked which would be under limited circumstances.

Robin Currie agreed to the removal of 'under 10 years' but suggested keeping the terminal of 10.00pm for both 0-15 years and 16-17 years.

The Chair moved to grant the application as per Mr Currie's suggestion and to include a condition that, in the event that the nearby property was no longer in the ownership of the applicant, then the Board's policy in respect of hours for an outside drinking area would be applicable.

With no-one else being otherwise minded, this became the decision of the Board.

It was noted that Lorna Douglas left the meeting.

6. APPLICATIONS FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Atlantic Islands Centre, Cullipool, Isle of Luing, PA34 4TX

Claire Fletcher, Director and Trustee of the company attended and spoke to the terms of the application which sought to amend the seasonal variation; change the wording under the 'any other activities' section and also amend the terms for children and young persons.

Eric Dearie, Licensing Standards Officer stated that the seasonal variation was quite extensive but the premises were well supervised and were the hub of the community. Mr Dearie referred to the pool table which when not in use, would be covered and used as part of the display area.

The Chair wanted to clarify the dates stated on the seasonal variation. Clare Fletcher confirmed the dates sought were 1st November to 21st March and 22nd March to 31st October.

The Depute Clerk, Susan Mair asked Clare Fletcher in relation to this, that she was not intending to use the terminal hour of 12 Midnight, throughout the year. Ms Fletcher replied yes.

Richard Trail stated that the Board had been flexible in remote areas.

The Chair noted that the pool table was not included on the layout plan. Ms Fletcher advised it was situated in the retail area. The Chair asked for an amended plan to be submitted to show the location of the pool table.

The Chair moved to grant the application subject to the amended layout plan being submitted.

With no-one else being otherwise minded, this became the decision of the Board.

(b) Commercial Inn, Cross Street, Campbeltown, PA28 6UH

It was noted and agreed that the application be continued to the June Board Meeting.

(c) **Inverawe Smokehouse, Bridge of Awe, Taynuilt, Argyll, PA35 1HU**

Patrick Campbell-Preston attended on behalf of the applicant and spoke to the terms of the application which sought to add on-sales; to include an outdoor drinking area; to add recorded music, live performances, tours and tastings to the list of activities; to include children and young persons' conditions; amend the capacity; update the layout plan and amend the description of the premises. Mr Campbell-Preston explained that he wanted to get more out of his business by offering wine with meals and arranging tours.

Roddy McCuish advised he had no concerns with the application given that the premises were 2 miles up a single track road.

Gordon Blair referred to the single track road and asked if many coach tours visited the premises. Mr Campbell-Preston said that tours were prohibited as the road had a bridge only 12.4 feet in height which restricted access to large vehicles, therefore visits from small groups like Abby Tours and private clients only were possible.

Rory Colville moved to grant the application as applied for.

With no-one else being otherwise minded, this became the decision of the Board.

(d) **Kilchoman Distillery, Rockside Farm, Isle of Islay, PA49 7UT**

Alastair MacDonald, Solicitor, Edinburgh attended on behalf of the applicant. Mr MacDonald spoke to the terms of the application which sought to increase the on-sales capacity; to introduce an off-sales capacity of 12.7 m² and to change the layout plan. He advised that the business proved to be very successful therefore the building had been extended with the café area and shop facility being increased. He explained that the original visitors centre would be used as a possible function area for corporate and family events. He added that the shop and café had been re-positioned due to the extension.

Having considered the foregoing, the Board agreed to grant the application as applied for.

(e) **MacGochan's, Ledaig, Tobermory, Isle of Mull, PA75 6NR**

Sandy Murray, Solicitor, Oban attended on behalf of the applicant and spoke to the terms of the application which sought to change the layout to include the balcony and to increase the capacity from 280 to 580. Mr Murray advised that the premises had been substantially damaged by fire in 2019 and completely rebuilt with the erection of a large balcony on the first floor and an extra restaurant.

Rory Colville referred to the increase in capacity and asked if the premises had been expanded. Sandy Murray said that the footprint of the premises had not been expanded but the internal reconfiguration had increased the capacity with the addition of the extra restaurant.

Having considered the foregoing, the Board agreed to grant the application as applied for.

(f) **Springbank Distillery Visitor Centre & Shop, Well Close, Campbeltown, PA28 6ET**

Stuart Campbell, Director of the company attended on behalf of the applicant and spoke to the terms of the application which sought to amend the on-sales terminal hour from 10.00pm to 11.00pm; amend the capacity from 60 to 120 and add a new whisky area adjacent to the existing premises.

Rory Colville welcomed the application.

Having considered the foregoing, the Board agreed to grant the application as applied for.

7. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE (CONTINUED FROM A PREVIOUS MEETING)

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

Andrew Buchanan attended on behalf of the applicant and spoke to the terms of the application which sought to include an outside drinking area and bar meals as activities; to amend the layout plan to show the new balcony area and some internal changes and to amend the seasonal variation.

Eric Dearie, Licensing Standards Officer advised that the premises were primarily an events venue and a total refurbishment had been carried out.

Roddy McCuish asked Mr Buchanan if the terrace was within the premises to which he replied yes but it included an overhanging balcony. Mr Buchanan said that a 'do not cross' line would be clearly delineated and it included a glass balustrade to ensure that patrons stay away from the front of the balcony and are unable to lean over.

Jean Moffat expressed some concern and asked if the external area would be beyond the windows and if the windows opened from the top. Mr Buchanan replied yes and explained that the bar would be inside the windows and there would be a 2 metre space for the outdoor seating, therefore it would be more terrace than balcony. He emphasised that the glass balustrade was approximately 1 metre in height and therefore patrons would not be able to lean over.

Susan Mair, Depute Clerk enquired about access to the area. Mr Buchanan advised that access was through the double doors.

The Chair referred to the capacity of 60 for the outside area and asked if there was a noise management plan in place. Mr Buchanan confirmed there was and emphasised that it would be a seated area only which

would be monitored by CCTV and supervised by staff. The Chair asked if the relevant permissions were in place for the area. Mr Buchanan replied they were although there were some fire regulations and doors which still required to be addressed.

Rory Colville expressed his concern regarding the outside area. He asked if a net could be set up around the balcony to prevent any accidents and to protect people on the street. Mr Buchanan advised that health and safety officers would be involved to provide the relevant advice. Mr Colville suggested plastic glasses be used for the area which Mr Buchanan had no issues with.

Gordon Blair stated he had some issues with the balcony and suggested that the height of the glass be raised so that patrons were unable to lean over.

The Chair asked at what time would the serving of meals cease. Mr Buchanan advised 9.00pm and the terminal hour for the outside area would be 10.00pm.

Rory Colville asked Ms Mair if the application could be granted subject to the relevant permissions being in place. Ms Mair replied yes and advised that the area could not be operational until these had been granted.

The Chair asked about the potential for any public disorder issues. Mr Buchanan explained that he wanted to attract more desirable clientele and if there was any inappropriate behaviour, they would be asked to leave and would not be permitted to the area again.

The Chair moved to grant the application with a terminal hour for the outside area of 8.00pm for children and young persons and 10.00pm for adults and subject to all the relevant and necessary permissions being in place before the outside area could be brought into operation.

With no-one else being otherwise minded, this became the decision of the Board.

8. ANY OTHER BUSINESS

It was noted there was no other business.

9. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 23rd June 2020 at 11.00am.