

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 10 NOVEMBER 2020**

Present:

David Kinniburgh (Chair)	Gordon Blair
Rory Colville (Vice Chair)	Roderick McCuish
Lorna Douglas	Jean Moffat
Audrey Forrest	Richard Trail
Kieron Green	

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
Sergeant Wendy McGinnis, Police Scotland
Richard Gorman, Environmental Health Officer
Mary Watt, Environmental Health Officer

1. APOLOGIES

Apologies were intimated from Sandy Taylor.

2. DECLARATIONS OF INTEREST

Audrey Forrest declared a non-financial interest in Agenda item 5 (e) (Application for a Major Variation of a Premises Licence- (The Lido, 43 Shore Street, Innellan, Dunoon PA23 7TJ) as she was a shareholder in the applicant company.

3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 8TH SEPTEMBER 2020

The minutes of the meeting held on 8th September 2020 were submitted and approved.

4. APPLICATION FOR A PROVISIONAL PREMISES LICENCE

(a) Carrick Farm Brewery, Carrick Farm, Carrick Castle, Lochgoilhead, PA24 8AF

The applicant, Mr Cowper-Smith attended and explained that he had purchased the premises to run a bed and breakfast business but wanted to set up a small brewery and offer other activities such as laser sport clay pigeon shooting and kayak hire. Mr Cowper-Smith thought that providing a café and shop would benefit the area as there was local and tourist

demand for these types of businesses. He referred to the children and young persons' terms and asked if the terminal hour could be amended from 6.00pm to 8.00pm.

Raymond Park, Licensing Standards Officer said he has no issues with the application and he would be able to assist the applicant, along with the Environmental Health Officer with health and safety regulations and noise management.

Rory Colville referred to the seasonal variation and asked if the premises would be open as per demand. Mr Cowper-Smith said he hoped to be open all year round but was unsure what the level of demand would be during the winter months and therefore wanted to be flexible.

Gordon Blair asked if the laser sport clay pigeon shooting system would create noise issues and what type of music would be offered. Mr Cowper-Smith explained that as the system was electronic, it had volume control therefore noise levels would not pose any problems and with regards to music, it would only be jamming sessions and no night time activities would take place.

Jean Moffat enquired about any neighbouring properties. Mr Cowper-Smith advised there was another residential property around 120 metres from his premises.

The Chair asked Raymond Park if a noise management plan would be required and if so, would this relate to the clay pigeon shooting or any noise emanating from the premises. Mr Park replied yes and the plan would be in place for all areas within the licensed area. The Chair referred to the planning conditions relating to external lighting and wondered if this would be dealt with under the noise management plan. Mr Park replied yes.

The Chair suggested a more relaxed view regarding the seasonal variation. Rory Colville agreed and suggested, during winter months, opening hours will be 'demand led' as opposed to the Board's Policy.

The Chair moved to grant the application subject to the amendment to the terminal hour from 6.00pm to 8.00pm for children and young persons; the suggested wording from Rory Colville for the seasonal variation and a noise management plan being put in place to include dealing with the external lighting.

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

5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Lephincorrach Distillery, Torrisdale Estate, Carradale, Campbeltown, PA28 6QD

Niall McAllister-Hall attended and spoke to the terms of the application which sought to include: a small café; a gin school; an additional area of external seating; an amended layout plan; amend the seasonal variation; add restaurant facilities, receptions, gin school and gin making classes as activities and to amend the children and young persons' conditions. Mr McAllister-Hall added that he may hold pop-up tastings as well.

Eric Dearie, Licensing Standards Officer stated that the seasonal variation was similar to the previous application whereby it would be demand led.

The Chair moved to grant the application as applied for.

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

(b) Royal Bar, 8 West Clyde Street, Helensburgh, G84 8SQ

Janet Hood, Solicitor, Glasgow attended with the tenant, Jonathan Docherty. Susan Mair, Depute Clerk advised that Mary Watt, Environmental Health Officer was also in attendance.

Janet Hood spoke to the terms of the application which sought to include an external drinking area at the front of the premises which would provide seating for 8 persons and a terminal hour of 10.00pm. Ms Hood stated that the external area had been running successfully under occasional licences since August and there had been no issues and her client was looking to make it a more permanent fixture.

Raymond Park, Licensing Standards Officer advised he was reviewing the operating plan and at present had no issues with the premises.

Mary Watt advised that she was satisfied with the outside area as it was contained therefore had no objections to the application.

Kieron Green asked if bar meals would be available. Ms Hood confirmed that food would be prepared at the Riva Bar, which was 20 metres away then delivered to the premises. Keiron Green queried if this would be acceptable. Ms Watt said she would discuss the matter with Mr Docherty regarding the suitability of this service.

The Chair asked Mr Docherty if the premises were open at present and he replied no as the kitchenette was not finished but this would allow him to serve soup and sandwiches. The Chair asked Ms Watt if these food items would be classed as a main meal. Ms Watt said that it may suffice as a main meal but would require to look into the matter. The Chair wondered if food would be served throughout the day. Mr Docherty advised that the

menu from Riva Bar would be used but panninis and soup would be prepared in the new kitchenette.

The Chair enquired about planning permission for the external area. Susan Mair advised that at present there was a relaxation regarding permission until March 2021.

The Chair referred to the lamp post at the front of the premises and thought it may be an obstruction for passers-by if the external seating area was in place. Mary Watt said that this issue related to queuing at the retail premises next door therefore would not obstruct movement and there would be sufficient space for the public to comply with covid guidelines.

Rory Colville suggested that the application be granted as a temporary measure with a condition to ensure the external area would be used for seating only and subject to the relevant planning permission being granted when possible.

Jean Moffat suggested that the licence be granted subject to the kitchen being fit for purpose.

Mary Watt advised that the premises were closed voluntarily at present to await the completion of the kitchen. Mr Docherty added that the kitchen would be ready for use within a week.

Richard Trail referred to the layout plan and asked if the red line depicted the proposed licenced area. Mr Park advised yes but the delineation required to be extended beyond the yellow area to show the outside drinking area. Mr Park said the submission of an amended layout plan would clarify this.

Gordon Blair asked if taking food from another premises would be acceptable. Mary Watt advised that this would be entirely dependent on the circumstances and the premises.

The Chair said he had no issues with the application and moved to grant it subject to an amended layout plan being submitted to show the external drinking area and to include the condition suggested by Rory Colville regarding seating only. He advised that Environmental Services would be in touch with Mr Docherty regarding the installation of the kitchen.

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

(c) Slanj, Station Road, Tarbet, G83 7DA

Jane Ireland attended and spoke to the terms of the application which sought to include deliveries of takeaway food and alcohol. Ms Ireland explained that due to current circumstances, there was a demand for this type of service from locals and the holiday parks as well. She added that the initial application sought to add a stand-alone steel container; off sales and grocery shop; changes to the outside layout plan and the addition of campervan overnight provisions. She intimated she had submitted planning permission to the National Park Planning Authority but no planning permission had yet been granted. In light of this update, she had withdrawn the majority of the application for now apart from the activity related to the delivery of alcohol and takeaways from the main licensed premises.

Raymond Park, Licensing Standards Officer confirmed that the licence holder had been advised of the legislative requirements and had no issues with the application.

Richard Trail asked what type of foodstuffs would be offered. Ms Ireland said it would be mainly homemade food but she hoped to set up a pop up shop which would offer a variety of groceries. She added that planning permission had not yet been approved for the shop.

Mr Park stated that the application related to the restaurant only and the shop would operate under occasional licences meantime while the planning matters were being dealt with.

The Chair asked if alcohol would be able to be sold from the steel container. Mr Park replied yes but it would be off-sales only and that a further application would be placed before the Board at a later date to make it a permanent arrangement once planning permission was granted. The Chair noted that the premises had an off-sales facility and asked about the requirement for the container. Ms Ireland explained that the premises were only open 3 days per week and therefore the shop would be a necessity when the premises were closed.

The Chair moved to grant the application for deliveries and takeaways from the restaurant only.

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

(d) Taverna Bar, 5 Watergate, Rothesay, Isle of Bute, PA20 9AB

Wendy Ross attended on behalf of the applicant and spoke to the terms of the application which sought to: add off-sales; include an external drinking area and to increase the capacity from 100 to 130. Ms Ross advised that the outside area had been operating successfully from August to September under occasional licences. The area catered for 20 persons but this number had been reduced to 14 and she hoped that once restrictions were eased, the number could be increased to 30. She stated

that appropriate delineation had been put in place, all staff had been trained and she was aware that planning permission would be required after 31st March 2021.

Richard Gorman, Environmental Health Officer advised that he had liaised with the licence holder regarding restrictions and was of the view that the capacity of 14 was acceptable under the current circumstances. He said there were no noise issues and CCTV had been put in place.

Rory Colville, having looked at the photos, expressed concern about the proposed capacity of 30 for the external area and asked if it would be used more for standing rather than seating and suggested a condition stating 'seating only'. Ms Ross agreed although the photos were misleading as the area was larger than it looked. She admitted she had not yet tried to fit this number in the outside space but wanted to include at least one other table to accommodate at least 24 persons once restrictions have been eased.

The Chair referred to the photos and the proposed licensed area and asked if it was delineated by the first step at Guildford Square. Ms Ross replied yes but beyond the step would be more beneficial for wheelchair users although the proposed area still left a full pavement width.

Mr Park advised that he had discussed the matter with the Roads Department who advised that wheelchair access was fine at the first step and that they may facilitate a dropped kerb on the second step.

Jean Moffat said that the three steps on Guildford Square contained yellow lines and have never been a problem in the past and noted there was quite a distance to the first step from the outside area.

Ms Ross advised that plastic containers had been used up until now for the external area and wondered if glasses could be used. Mr Park advised that Police Scotland preferred toughened glass.

The Chair wanted clarification on the capacity for the outside area. Ms Ross said she would have 5 tables of 4 and a further one at a later date and would ensure that the area would not become overcrowded.

The Chair moved that the application be granted, subject to the relevant planning permission being granted next year, with a maximum of 30 persons for the outside area and to include a condition that persons must be seated when using the outside area.

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

(e) The Lido, 43 Shore Road, Innellan, Dunoon, PA23 7TJ

Having declared a non-financial interest in this matter, Audrey Forrest left the meeting.

Fiona McLean attended and spoke to the terms of the application which sought to include home deliveries of groceries and alcohol due to the current covid situation and a slight reduction in core hours of one hour per day.

Raymond Park, Licensing Standards Officer advised that the premises were under new management and would advise the licence holder of the requirements regarding the delivery of alcohol.

Rory Colville enquired about training for the volunteers carrying out deliveries. Raymond Park stated that the management would arrange for 2 hours training although this was not a requirement. Rory Colville asked if this could be added as a condition. Susan Mair, Depute Clerk advised that although training was not required, it could be referred to in the operating plan. The Chair suggested that it be noted as good practice.

The Chair noted the reduction in the operating hours and moved to grant the application as applied for.

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

Audrey Forrest returned to the meeting. Jean Moffat left the meeting due to another commitment.

(f) Machrihanish Golf Club, Machrihanish, by Campbeltown, PA28 6PT

Adele Martin attended on behalf of the applicant and spoke to the terms of the application which sought to: add off-sales; include bar meals out with core hours for breakfasts; add race nights and quiz nights as activities and to amend the layout plan. Adele Martin explained that in December 2018 the premises had been completely destroyed by fire and had since been rebuilt. She said that an extra area at the front of the premises was required for picnic tables.

Kieron Green enquired about the toilet facilities. Adele Martin advised that the ladies had their own clubhouse but they would now be using the new premises as well and there were toilet downstairs and upstairs.

The Chair moved to grant the application as applied for.

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

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

(a) Cardross Inn, Main Road, Cardross, G82 5JX

It was noted that parts 1, 2 and 3 of this application were granted at the Board meeting on 8th September but part 4 relating to the location and extent of the outdoor areas was continued to this meeting. It was also noted that two objections had been received in respect of the initial application.

David Davidson, premises manager and Andrew Morgan, director, attended. Mr Morgan explained that the proposed outdoor drinking area was no longer within the car park due to discussions with one of the neighbours and they were now applying for the lawn area beside the car park.

Due to a technical issue, the Chair lost connection to the meeting and therefore it was agreed that the Vice Chair, Rory Colville would preside over this item.

Mary Watt, Environmental Health Officer confirmed that she had no issues with the new area.

Richard Trail asked if any of the objectors were attending. Susan Mair, Depute Clerk replied that they were not but advised that both parties had been given the opportunity to attend. Richard Trail asked Mr Davidson if the objectors were now happy with the application. Mr Davidson said he had spoken to Mr Wardle and his previous concerns had been alleviated. He did know the second objector but would be happy to contact her.

The Vice Chair moved to grant the external drinking area as amended. Susan Mair, Depute Clerk advised that planning permission would be required after 31st March 2021.

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

7. ANY OTHER BUSINESS

(a) Festive Hours Policy 2020

It was agreed that, in view of the current restrictions in place, it was not necessary or appropriate to have a festive policy this year.

(b) Payment of Annual Fees 2020

Susan Mair, Depute Clerk provided a brief verbal update on the payment of annual fees. She advised that 390 payments had been received so far out of 590 and that reminder letters would be issued in the new year. A further update would be provided at the next Board Meeting on 16th February 2021.

(c) Level 2 restrictions on licensed premises

Susan Mair, Depute Clerk referred to information which had been provided to members of those premises which were now closed due to being a “drinks led public house” following the imposition of further restrictions.

Raymond Park, Licensing Standards Officer said there would be further updates as this number may rise.

The Vice Chair expressed his thanks and appreciation to the Licensing Standards Officers and Environmental Health Officers for their work in implementing the Covid 19 Regulations.

8. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 16th February 2021 at 11.00am.