

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 16 FEBRUARY 2021**

Present:

David Kinniburgh(Chair)	Roderick McCuish
Gordon Blair	Kieron Green
Audrey Forrest	Richard Trail
Kieron Green	Lorna Douglas

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 Maginnis, Police Scotland

1. APOLOGIES

Apologies were intimated by Rory Colville and Sandy Taylor.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 10TH
NOVEMBER 2020**

The minutes from the meeting on 10th November 2020 were submitted and approved.

4. APPLICATION FOR A PREMISES LICENCE

**(a) Deer Island Distillers Limited, Unit 3, The Pier Garage, Craighouse,
Isle of Jura, PA60 7XS**

Charlotte Gillett, one of the two directors of the new spirit company attended, Ms Gillett explained that they produced spiced rum and wanted, initially, to sell it on site and online but hoped to offer tours and tastings in the near future.

The Chair noted that a Building Standards section 50 certificate had not yet been received. Ms Gillett advised that she required to submit an amended plan as the premises were a new build. As a result, the Chair proposed that the application be changed to one for a provisional premises licence.

Richard Trail enquired about the extent of the licensed area. Ms Gillett advised that the area was similar to a large garage.

The Chair advised that the seasonal variation proposed was out with the Board's Policy but he had no issues with it in view of the location. He moved to grant the application as a provisional licence and, once the relevant section 50 certificate was received, it would be dealt with further under delegated powers.

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

(b) **Tigh Na Mara Guesthouse, Arinagour, Isle of Coll, PA78 6SY**

The applicant, Paula Jean Smalley attended and referred to the difficulties posed by the Covid 19 restrictions over the last 12 months which had affected the business as they were unable to offer evening meals. Ms Smalley wanted to extend the service by offering alcohol with meals.

Roddy McCuish stated that, in his view, the premises were well run and highly regarded.

The Chair moved to grant the application as applied for.

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

5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) **Cairnbaan Hotel, Cairnbaan, Lochgilphead, PA31 8SJ**

Christine Dobson attended and spoke to the terms of the application which sought to extend the outside drinking area and to include takeaways as an activity. Ms Dobson explained that, due to the pandemic, she wanted to be prepared this time, hence the offering of a takeaway service whereby orders and payment would be carried out over the phone and a number of collection points would be available at the premises, depending on current restrictions. She referred to the outside area and stated that there was a high demand in the summer months. She said the proposed area was part of the car park and would still be used as such in inclement weather.

Eric Dearie, Licensing Standards Officer referred to the photographs which he had provided showing the front and side areas of the premises. He advised that there had been a potential issue regarding the path which served as a fire escape route and had been included in the licensed area. He understood, however, that this issue had now been resolved.

Richard Trail enquired as to the capacity for the area and Ms Dobson replied that it was currently set at a maximum of 20

The Chair referred to the two hatched areas on the layout plan. Ms

Dobson advised that this was an error as the second hatched area to the left of the premises was in fact for staff parking. She confirmed that notices would be displayed at the fire exit and staff would ensure that the path was kept clear at all times. The picnic tables would have built in seating and would be hard to move due to their weight. The Chair asked if the area could be easily delineated and Ms Dobson said that it was kerbed which made the path clearly visible.

Richard Trail enquired about the fire exit plan which was at the west side of the premises and wondered how people could egress from there. Mrs Dobson referred to the layout plan where there were two fire exits, one on the landing and one on the first floor with stairs from each entrance which ran along the back of the premises to an open shed.

Gordon Blair referred to the photographs and asked if the exit points were on the upper area. Mrs Dobson advised that one exit was over the shed and the second exit was from the outbuildings which were made from stone and slate.

The Chair asked if planning permission had been sought. Ms Dobson said she had received no indication that this was necessary but would be happy to look into the matter.

Susan Mair, Depute Clerk suggested that it may be worth contacting planning to find out if anything was required particularly as there was a potential loss of parking.

The Chair noted that a terminal hour of 11.00pm was sought for the external area and asked Ms Dobson if she would be agreeable to amending this to 10.00pm for adults and 8.00pm for children and young persons to reflect the Board's policy. Ms Dobson agreed.

The Chair moved to grant the application with the amended times for the external area and subject to any relevant planning permission being obtained once the current relaxation has come to an end.

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

(b) **Dalavich Social & Recreational Club, Dalavich, by Taynuilt, PA35 1HN**

It was noted that it had not been possible to contact the relevant person who was going to speak to the application which sought to:- amend the core opening hours; change part (A) of the seasonal variation and to amend the children and young persons' terms.

Eric Dearie, Licensing Standards Officer referred to his report and advised that the premises were well run and he had no concerns with the application.

The Chair moved to grant the application as applied for.

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

(c) **Etive Restaurant, 43 Stevenson Street, Oban, PA34 5NA**

The applicant, John McNulty attended with his business partner, David Lapsley and spoke to the terms of the application which sought to add off-sales hours and to include takeaways and deliveries of food and alcohol. Mr McNulty advised that they wanted to adapt to the current times and that was why these changes were needed.

Raymond Park, Licensing Standards Officer advised that he had discussed the relevant legislative requirements in relation to remote sales and the delivery of food and alcohol with the applicant.

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) **Tarbert Bowling Club, Campbeltown Road, Tarbert, PA29 6SX**

Catriona Wilkinson, Treasurer, attended on behalf of the applicant and spoke to the terms of the application which sought to include a licensed area around the perimeter of the bowling green. Ms Wilkinson thought an external area would be beneficial to the club, especially under the current circumstances and would only be used until 7.00pm when bowling competitions were being held.

The Chair moved to grant the application as applied for with a terminal hour of 10.00pm for adults and 8.00pm for children and young persons.

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

(e) **Taynuilt Hotel, Taynuilt, Argyll, PA35 1JN**

Sandy Murray, Solicitor, Oban attended on behalf of the applicant. Calum Maclachlainn, one of the directors, also attended. Mr Murray spoke to the terms of the application which sought to include two external drinking areas, one at the front of the premises and the other at the side of the premises, adjacent to an old building. After substantial consultations with the Council's Roads Services, Transport Scotland, Environmental Services and Police Scotland it was decided that a fixed barrier would be created with large planters at the front. At the side of the premises, Environmental Services had identified a gap in the wall at the burn but Mr Murray confirmed this would be covered by a barrier.

Raymond Park, Licensing Standards Officer had outstanding concerns, especially on how the entrance to the area would work and wondered if the Roads Department and Environmental Services were satisfied with the safety aspects.

Sergeant Wendy Maginnis, Police Scotland echoed Mr Park's concerns.

She asked how both areas would be delineated and how vehicles would enter and exit these areas.

Richard Trail thought that planters would not be an adequate barrier for the front area next to the main road and that a more substantial barrier would be more appropriate.

Mr Maclachlainn advised that, historically he understood that there had been accidents on this part of the main road but stressed that Police Scotland and the Roads Department were happy with the planters although he stated he would not have a problem with erecting a more substantial barrier if that was required.

Mr Murray added that, previously the front area had been used for parking, with vehicles reversing onto the main road and that changing the use of this area to the provision of seating would be safer.

Richard Trail referred to concerns regarding the burn with the part built wall and asked what their intentions were for this area. Mr Maclachlainn said he was happy to erect a barrier to ensure the safety of his customers. Mr Park referred to the photograph of the wall and noted that there had been no follow up regarding this matter since 28th January 2021. Mr Maclachlainn advised he had no further discussions with Environmental Services since then but there had been a suggestion of a wooden barrier.

The Chair referred back to the reports of accidents and asked Sergeant Maginnis if she was aware of these. She advised that she was not but was aware of incidents where people were walking on the main road.

The Chair noted that there appeared to be conflicting responses from the Roads Department and Transport Scotland. Mr Maclachlainn advised that Transport Scotland had concerns about the front area but agreed that if planters were placed around the area and were joined together this would be safer.

The Chair asked about the number of tables that would be situated within each area and Mr Maclachlainn replied 5 to 6 at the front and 8 to 9 at the side.

Richard Trail referred to the ruinous building mentioned in the Licensing Standards Officer's report. Mr Maclachlainn explained that it had no roof; the walls were approximately one foot high and the gable end had an archway with a door, which he was going to remove. He said he would ensure that it was made safe and his plan was to retain it for use as part of the external area.

The Chair asked Mr Maclachlainn if he would feel comfortable having children and young persons in the front area. Mr Maclachlainn said, at present, it was dangerous but gave an assurance that the area would be made safer.

The Board adjourned to consider the application further. On resuming, the

Chair moved to grant the application as applied for subject to the following conditions:-

- (1) A continuous and robust barrier shall be erected to separate the external area to the front of the premises from the A85 trunk road. The specification of the barrier shall be determined by the trunk roads authority and it shall be installed to their satisfaction. The external area shall not be permitted to come into operation until the said barrier is installed;
- (2) The external area to the side of the premises is not permitted to come into operation until such time as the wall to the side of the burn is fully reinstated to the satisfaction of Environmental Health Services together with the installation of any additional safety measures as may be specified by Environmental Health Services;
- (3) The terminal hour for both external areas shall be 10.00pm for adults and 8.00pm for children and young persons;
- (4) Submission of a Covid-19 risk assessment and noise management plan; and
- (5) Any necessary planning consents to be obtained once the current relaxation comes to an end.

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

6. 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.

7. ANY OTHER BUSINESS

(a) Report by the Depute Clerk on the payment of annual licensing fees.

Susan Mair, Depute Clerk spoke to her report on the payment of annual fees. She advised that reminder letters had been issued at the beginning of the year and as a result, further payments had been received. There were now about 81 premises where payments were still outstanding.

Following discussion, the Board agreed the recommendations at 4.1.to 4.4 and noted that a further reminder letter would be issued and an update on the position would be provided to the next Board meeting on 27th April.

8. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 27th April 2021 at 11.00am.