

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the SKYPE  
on TUESDAY, 22 JUNE 2021**

**Present:**

David Kinniburgh (Chair)	Kieron Green
Rory Colville	Roderick McCuish
Gordon Blair	Richard Trail

**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 Sandy Taylor and Jean Moffat

**2. DECLARATIONS OF INTEREST**

Richard Trail declared a non-financial interest in Agenda item 5 (i) (Application for Major Variation of a Premises Licence- The Clyde Bar, 62-64 West Clyde Street, Helensburgh G84 8AX).

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 27TH  
APRIL 2021**

The approval of the Minutes of 27<sup>th</sup> April, 2021 and 22<sup>nd</sup> June 2021 were continued to the September Board Meeting.

**4. APPLICATIONS FOR A PREMISES LICENCE**

**(a) 11A Main Street, Tobermory, Isle of Mull, PA75 6NU**

The applicant Thomas Watt attended and explained he had set up a small microbrewery located at the rear of the premises and a shop to the front offering local beers, tastings and online sales.

Eric Dearie, Licensing Standards Officer advised that this was a standard application with off-sales, tastings and online sales.

The Chair noted that two objections had been received from the following members of the public- Kirsty Blackhall, Tigh na Mara, 10 Main Street, Tobermory, Isle of Mull, PA75 6NU (Appendix 1) and Iain Malcolm, Tigh

na Mara, 10 Main Street, Tobermory, Isle of Mull, PA75 6NU (Appendix 2). It was noted that neither objector was present.

Richard Trail noted that both objections referred to the nearby Co-op which sold alcohol until 10p.m. and the potential for noise pollution from the microbrewery. He was of the view that there was unlikely to be much noise from the operation of the microbrewery.

Thomas Watt advised that he intended to close at 8.00pm rather than the 10.00pm applied for and in the quieter months he would close at 6.00pm.

The Chair enquired about the growlers. Mr Watt explained that these were 4 pint containers which were sealed and for consumption off the premises.

The Chair moved to grant the application subject to the description of the premises being amended as per the Licensing Standards Officer's report; the seasonal variation being withdrawn; the inclusion of the activities of online sales and tastings and the deletion of the children and young persons' terms.

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

**(b) Caledonia Bistro & Deli, 31 Marine Road, Port Bannatyne, PA20 0LL**

The applicant, Azmi Donia attended and said that she ran a small café/bistro and wanted to expand the business.

Raymond Park, Licensing Standards Officer said that this was a well-established premises and he had no issues with the application.

Susan Mair, Depute Clerk confirmed that the Section 50 certificates in respect of planning and food hygiene had now been received.

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

**(c) Coll Stores, Arinagour, Isle of Coll, PA78 6SY**

The applicant, Paula Anne Jamieson attended and explained that the premises were formerly the Island Stores which had closed last year and were the only grocery store on the island. Ms Jamieson referred to the trading times of 10.00am to 10.00pm and although she was not planning on opening these hours all the time, she wanted flexibility due to the differing arrival times for boats and ferries.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 3) and said that this was another standard application which included online sales and tastings and 1.94% of the total retail area was given over to the display of alcohol which was well within Board policy.

The Chair moved to grant the application as applied for subject to the amendments referred to in the Licensing Standards Officer's report.

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

(d) **County Garage, 2 Millknowe Road, Campbeltown, PA28 6HA**

Stewart Gibson of SG Licensing attended on behalf of the applicant, Highland Fuels Limited. Mr Gibson advised that the business had been operational since 1957 and had 15 sites across Scotland, 4 of which are licensed. He referred to the objection from Campbeltown Community Council and explained that the application was to increase the competitive market, enabling more choice for his client's customers. He added that they were experienced retailers and had sufficient staff available to monitor the premises.

Eric Dearie, Licensing Standards Officer referred to his report and advised that he had no issues with the application.

The Chair referred to the objection received from Campbeltown Community Council by e-mail dated 4<sup>th</sup> June, 2021 (Appendix 4). It was noted that there was no-one in attendance on behalf of the Community Council.

Rory Colville advised that it was a well-run premises. He enquired if the alcohol display areas could be closed off out with the licensed hours. Mr Gibson advised that the spirits would be located behind the counter and the chiller cabinets would have locked shutters.

The Chair asked for confirmation of the percentage figure of the retail area given over to the display of alcohol and Mr Gibson responded that it was 7.92%.

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

(e) **Hermitage Park Pavilion, 102 Sinclair Street, Helensburgh, G84 8TU**

The applicant, Jamie Nicholson attended and advised that the business was a restaurant/café within the newly built community hub with facilities for dining both inside and out. He was looking to sell alcohol from local sustainable breweries.

Raymond Park, Licensing Standards Officer said this was a standard application and the applicant was looking to expand in the near future as there was ample room for functions. The external area was delineated and he had no issues with the application.

Rory Colville noted that there was no reference to the terminal hour for the outside drinking area but Mr Park advised that this was not necessary as the premises closed at 10.00pm but thought it should be stated on the

licence in case extended hours were applied for in the future.

The Chair referred to the existence of the local bye-laws prohibiting the consumption of drinking in public places which apply to Hermitage Park and stressed that customers would be unable to consume alcohol in the park.

Mr Nicolson confirmed that he was aware of the byelaws and he would ensure that this was highlighted to customers. The off-sales licence was mainly required to allow customers to take away unfinished bottles of wine after dining.

The Chair moved to grant the application as applied for subject to the Board's policy of a terminal hour of 10.00pm for adults and 8.00pm for children and young persons in respect of the external area.

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

(f) **Kirn Variety Store, 2 Marine Parade, Kirn, Dunoon, PA23 8HE**

Archie MacIver, Solicitor, Glasgow attended on behalf of the applicant. He explained that the application was to reinstate the previous licence which was surrendered some time ago. Mr MacIver advised that it was a convenience store with a 3.6% of alcohol display area with the spirits behind the counter and beer/lager etc. adjacent to this.

Eric Dearie, Licensing Standards Officer stated that he had no concerns with the application.

The Chair moved to grant the application as applied for and to include the proposed wording relating to activities suggested in the Licensing Standards Officer's report (Appendix 3).

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

(g) **Poppies Garden Centre, Saulmore Shore, by Oban, PA37 1PU**

Allan MacAskill, Agent, Oban attended on behalf of the applicants, Gary and Marion McPherson, who were also in attendance. Mr MacAskill advised that the well –established premises comprised of a restaurant, gift shop and garden centre.

The Chair advised that the application would be treated as a provisional application due to the lack of a Section 50 certificate from Building Standards.

Rory Colville noted that the licensed hours being sought were a considerable increase in the hours which he understood the premises currently operated and asked if the restaurant, gift shop and garden centre would be utilised at these times.

Gary McPherson said that, due to current covid restrictions, they open until 6.00pm but they anticipate it would just be the restaurant which would open later.

Rory Colville enquired about the nature of live performances. Mr McPherson advised that it would be guitar/acoustic performances only and on an occasional basis.

The Chair moved to grant the application as applied for subject to the amendments set out in the Licensing Standards Officer's report (Appendix 3).

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

**(h) The Blairmore, Shore Road, Blairmore, Near Dunoon, PA23 8TJ**

The applicant Helen Dick attended and advised that this was a new small scale business which started on 12<sup>th</sup> May 2021. She wanted to offer wine and local ales with meals.

Raymond Park, Licensing Standards Officer advised that the proposed seasonal variation of April to October differed slightly from the Board's Policy and the capacity should be between 40 - 50 persons at any one time.

Richard Trail referred to the seasonal variation and asked if it was the intention to close several days per week. Ms Dick said it was a family run business so they would require to take some time off during the winter months. She added that the trading hours would be well advertised in advance.

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

**5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE**

**(a) Brambles, Main Street West, Inveraray, PA32 8TH**

The applicant Victoria Thomson attended and spoke to the terms of the application which sought to: extend the terminal hour for on –sales from 4.00pm to 5.00pm Monday to Sunday and to include a change to the seasonal variation to enable opening time until 10.00pm between 3<sup>rd</sup> June and 28<sup>th</sup> August each year, excluding Sundays.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 3) and noted the seasonal variation. He suggested that 'high and low season' should be included to reflect what the applicant proposes. He also noted the terminal hour of 10.00pm for children and young persons but as the premises were a restaurant, he wondered if the Board may wish to allow this.

Rory Colville referred to the extended opening times in the summer months and advised that other premises sought off-sales to allow unfinished bottles to be taken away by customers. Ms Thompson said that would make sense but she had not thought of that.

The Chair thought that perhaps the seasonal variation was the wrong way round. He suggested that the normal opening times should be 11.00am to 10.00pm and that the seasonal variation should state the reduced opening hours. Mr Dearie agreed this would make more sense.

Susan Mair, Depute Clerk advised that off-sales had not been applied for and would normally require a further variation application but suggested that if it was restricted to allowing customers to take away unfinished bottles of wine then, this could be considered by the Board.

The Chair moved to grant 11.00am to 10.00pm, Monday to Saturday and 11.00am to 5.00pm on a Sunday from 3<sup>rd</sup> June to 28<sup>th</sup> August; 11.00am to 5.00pm, Monday to Sunday from 29<sup>th</sup> August to 2<sup>nd</sup> June and to include off sales opening hours of 11.00am to 10.00pm but restricted on the basis suggested by the Depute Clerk.

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

(b) **Cot House Services, Cot House, Dunoon, PA23 8QT**

The applicant, Scott Murray attended and spoke to the terms of the application which sought to extend the commencement hour for off-sales on a Sunday from 12.30pm to 10.00am due to tourist demand.

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

(c) **Kilfinan Hotel, Kilfinan, Near Tighnabruaich, PA21 2EP**

The applicant Chris Harrop attended and spoke to the terms of the application which sought the following:- to change the commencement hour for on-sales from 11.00am to 12.00pm, Monday to Saturday and from 12.30pm to 12.00pm on a Sunday; to add off-sales hours from 10.00am to 10.00pm Monday to Sunday; to include club or other group meetings, recorded music, live performances, gaming, indoor/outdoor sports and outdoor drinking as activities on the licence; and to change the layout plan to add an external licensed area. Mr Harrop explained that he was the new owner and wanted to revise the licence and utilise the outdoor area to offer a range of events.

Raymond Park, Licensing Standards Officer advised that this was an expanding business which would include dances and wedding facilities although there were some issues regarding certain areas of the external area. He added that Environmental Health Services had proposed certain conditions which should be satisfied prior to those areas being used.

The Chair enquired about the nature of live performances and Mr Harrop advised that it would be local bands/acoustic only for low key events. There would be no amplified music.

The Chair moved to grant the application as applied for subject to the conditions proposed by Environmental Health Services.

Susan Mair, Depute Clerk stated that the conditions would be included on the licence.

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

(d) **Lidl Store, Soroba Road, Oban, PA34 4HY**

Andrew Hunter, Solicitor, Glasgow attended on behalf of the applicant and spoke to the terms of the application which sought to: increase the capacity of the alcohol display area for the period 1<sup>st</sup> December to 2<sup>nd</sup> January each year., The additional capacity being sought during seasonal trading was 9.54m<sup>2</sup> and the change to the layout of the premises would result in an increase in capacity from 46.53m<sup>2</sup> to 56.01m<sup>2</sup>. Mr Hunter advised that his client was renovating all Scottish stores due to customer demand.

Eric Dearie, Licensing Standards Officer had no issues with the application and referred to his suggested wording in his report (Appendix 3).

The Chair moved to grant the application as applied for subject to including the wording as set out in the Licensing Standards Officer's report.

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

(e) **Loch Melfort Hotel, Arduaine, PA34 4XG**

The applicant, Calum Ross attended and spoke to the terms of the application which sought to include an external drinking area and to change the layout plan accordingly.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 3) and the suggested wording regarding the outside area.

The Chair moved to grant the application to include the suggested wording in the Licensing Standards Officer's report.

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

(f) **Lodge Dunoon Argyll No. 335, The Masonic Hall, 145 Argyll Street, Dunoon, PA23 7DD**

The applicant, Andrew Gillick attended and spoke to the terms of the application which sought to include a small area to the rear of the premises for outdoor drinking. Mr Gillick advised that this was to allow smokers to take their alcohol outside.

Raymond Park, Licensing Standards Officer advised that there was a capacity of 4-6 for the area which was fenced off and Environmental Health Services had no noise concerns.

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

(g) **Oban Livestock Centre, Upper Soroba, Oban**

The applicant, Virginia Sumison attended and spoke to the terms of the application which sought to add off-sales from 11.00am to 8.00pm. Monday to Sunday. She advised that this would help promote local food and drink and allow her customers to sell their products.

Eric Dearie, Licensing Standards Officer advised that this was a well-established business and that the alcohol display area was only 4.23% of the retail space.

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

(h) **Rosies Rolls, 46-48 Main Street, Campbeltown, PA28 6AD**

The applicant William Brodrick attended and spoke to the terms of the application which sought the following:- add on-sales from 10.00am to 10.00pm Monday to Sunday; to extend the terminal hour for off-sales from 5.30pm to 10.00pm, Monday to Saturday and the addition of off-sales on a Sunday from 10.00am to 10.00pm; to include the property next door; the addition of terms for children and young persons and to include a small outdoor drinking area to the front of the premises. Mr Brodrick advised that he wanted to try and build the business up again and confirmed that the external area would be delineated by barriers.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 3) with suggested wording and changes to the description of the premises.

The Chair noted that two objections had been received- one from Campbeltown Community Council by e-mail dated 4<sup>th</sup> June, 2021 (Appendix 5) and the other from Mary Peakman, 44 Main Street, Campbeltown received on 7<sup>th</sup> June, 2021 (Appendix 6). It was noted that neither objector was present.

Mr Brodrick advised that he was only extending the opening hours to an existing licensed premises.



Rory Colville stated that he was supportive of the application but, as the premises were in a residential area, he asked Mr Brodrick if he would consider a terminal hour of 8.00pm for the outdoor area rather than 10.00pm. Mr Brodrick confirmed he was happy to agree to this change.

The Chair advised that it was likely planning permission would be required for the external area. Mr Brodrick advised that he had been in touch with planning and he agreed that he would make contact with the relevant person in Roads Services regarding the requirements for the barrier to delineate the external area.

The Chair moved to grant the application as applied for subject to a terminal hour of 8.00pm in respect of the external area.

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

(i) **The Clyde Bar, 62-64 West Clyde Street, Helensburgh, G84 8AX**

Having declared a non-financial interest in this matter, Richard Trail left the meeting.

The applicant, John Rapallini attended and spoke to the terms of the application which sought to extend the terminal hour for the external area to the rear of the premises to 10.00pm and to add a further outdoor drinking area to the front of the premises on the pavement with a terminal hour of 10.00pm. Mr Rapallini advised that his previous application in relation to a 10.00pm terminal hour for the rear external area had been refused previously by the Board on the basis of an objection from a neighbour who lived above the premises. The neighbour has since moved, however, and there are no objections to this application.

Raymond Park, Licensing Standards Officer advised that the new external area at the front had been running successfully on occasional licences with no complaints and the terminal hour of 10.00pm was in line with other premises. He added that planning permission had only been granted until 9.00pm for the front area.

The Chair advised that it was his understanding if, this application was approved by the Board, then there were further steps which Mr Rapallini would require to take to regularise the planning position. Mr Rapallini advised that he was waiting to hear back from Planning Services in that regard.

The Chair moved to grant the application as applied for with a 10.00pm terminal hour in respect of both the front and rear external areas subject to the planning issues being resolved.

Susan Mair, Depute Clerk advised that occasional licence applications could be submitted for the additional hours meantime.

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

## **6. REVIEW OF PREMISES LICENCES - NON-PAYMENT OF ANNUAL FEE**

Susan Mair, Depute Clerk referred to the list of outstanding payments and advised that two have since paid, leaving a total of 5 outstanding. She advised that it had been agreed in the past to send a final letter requesting that payment be made within 7 days and if not received, then the premises licence would be revoked. The Licensing Standards Officers had tried to contact the premises, two of which may be closed.

Gordon Blair enquired about the grant support funding which was in place to help businesses. Ms Mair confirmed that all businesses had been directed to this and that many premises had accessed availability to these grants.

Having considered the foregoing, the Board agreed to issue a final letter to the relevant premises on the basis set out by the Depute Clerk.

## **7. 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 their licence was noted and the Board agreed to revoke their licence.

## **8. ANY OTHER BUSINESS**

It was noted that there was no other business.

## **9. NEXT LICENSING BOARD MEETING**

The next meeting of the Licensing Board will be held by Skype on Tuesday 7<sup>th</sup> September 2021 at 11.00am.