

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 7 SEPTEMBER 2021

Present:

David Kinniburgh (Chair)	Roderick McCuish
Rory Colville	Jean Moffat
Gordon Blair	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
Mark Parry, Environmental Health Officer
Sergeant Wendy Maginnis, Police Scotland

1. APOLOGIES

Apologies were intimated from Sandy Taylor.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETINGS OF 27TH APRIL AND 22ND JUNE 2021

The minutes of the meetings held on 27th April 2021 and 22nd June 2021 were submitted and approved.

4. APPLICATIONS FOR A PREMISES LICENCE

(a) Cu Mara Bistro & Take Away, Shore Road, Arrochar, G83 7AB

Susan Mair, Depute Clerk advised that the Section 50 Certificate relating to building standards had not yet been received and therefore the application would require to be dealt with as an application for a provisional licence.

The applicant, Derek Beeson-Butcher attended and explained that this was a new bistro operating as a takeaway which included an external drinking area with a capacity of 16.

Raymond Park, Licensing Standards Officer said that this was a well-

established premises and was well supported by the community. He added that he had no issues with the outside area which would be operated as per the Board's policy.

Rory Colville noted that off-sales was not being sought and asked if the applicant had considered this to allow customers to take away unfinished bottles of alcohol. Mr Beeson-Butcher said that he was concerned that this may cause a litter issue and also he was aware that the local store offered an off-sales facility. He would ensure that customers finish the alcohol before leaving.

The Chair asked if the applicant was happy with a commencement time of 11.00am for on-sales. Mr Beeson-Butcher advised that he had applied for 10.00am in error and had no problem with this being amended to 11.00am.

The Chair referred to the outstanding building standards certificate. Mr Beeson-Butcher advised that building standards wished to arrange a site visit in relation to the provision of toilet facilities.

Susan Mair, Depute Clerk confirmed that it would be considered as a provisional application and then could be confirmed under a delegated basis once the section 50 building standards certificate had been received.

The Chair moved to grant the application as applied for with a commencement time of 11.00am for on-sales.

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

(b) Yellow Hare, Gott Pier, Isle of Tiree, PA77 6TN

The applicant, Kate MacLeod attended and advised that she wanted to be able to sell local alcohol in her small coffee and gift shop which was located at the pier. She said she would also like to sell alcohol online.

Raymond Park, Licensing Standards Officer advised that the total alcohol display would be 4.5m² which was 10% of the total retail space given over to the display of alcohol. He had no issues with the application.

Rory Colville enquired about the online sales. Ms MacLeod advised that these would generally be seasonal gift packs including food and miniatures.

The Chair asked if the 10% figure was the norm. Raymond Park, Licensing Standards Officer advised that this was the Board's generally accepted maximum.

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

5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) **Inveraray Castle Tearoom and Gift Shop, Inveraray Castle, Inveraray, PA32 8XE**

The applicant, Torquil Campbell, Duke of Argyll attended and spoke to the terms of the application which sought to:- vary the core hours for on sales and off sales; to amend the seasonal variation; change type of events; change the layout plan and to include various activities. Mr Campbell advised that the premises was one of the premier attractions in Scotland but it had lost a considerable amount of income during the lockdown period. Mr Campbell referred to the current operating plan and, since he had taken over as premises manager, he was looking to expand the range of facilities and activities available, including pre-booked tours and hampers with wine and champagne. He added that the internal areas were restricted and therefore he would like to utilise more of the outdoor space for events such as weddings.

Raymond Park, Licensing Standards Officer advised that he has liaised with the applicant from the outset and he had no issues with the application.

Rory Colville referred to the five licensing objectives and asked how the hampers would be monitored. Mr Campbell explained that they would be pre-booked items only and for consumption within the castle grounds.

The Chair asked about the type of live music that was envisaged. Mr Campbell advised that this would be mainly ceilidh bands for weddings and could be indoors or outdoors. There would be no amplified music. It was not intended to hold festivals or large outdoor events.

The Chair asked the Depute Clerk whether a noise management plan would be appropriate. She confirmed that it would be and the Council's Environmental Health Service could assist with this.

The Chair referred to the seasonal variation. Mr Campbell explained that the Castle's number one model was tourism but he wanted to have the flexibility to run the occasional event over the winter months which was very dependent on demand.

The Chair moved to grant the application as applied for subject to the provision of a noise management plan.

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

(b) **Lochavullin Bar, Combie Street, Oban, PA34 4HS**

The applicant, Michael Durkin attended and spoke to the terms of the application which sought to add bar meals and restaurant facilities and to permit children and young persons on the premises from 12.00pm to 8.00pm if they were having a meal. Mr Durkin explained that he wanted to

be able to hold small scale events such as funeral parades and birthday parties and to offer food for his customers, including children and young persons, at these events. He anticipated that there might be 1 or 2 events a month and children and young persons would only be permitted on the premises when an event was being held. He added that children and young persons would be restricted to the lounge bar area.

Raymond Park, Licensing Standards Officer asked the Board to consider the wording in his report (Appendix 1). He referred to the Environmental Health report which mentioned a complaint but his understanding was that this had now been dealt with.

Roddy McCuish asked about the shortest route to the male toilet facilities.. Mr Durkin advised it was about a three quarters of a metre walk. Roddy McCuish also enquired about the kitchen facilities and Mr Durkin advised that it was a new kitchen but it had never been used. Mr McCuish wondered if the close door had a keypad. Mr Durkin confirmed that this would be put in place.

Rory Colville referred to the layout plan which indicated that there were two fruit machines within the premises. Mr Durkin advised that there was one in the public bar and therefore children and young persons would not have access to it. There had been another one in the lounge bar but this had been removed when he took over the running of the premises.

The Chair referred back to the shortest route to the male toilets and asked if this was the main route. Mr Durkin advised that the majority of his customers used this route and that signage for the toilets was in place.

The Chair referred to the complaint mentioned in the report from Environmental Health Services and asked Mark Parry, Environmental Health Officer to confirm whether it was a complaint or an objection. Mr Parry advised it was a complaint. The Chair asked Mr Parry that after visiting the premises, did he find everything acceptable. Mr Parry said it was an arranged visit and he had no issues or concerns.

The Chair moved to grant the application as applied for subject to including the suggested wording as per the Licensing Standards Officer's report; to add a condition that appropriate signage be maintained directing customers to the toilet facilities; and to include a condition that children and young persons are permitted in the lounge bar area of the premises from 12.00pm to 8.00pm but only when an event/ function is taking place at which food is being provided.

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

(c) **Lochside Hotel, Shore Street. Bowmore, Isle of Islay, PA43 7LB**

Alexander Murray, Solicitor, Oban attended on behalf of the applicant and spoke to the terms of the application which sought to: amend the description of the premises to add the words "outside drinking area to rear

of premises”; change the opening hour for off-sales on a Sunday to 10.00am and to add an external licensed area and change the layout plan to show this. Mr Murray advised that the Licensing Standards Officer had highlighted that the outside area had not been included within the licensed area and his client had been using the area by way of occasional licence applications. He further advised that the capacity of the external area was 50 persons.

Raymond Park, Licensing Standards Officer stated that the premises had been operating successfully under occasional licences.

Rory Colville referred to the 10.00am Sunday opening and asked if this was due to demand. Mr Murray explained that this was decided by himself rather than his client to bring the premises in line with others. He said he could remove this if it was an issue.

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

(d) **St. Columba Hotel, Isle of Iona, PA76 6SL**

Rick Johnston, premises manager attended and spoke to the terms of the application which sought to: include the premises known as St Columba's Larder in the premises licence for St Columba's Hotel; change the layout plan to include St. Columba's Larder; amend capacity to take into account the off sales capacity for St Columba's Larder; amend off-sales core hours to start at 10.00 am; amend seasonal variation; amend children and young persons' conditions and to add further activities. Mr Johnston said he wanted to amalgamate both premises into one licence which would make it easier to manage and that the 10.00am Sunday opening had previously been in place for the hotel.

Raymond Park, Licensing Standards Officer advised that it made sense to bring the two premises under one licence and confirmed he had no issues with the application.

Rory Colville asked if the requirement for champagne breakfasts was demand led. Mr Johnston advised that there was not a huge demand. It was generally for anniversaries and weddings.

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

(e) **Kidstons, Kidston Park, Rhu Road Lower, Helensburgh, G84 8SF**

It was noted that the applicant Tracy Campbell had submitted a request by email to be excused from attending the meeting due to staff shortages.

Raymond Park, Licensing Standards Officer explained that the application sought to: change the name of the premises to 'The Beachcomber'; add off-sales; add pick-up and delivery of food and drinks and amend the

wording in the children and young persons' conditions. Mr Park said Ms Campbell was extremely busy as she was working on her own at present due to covid restrictions.

The Chair referred to the ice-cream takeaways and wondered if there was a hatch at the rear of the premises and asked if children and young persons could sit inside. Mr Park stated that there was a hatch near the seated area and that children would be able to enter the premises but would require to be accompanied by an adult.

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

(f) **The Harbour Inn and Restaurant, The Square, Bowmore, Isle of Islay, PA43 7JR**

Peter Lawson and Anna Fox, Solicitors, Glasgow attended on behalf of the applicant. Alison Gray, Operations Supervisor for the premises also attended. Mr Lawson spoke to the terms of the application which sought to: add off-sales Monday to Sunday 10.00am to 10.00pm; amend on-sales to begin from 10.30am Monday to Sunday; amend the seasonal variation; add films, televised sport, outdoor drinking facilities and spirit tastings as activities; amend the children and young persons' conditions; change the layout plan to show the outdoor drinking area; amend the description of the premises and increase capacity to take into account the outdoor drinking area. Mr Lawson explained that his client also operated Bowmore Distillery amongst others and that the external area was previously a garden area at the rear of the premises. Mr Lawson advised that this space had been used since June under occasional licences which had proved successful. The off sales was to allow customers to purchase their whisky produced at the distillery and to take away unfinished bottles after a meal. He said that the 10.30am opening for on-sales was to offer customers a cocktail etc with their brunch but if the Board had any concerns regarding this, his client would be happy to leave the opening time at 11.00am.

Raymond Park, Licensing Standards Officer said that the application was in line with the Board's policy with the exception of the 10.30am opening time for on-sales. Mr Park referred to his report (Appendix 1) and the suggested wording for children and young persons' conditions and confirmed he had no issues.

Sergeant Wendy Maginnis, Police Scotland referred to her representation (Appendix 2) which related to the 10.30am opening time which was out with the Board's policy.

Richard Trail asked if the premises were adjacent to the distillery or near any neighbouring properties. Mr Lawson advised that there were properties nearby.

Rory Colville expressed the view that there was no clear demand for a

10.30am opening time and therefore 11.00am was sufficient unless the applicant could prove otherwise.

Mr Lawson advised that his client was aware of the Board's policy and would be happy to comply with this.

Alison Gray explained that breakfast was from 7.30am to 10.00am and then brunch was offered from 10.30am onwards, hence the reason for the early opening but confirmed she was happy to leave it at 11.00am.

Gordon Blair asked if this was standard practice in other establishments. Mr Lawson said that it was for customers taking tours who would be staying at the premises and his client wanted to offer more flexibility.

The Chair moved that the application be granted as applied for subject to the commencement time for on-sales remaining at 11.00am.

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

(g) The Island Cafe, Main Street, Arinagour, Isle of Coll, PA78 6SY

Alexander Murray, Solicitor, Oban attended on behalf of the applicant and spoke to the terms of the application which sought to: amend the description of the premises; amend the core times for off-sales to 12 noon to 10.00pm; amend the wording at question 5(f) under any other activities and change on-sales capacity from 50 to 71. Mr Murray advised that his client wanted to bring the licence back to how it was some years ago when it was trading as a café. There was a need for a shop previously but now that a new shop had opened there was no longer a requirement for this.

Raymond Park, Licensing Standards Officer advised that this was a deletion of the previous shop and a tidying up exercise with a reduction in off-sales hours.

Rory Colville wanted clarity on what was previously granted and enquired about the outside area. Mr Murray advised that there were 3 tables in this area which were included in the existing licence and confirmed his client would be happy with the hours stated in the Board's policy.

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

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

The applicant Paula Jean Smalley attended and spoke to the terms of the application which sought to: increase on-sales hours; add receptions, club or other group meetings, recorded music and outdoor drinking as activities on the licence; change of layout plan to take into account the external area; include a terminal hour for the external area of 10.00pm for adults and 8.00pm for children and young persons; amend the children and

young persons' conditions and increase the capacity from 17 to 50. Ms Smalley said that customers now expected more and that there was a demand for small receptions and therefore she wanted to offer greater flexibility. She advised, however, that she was no longer seeking to extend her facilities to the general public and it would be restricted to residents and their bona fide guests. She stated that the omission of the external drinking area in the initial application was an error on her part.

Raymond Park, Licensing Standards Officer referred to the initial application which stated 'for guests only' but suggested in his report (Appendix 1) that this be amended to 'facilities available to pre booked residents and their guests only'.

The Chair moved to grant the application as applied for with the suggested wording as per the Licensing Standards Officer's report to be included in the description of the premises.

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

(i) **Tigh Na Uruisg, Upper Kilchattan, Isle of Colonsay, PA61 7YR**

The applicant Eileen Geekie attended and spoke to the terms of the application which sought to: amend the wording at Q5(f) under any other activities; to extend the opening days and hours for distillery tours from 4 days per week to 6 days per week and offer off sales for visitors who want to be able to purchase alcohol without a tour. Ms Geekie said there was increased demand for tours but they had to turn away customers as off-sales was only available for those taking the tours.

Raymond Park, Licensing Standards Officer confirmed he had no issues with the application.

Richard Trail noted that it was described as a boutique distillery and asked what size it was. Ms Geekie advised that it was an artisan distillery with a boutique hotel for up to 4 guests which customers could book for a weekend retreat.

Rory Colville asked if all tours were booked in advance and that on sales would be until 11.00pm. Ms Geekie replied that all tours had to be pre-booked and required 11.00pm for online sales. Rory Colville referred to off sales and wondered how this would be managed. Ms Geekie explained that there were 2 members of staff, one who carried out the tours and the other would deal with customers dropping in to purchase alcohol.

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

(j) **Wetherspoons, 19-29 James Street, Helensburgh, G84 9LE**

Archie MacIver, Solicitor, Glasgow attended on behalf of the applicant and spoke to the terms of the application which sought to amend the terminal hour for the external drinking area from 9.00pm to 10.00pm, Sunday to

Thursday. Mr MacIver said that the external drinking area had been in operation since May 2012 and the staff and management had good relations with the neighbouring areas. He said that his client was looking to operate the external drinking area until 10.00pm, Monday to Sunday and it would be regularly monitored by a member of staff.

Raymond Park, Licensing Standards Officer said he had no issues with the application.

Richard Trail enquired if there had been any noise complaints from neighbours. Mr Park advised that there was one complaint received in 2014 and that the Environmental Health Officer had no issues with the premises.

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. REVIEW OF A PERSONAL LICENCE

(a) Lewis Andrew Black, 39 Achlonan, Taynuilt, Oban, PA35 1JJ

It was noted that Lewis Black had advised by email that he would not be attending the meeting. The Board agreed to consider the matter in his absence.

Sergeant Wendy Maginnis referred to the letter dated 17th June, 2021 (Appendix 3) submitted by Police Scotland which stated that Mr Black had acted in a manner inconsistent with the licensing objective of preventing crime and disorder by reason of a conviction for assault to injury at Oban Sheriff Court on 21st April, 2021.

Rory Colville said that the circumstances of the incident were of considerable concern.

Roddy McCuish noted that Mr Black had been charged and subsequently found guilty and recommended suspending his licence.

Gordon Blair and Kieron Green agreed.

Susan Mair, Depute Clerk advised that the options available to the Board were - endorsement, suspension or revocation of the licence.

The Chair moved to revoke the licence which was seconded by Roddy McCuish.

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

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 (Appendix 4) 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 (Appendix 5) 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 9th November 2021 at 11.00am.