

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on THURSDAY, 8 SEPTEMBER 2022**

Present:

Kieron Green (Chair)	Councillor Mark Irvine
Mark Irvine (Vice Chair)	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Liz McCabe
Councillor Graham Hardie	
Councillor Fiona Howard	

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 David Holmes, Police Scotland

1. APOLOGIES

Apologies were intimated from Audrey Forrest.

2. DECLARATIONS OF INTEREST

It was noted there were no declarations of interest.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 28TH
JUNE 2022**

The minutes of the meeting held on 8th September 2022 were submitted and approved.

The Depute Clerk advised that a request had been received by the agents for Bowmore Distillery to continue the application, which had already been continued from the June meeting, to the November meeting. This was agreed by the Board.

4. APPLICATION FOR A PREMISES LICENCE

(a) Hinba Coffee Shop, 62 George Street, Oban, PA34 5SD

The applicant, Fergus McCoss attended and advised that the premises were a specialty coffee shop, with indoor and outdoor seating, offering high quality food and drinks.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 1) and suggested that the curfew policy of 8.00pm for children and young

person's regarding the outdoor seating area be included in the operating plan.

Having considered the foregoing the Chair moved to grant the application as applied for with the addition of the terminal hour of 8.00pm for children and young persons for the external seating area.

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

(b) **You & Sea Marine Services Ltd. Rhu Marina, Rhu, Helensburgh, G84 8LH**

Natalie Carruthers attended on behalf of the applicant. Ms Carruthers advised that they would be running boat trips and offering mainly prosecco at the customers' request.

Raymond Park, Licensing Standards Officer referred to his report (Appendix 1) and advised he had no issues with the application.

Fiona Howard asked if the trips were general cruises or private charters. Ms Carruthers said that it was a bit of both as there would be booked trips and general passengers on board at the same time. Fiona Howard enquired about the alcohol and how much would be provided. Ms Carruthers advised only one or two glasses would be offered.

Jan Brown referred to the bar meals and receptions and asked why they would be required on the operating plan. Ms Carruthers explained that the company did not want to limit the business, therefore wanted to apply for flexibility. She added that events such as stag parties would be short trips only and sought bar meals as an option to offer lunches on certain trips which would be supplied from local takeaways.

Graham Hardie enquired about the locations and serving alcohol until midnight. Ms Carruthers advised that there would be various locations, such as the Holy Loch and Loch Long, offering 3 hour trips or full day trips, whereby passengers would be allowed to leave the boat and return at a later time. The terminal hour of midnight, again, was for flexibility.

The Chair referred to the need for a food hygiene certificate and Ms Carruthers advised that she was aware of this requirement and was looking into the matter. Mr Park confirmed that Environmental Services were also aware of this.

The Chair asked if a full grant of a licence could be granted, under the circumstances, to which Susan Mair, Depute Clerk replied yes but would be subject to obtaining the relevant certificate and training.

The Chair referred to the Board's policy for external areas of 10.00pm for adults and 8.00pm for children and young persons and asked Ms Carruthers whether she would be happy with this. She replied yes but thought it may be difficult to enforce this on a boat and therefore could

ensure that late trips do not include children and young persons except for family functions.

Ms Mair referred to the Board's policy and advised that family events were held inside the premises, not externally and although the nature of the application was different, children and young persons required to be within premises by 8.00pm. She suggested that appropriate wording could be included for private functions.

Liz McClure asked Ms Carruthers how she would be able to differentiate between normal bookings and private bookings. Ms Carruthers explained that private charters would be booked in advance and a family event would be day trips which would end earlier in the evening.

Graham Hardie suggested the usual terminal hour for external areas as per the Board's policy.

The Chair asked Ms Carruthers if she would be happy with this. She replied yes but asked if it would be ok to consume alcohol after 10.00pm inside until midnight to which the Chair replied yes.

The Chair moved to grant the application with a terminal hour of 8.00pm for children and young persons and 10.00pm for adults in respect of the outside areas and midnight in respect of the indoor area and subject to the provision of a food hygiene certificate.

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

5. APPLICATION FOR A PROVISIONAL PREMISES LICENCE

(a) Iona Craft Shop & Studio, Isle of Iona, PA76 6SJ

Michael Gordon, Premises Manager attended and advised that the premises was a retail shop with a craft studio nearby. Mr Gordon said that the craft studio was a retail and gallery space, which would offer a small selection of items produced by local businesses, including off-sales of Iona Gin and ad-hoc on-sales as part of specific events.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 1) and advised that he had no issues with the application.

Having noted the foregoing, 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) **Islay Rum Distillery. Old Lemonade Factory, Port Ellen, Isle of Islay, PA42 7BZ**

Stephen McGowan, Solicitor, Glasgow attended on behalf of the applicant along with the company director, Caroline James. Mr McGowan advised that the premises were the first and only dedicated rum distillery on the island which would allow and facilitate remote and online orders. He said that production had started earlier in the year and attracted some interest and hoped it would create more employment in the area.

Graham Hardie asked about ID for online customers. Caroline James advised that the online service had not yet been set up but the appropriate age checks would be put in place and that staff had obtained their personal licences. Mr McGowan added that compliance with the standard conditions would be met such as log books etc.

Having considered the foregoing, 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

(a) **108 George Street, Oban, PA34 5NT**

Jean-Pierre Chauvin, Premises Manager attended. Simone Korber was also present. Mr Chauvin spoke to the terms of the application which sought to:- add on-sales hours; amend off-sales hours; add private tastings of alcohol with food as an activity; add children and young persons' conditions and amend the capacity.

Having considered the foregoing, 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) **Slanj, Station Road, Tarbet, G83 7DA**

Susan Mair, Depute Clerk advised that a request for this application to be continued had been received from the applicant due to an outstanding building standards issue. The Board agreed to continue the application to the November meeting.

(c) **Stratheck Holiday Caravan Park, Loch Eck, Dunoon, PA23 8SG**

Audrey Junner, Solicitor, Glasgow attended on behalf of the applicant with Gordon Walker, Operations Manager. Ms Junner spoke to the terms of the application which sought to amend the seasonal variation and add accommodation as an activity. She advised that this was to emphasise

that the premises were a holiday park and to allow her clients, who had taken over earlier in the year, to open all year round.

Raymond Park, Licensing Standards Officer advised that the new owners wanted to tidy up the operating plan and he had no issues 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.

(d) **The Anchor Tavern, Marine Road, Port Bannatyne, Isle of Bute, PA20 0LL**

Jenny O'Hagan, Premises Manager attended. The objector, Ian McKillop also attended.

Ms O'Hagan spoke to the terms of the application which sought to add bar meals, food deliveries and takeaways as activities and to add children and young persons' conditions. Ms O'Hagan explained that the premises re-opened on 13th April 2022 following a community buyout and they wanted to create a family pub for locals and tourists with all profits going back into the community. She advised that the premises had previously been operated as a wet trade pub/bar. They were looking to change the culture and offer people something different by holding film, quiz and music nights etc. and also to include food/takeaways. She advised that baby changing facilities would be put in place to comply with the legislation.

Ian McKillop, the objector stated that the main bar area was small and, when busy, there was restricted access to the toilets and advised that there were no facilities to serve meals. Mr McKillop referred to children and young persons and found it unacceptable to allow them into a wet led pub as findings from Alcohol Focus indicated that parental drinking could have an impact on children's wellbeing. He suggested that the community hub would be more suitable for children and young persons and for serving meals but there were no toilet facilities within this area.

Raymond Park, Licensing Standards Officer advised that he had carried out various discussions with both parties, Ms O'Hagan was happy with a terminal hour of 8.00pm for children and young persons but Mr McKillop wanted a separate area for them. Mr Park wondered if a compromise could be reached.

Ms O'Hagan said that she understood Mr McKillop's concerns but thought that there were very few issues and emphasised that events would be held later on in the evening.

Mr McKillop said, in principle, a terminal hour of 8.00pm would be acceptable for children and young persons and if possible, music nights could commence at 8.00pm.

Ms O'Hagan added that this was a unique model and hoped to develop it further in the near future.

Mr McKillop confirmed that he was happy with the terminal hour and that entertainment would not commence until 8.00pm.

It was noted that the Chair was having difficulty with his internet connection and therefore Mark Irvine, the Vice- Chair moved to grant the application with a terminal hour of 8.00pm for children and young persons and subject to baby changing facilities being installed.

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

(e) The Glen Bar & Restaurant, Carradale, Campbeltown, PA28 6QG

The applicant, May Currie attended and spoke to the terms of the application which sought to add a seasonal variation to allow the premises to close annually from 7th January to 24th February. Ms Currie advised that she had been reported for closing at the beginning of the year but was on holiday at the time. She therefore wanted to tidy up the application in order to make it clear on the operating plan.

Having considered the foregoing, the Vice Chair, Mark Irvine moved to grant the application as applied for.

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

It was noted that the connection issues previously experienced by the Chair had been resolved.

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(f) The Village Shop, Luss, G83 8PA

Fiona Potter attended on behalf of the applicant and spoke to the terms of the application which sought to vary the opening time on a Sunday from 12.30pm to 10.00am in line with the other days of the week and to extend the terminal hour to 7.00pm, Monday to Sunday. Ms Potter advised that the Sunday opening time had caused some confusion and therefore she wanted consistency throughout.

Raymond Park, Licensing Standards Officer also referred to the additional terminal hour of 7.00pm and stated that he had no issues with the application.

Having considered the foregoing, the Chair moved to grant the application as applied for.

(g) **Visitor Centre Shop at Laphroaig Distillery, Port Ellen, Isle of Islay, PA42 7DU**

(h)

William Sinclair, Premises Manager attended and spoke to the terms of the application which sought to:- extend the terminal hour for on-sales and off-sales to 10.00pm: change the premises manager to William Sinclair; add receptions, club or other group meetings and live performances as activities and amend the children and young persons' conditions.

Eric Dearie, Licensing Standards Officer advised that he had no concerns regarding the application.

The Chair asked Mr Sinclair if there was an external seating area to which he replied yes and it was included in the existing operating plan.

The Chair moved to grant the application as applied for, subject to the Board's policy in respect of the external seating area.

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

7. APPLICATION FOR GRANT OF A PERSONAL LICENCE

(a) **Leah McGuigan, 51B High Street, Campbeltown, PA28 6EA**

Stephen McSporrان, Solicitor, Campbeltown attended with the applicant, Leah McGuigan. Sergeant David Holmes, Police Scotland was also in attendance.

It was noted that a letter of objection, dated 8th August 2022 had been received from Police Scotland (Appendix 2).

Mr McSporrان explained the circumstances of the offence. He accepted that Ms McGuigan had been going through a difficult time in her personal life but she was in a far better place now.

Sergeant David Holmes referred to the objection letter (Appendix 2) and confirmed that Ms McGuigan had no previous convictions. Sergeant Holmes advised that the Procurator Fiscal may dispose of the case but a trial date had not yet been set.

The Chair asked Sergeant Holmes whether the objection still stood and he replied yes as Ms McGuigan was charged with possession of a class A drug.

Jan Brown asked Ms McGuigan when the application was submitted. She advised that it was in July of this year but she was not aware at the time that she had been charged with any offence.

Jan Brown asked Sergeant Holmes if it was possible that Ms McGuigan was not aware of the charge at this time. He advised that the substances found would have had to be tested and this can take some time. Once the

results were known, Ms McGuigan would have been charged but it was possible that she did not know at the time of submitting the application.

Graham Hardie said that regardless of both sides, it would be difficult to consider until the case was concluded.

Susan Mair, Depute Clerk advised that the Board could make a decision on the application today or continue the matter until the court case was concluded.

Paul Kennedy asked Ms McGuigan where she worked and what responsibilities she had. She explained that she dealt with the sale of alcohol and table service at the Royal Hotel. She added that the company wanted her to progress further within the business and that she could become premises manager in the near future. She admittedly struggled after her mum passed away but had accessed appropriate support.

Paul Kennedy wondered if the application was granted and a warning letter issued, could the matter be brought before the Board at a later date if Ms McGuigan was found guilty. Ms Mair advised that if the application was granted, it would only appear before the Board again if another objection was received.

Graham Hardie suggested postponing any decision until the conclusion of the court case. Luna Martin agreed.

The Chair said that given the nature of the charges, it would not be appropriate to grant the application at this time and moved to continue the matter until the conclusion of the court case.

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

8. GAMBLING ACT 2005

Susan Mair, Depute Clerk spoke to the terms of her report which detailed that the Board were required to review and revise their Statement of Gambling Policy and, as part of this process, to undertake a consultation exercise as set out in the report. She advised that a report on the outcome of the consultation exercise would be submitted to the November Board meeting.

She also drew the attention of members to the proposed Scheme of Delegation detailed in Appendix 3 of the Policy Statement.

The Chair moved approval of the recommendations at paragraphs 2.1 to 2.5 and, with no-one else being otherwise minded, this became the decision of the Board.

9. 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 3) who had not undertaken the required refresher training within the prescribed timescale was noted and the Board agreed to revoke their personal licences.

(b) Revocation of Personal licences where licence holders have not applied to renew their licence

The list of personal licence holders (Appendix 4) who had not submitted an application to renew their licence was noted and the Board agreed to revoke their licences

10. ANY OTHER BUSINESS

(a) Dates of Licensing Board Meetings 2023.

It was noted that, at the June meeting, the date of 21st February 2023 required to be re-arranged. The proposal for the amended date of 28th February 2023 was agreed by the Board.

(b) Festive Hours Policy 2022

The Festive Hours Policy was approved by the Board.

11. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 8th November 2022 at 11.00am.