

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 28 FEBRUARY 2023**

Present: Kieron Green (Chair) Paul Donald Kennedy
Audrey Forrest Liz McCabe
Graham Hardie Luna Martin
Jan Brown

Attending:

1. APOLOGIES

Apologies were intimated from Fiona Howard, Amanda Hampton and Mark Irvine.

2. DECLARATIONS OF INTEREST

Audrey Forrest declared a personal interest in Agenda item 5(d) (Application for a Major Variation of a Premises Licence- Kirn Variety Store, 2 Marine Parade, Dunoon, PA23 3HE)

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 8TH
NOVEMBER 2022**

The minutes from the meeting on 8th November 2022 were submitted and approved.

Susan Mair, Depute Clerk advised that the Application for a Major Variation in respect of Bowmore Distillery had been withdrawn.

4. APPLICATION FOR A PREMISES LICENCE

(a) 48 Sinclair Street, Helensburgh, G84 8TQ

Archie McIver, Solicitor, Glasgow appeared on behalf of the applicant and explained that a provisional licence in respect of these premises had been granted previously but the licence had lapsed due to some difficulties and covid. Mr McIver advised that the restaurant and bar, which included a function suite offered Italian food and had created 23 jobs.

Raymond Park, Licensing Standards Officer advised that the premises had been running successfully on occasional licences and he had no issues with the application. Mr Park referred to the external area and said that was in the consultation process at present.

Jan Brown enquired about the function suite and if the applicant had any plans for this. Mr McIver advised that it would be rented out but, to date, no functions had taken place. There were 3 or 4 pre-booked events in the pipeline and stressed that they would only be small events. Jan Brown

wondered what security would be in place and Mr McIver advised that the premises would be monitored, if and when required.

Paul Kennedy referred to the external area. Mr McIver said that it was not a large area but permission had still to be received from the Council's Roads Services. Paul Kennedy asked Mr McIver if events would take place on a regular basis to which he replied no, it would be as and when required, depending on demand.

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) **Day Today Inveraray, 6A Main Street West, Inveraray, PA32 8TU**

Iqbal Mohammed appeared and advised that the premises were a small convenience store and staff had received the relevant training.

Eric Dearie, Licensing Standards Officer stated that the premises were formerly RS McColls and they had been running successfully on occasional licences. 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.

(c) **Loch Lomond Shop, Loch Lomond Holiday Park, Inveruglas, Arrochar, G83 7DW**

Audrey Jenner, Solicitor, Glasgow appeared on behalf of the applicant. Terry Norton, Retail Director and Andy Rae on behalf of Loch Lomond Holiday Park also attended. Ms Jenner explained that the holiday park had a recent change of ownership and, having reviewed the business plan, the new owners wished to add an off-sales facility to the existing shop, offering a small range of premium alcohol.

Raymond Park, Licensing Standards Officer advised that this was a modest application with the percentage of retail space given over to the display of alcohol approximately 3.5%. He had no issues with the application.

Jan Brown enquired about public access and whether this was through the reception area only. Andy Rae advised that was correct.

Paul Kennedy asked if the premises was purely for off-sales and Ms Jenner replied that it was.

The Chair moved to grant the application as applied for.

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

(d) **Tayinloan Stores, Tayinloan, PA29 6XG**

The applicant, Harvey Ferguson appeared and advised that he had taken over the premises and had invested a large amount of money into the business. Mr Ferguson stated that there was both local and tourist demand for this and it brought employment to the area.

Eric Dearie, Licensing Standards Officer advised that the premises had been a store previously which closed in 2018 and he had no issues with the application.

The Chair enquired about the outstanding section 50 Certificates. Susan Mair, Depute Clerk advised that they had all now been received.

Audrey Forrest referred to the two areas on the ground floor and asked where the sales point would be located and if the fridge could be seen from that point. Mr Ferguson said that shelving had been put up and this enabled the fridge to be clearly visible from the sales point.

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) **Easdale Island Community Hall, Easdale Island, by Oban, PA34 4TB**

Samantha Payn appeared on behalf of the applicant and spoke to the terms of the application which sought to: add off-sales hours Monday to Saturday, 11.00am to 10.00pm and Sunday 12.30pm to 10.00pm. Ms Payn advised that the application was to provide an off-sales facility for locals and tourists and also to assist with stock management, rather than waste left over alcohol, enabling it to be sold. The premises would not be open for the full hours being applied for, rather only when alcohol was requested and there was stock left over.

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

The Chair asked if there should be a condition on the licence in relation to the restriction of the operation of the off-sales hours. Mr Dearie advised that this could be added to the operating plan for clarification but there was no requirement for it.

Paul Kennedy asked how the premises planned to sell alcohol to locals if they did not open on the specified times. Ms Payn explained that they would advertise it or make an announcement to the local community on an ad-hoc basis. She added that they may not require up until 10.00pm, and could restrict the terminal hour.

Jan Brown asked if the premises only opened when there was a function being held. Ms Payn replied yes and to allow off-sales. Jan Brown

wondered, if selling the surplus stock was successful, would the applicant open the premises as an off-sales. Ms Payne replied no.

Graham Hardie suggested that, as this was not a full- time venture, perhaps the terminal hour should be restricted to 5.00pm or 6.00pm.

The Chair considered this would not be necessary as volunteers are restricted so it would be unhelpful closing earlier.

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) **Glenburn Hotel, Glenburn Road, Rothesay, Isle of Bute, PA20 9JP**

Robbie Cameron appeared on behalf of the applicant and spoke to the terms of the application which sought to: change the on-sales terminal hour on all days of the week from 12 Midnight to 1.00am and add an outdoor drinking area. Mr Cameron advised that the previous company went into administration and Bespoke Hotels had bought over the premises. He added that they had facilities for outdoor functions and the later terminal hour each evening would benefit tourists coming to the island.

Raymond Park, Licensing Standards Officer had no issues with the application and suggested the usual terminal hours of 10.00pm for adults and 8.00pm for children and young persons for the external area.

The Chair asked if a noise management plan would be required. Mr Cameron advised that the ballroom was at the rear of the premises and there had not been any issues previously.

Raymond Park advised that if there were any noise issues then Environmental Services could implement a noise management plan.

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) **Hunters Quay Holiday Village, Dolphin Leisure Centre & Shop, Hunters Quay, Dunoon, PA24 8AD**

Audrey Jenner, Solicitor, Glasgow appeared on behalf of the applicant together with Terry Norton, Retail Director and Andy Rae. Ms Jenner referred to the application which sought to: amend the wording regarding the times in which children and young persons are allowed on the premises and amend the hours for sale of alcohol off the premises on Sundays to start at 10.00am. She explained that the holiday park had recently changed owners and having reviewed the current operating plan wanted to update it to suit their business. The owners wanted to make it

more family friendly and the 10.00am Sunday opening was to bring it in line with rest of the week.

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

The Chair enquired about the access for children and asked if they would only be permitted when consuming a meal. Ms Jenner advised that they would also be allowed access for entertainment as well.

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) **Kirn Variety Store, 2 Marine Parade, Dunoon, PA23 3HE**

Audrey Forrest leaves the meeting.

Robert Jordan appeared together with the applicant, Jeyerajah Palaniandy. Mr Jordan referred to the application which sought a change to the layout plan resulting in an increase to the capacity. Mr Jordan said that they wanted to sell a wider selection of alcohol due to demand with alcohol free and low alcohol products also available. He added that the percentage of retail space given over to the display of alcohol would increase from 3.6% to 6.9%.

Paul Kennedy asked if there was a limit for the retail alcohol space. Raymond Park, Licensing Standards Officer advised that there was not as the premises was a convenience store and therefore the alcohol was ancillary to the food products.

The Chair asked Mr Jordan if all alcohol display units were clearly visible and he replied they were and that CCTV was in place.

The Chair 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.

(e) **Struan Bar, Mount Stuart Road, Rothesay, Isle of Bute, PA20 9DY**

Paula Stacey, premises manager, appeared and referred to the application which sought to amend the children and young persons' conditions to allow children on the premises until 10.00pm, unless they are attending a private/pre booked function when they may remain for the duration of that event. Ms Stacey advised that, at present, only young persons were permitted within the premises and she wanted to create a family friendly establishment. There was a popular walking route which passed the premises and she thought it would be suitable for families to come in and have a drink then continue on their walk.

Raymond Park, Licensing Standards Officer advised that the new owners had refurbished the premises and wanted to it be more family friendly. He advised that there was no kitchen but catering could be brought in or even takeaways.

Jan Brown asked what times would children be permitted. Ms Stacey said until 8.00pm unless there was a function when it could be until 10.00pm.

Mr Park clarified that at present, 16–17 year olds were permitted on the premises within the core hours but the application sought to allow children up until 10.00pm if attending a function.

Jan Brown expressed concerns regarding children being allowed in the premises and asked if there would be snacks provided. Ms Stacey replied yes but would be more than happy to use outside caterers or families could take in their own food. Jan Brown asked if there was a separate area for the children and Ms Stacey replied no.

Paul Kennedy mentioned that the premises used to be a drinking man's pub in the past and wondered whether the previous clientele still frequented the premises. Ms Stacey said there were still a few regulars but it was now a more younger clientele. Paul Kennedy did not have a problem with children present until 10.00pm if there was a function being held but he had concerns about no food being available. Ms Stacey said she did not have the facilities for this at present.

Luna Martin enquired about dance facilities and Ms Stacey said that there was a jukebox which was always on a low volume and that no drinks were permitted on the dance floor. Luna Martin was concerned about televised sport which could lead to rowdy behaviour. Ms Stacey stated she would ensure that all patrons would be on their best behaviour and as it was a small bar it did not attract unruly clientele.

Mr Park suggested a compromise whereby children would be permitted until 8.00pm apart from when a function was being held, when they could remain for the duration of the function.

The Chair asked if food would be provided at a pre booked function and Ms Stacey replied not by her but by the person who booked the function.

Graham Hardie, Liz McCabe and Jan Brown all stated they were happy with the suggestion from Mr Park.

Paul Kennedy expressed his concerns regarding children being present when events, such as the old firm football matches were being shown.

The Chair asked Mr Park if conditions could be included on the licence relating to children being allowed when food was available. Mr Park replied yes but it was up to the Board to decide what conditions would be acceptable to both them and the applicant.

Graham Hardie suggested children be allowed until 8.00pm but not permitted when a football match was on.

The Chair wondered how it would work as there would be different kinds of sports being shown and asked if a condition could be included for children to be seated when eating food. Mr Park advised that, within reason, this would be acceptable.

Ms Stacey said that being a parent herself, she would ensure the premises were well run where families could come and enjoy a quiet drink. She never had any problems when football matches were shown and added that the dance floor was only used for live music which usually started around 8.00pm.

The Chair asked Ms Stacey if she would be happy for a condition to be added whereby children would only be permitted when consuming food until 8.00pm. She stated that this would defeat the purpose of the premises being family friendly as families did not always want food, only to call in for a drink when passing.

After further deliberation, the Chair moved to grant the application with a terminal hour of 6.00pm for children unless they were attending a private/pre booked function, where food would be available, and they could remain for the duration of that function.

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

(f) **The Goil Inn, Lochgoilhead, PA24 8AD**

Audrey Jenner, Solicitor, Glasgow appeared on behalf of the applicant. Terry Norton, Retail Director and Andy Rae also attended. Ms Jenner referred to the application which sought to: amend the hours for the sale of alcohol on Sundays to start at 11.00am; remove specific condition 1 regarding the pool table and Sky Sports in its entirety; amend the activities permitted on the premises during and outwith core hours and amend the wording at the children and young persons' conditions. Ms Jenner said that the applicant had taken over the premises last year and found the conditions too restrictive as it was now a more family focused holiday venue.

Raymond Park, Licensing Standards Officer said that it was a long established premises which had been changed to a family friendly setting with the removal of the pool table and the restaurant now in the lounge area. He confirmed he had no issues with the application.

Jan Brown referred to the activities and in particular, gaming machines and asked if children would be allowed access to these. Andy Rae replied no as these were Category C machines so children were not permitted to use them.

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) Slanj, Station Road, Tarbet, G83 7DA

Tom Ireland appeared on behalf of the applicant and referred to the application which sought to: amend the off sales opening time from 11.00am to 10.00am; amend the wording at Question 5(f) and amend the layout plan to show the addition of an adjacent adapted container to form a standalone grocery shop with off-sales facility. Mr Ireland said that the applicant had been working closely with building standards and the majority of the work had been completed. He asked if the Board would grant the application subject to the Section 50 certificate being submitted.

Raymond Park, Licensing Standards Officer had contacted the building standards officer who advised that the works were almost finished and potentially, a section 50 certificate would be issued in 3 to 4 weeks. Mr Park said that if the Board was minded, they could grant the application pending receipt of the certificate.

Paul Kennedy asked what would happen if the certificate was not issued. Mr Ireland stated that it was just a case of signing it off as there were no major issues.

Susan Mair, Depute Clerk advised that if the Board granted the application then the variation would not be issued until the section 50 certificate was received.

The Chair moved to grant the application as applied for, pending receipt of the section 50 certificate.

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 1) 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 2) who had not submitted an application to renew their licence was noted and the Board agreed to revoke their licences.

8. ANY OTHER BUSINESS

(a) Payment of Annual Licensing Fees

Susan Mair, Depute Clerk referred to the list of premises who have not yet paid their annual licensing fee. The normal practice would be to issue a final letter giving a further period for payment of 14 days and, if payment had not been made within that period, a review of the premises licence would take place at the April Board meeting.

The Chair moved that a final letter be issued with the 14 day notice period for payment and that a review hearing be held at the April Board meeting in respect of any premises where the annual fee remained outstanding.

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

(b) Dates of Licensing Board Meetings 2023

The dates of the Licensing Board meetings for September and November were noted and agreed.

9. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 25th April 2023 at 11.00am.