

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 25 APRIL 2023**

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

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 Mark Irvine.

2. DECLARATIONS OF INTEREST

It was noted that there were no declaration of interest.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 28TH
FEBRUARY 2023**

The minutes of the meeting held on Tuesday 28th February 2023 were submitted and approved.

Susan Mair, Depute Clerk referred to item 6(a) from the previous meeting regarding the Slanj, Tarbet and advised that a section 50 certificate in respect of building standards had been received and the major variation application had been granted and issued.

4. APPLICATION FOR A PREMISES LICENCE

(a) Killean Farmhouse & Cottages, Inveraray, PA32 8XT

The applicant, Anton Bartlett attended and advised that he had purchased the premises two years ago and was upgrading the property. Mr Bartlett explained that it was a small bed and breakfast business with 5 bedrooms and 6 self-catering cottages and he was applying for a licence due to customer demand. He added that the alcohol would be sold on a limited basis through the use of an honesty box.

Eric Dearie, Licensing Standards Officer advised that there were three other premises that used a honesty box which was a secure unit within the licensed area, accessed by a key or card only. Mr Dearie said he had

no issues with the application.

Jan Brown asked how the guests would be able to gain access to the honesty box. Mr Bartlett explained that keys would be issued on arrival, if requested and the B&B guests would not be permitted to share a key with anyone else. The cottage guests would require to ask for a key if needed. He said there was nothing planned as yet for weddings but he would apply for an occasional licence if required.

Paul Kennedy wanted to clarify that the honesty box would not be used for wedding functions. Mr Bartlett said this was correct as it would be a bar within a small area with limited stock.

Jan Brown enquired about access regarding off-sales and asked how this would be monitored. Mr Bartlett advised that check in was at 3.00pm so there was no access to the premises prior to this time and he, along with his wife, would be on the premises at all times. He said that he was going to have CCTV installed as well. Jan Brown wondered what was the point of having an honesty box if they were going to be present at all times. Mr Bartlett said it would mean working long hours and not all guests wanted to purchase alcohol.

Paul Kennedy thought it was very restricted as the cottage guests were not included and wondered what would happen if members of the public appeared. Mr Bartlett explained that guests in the self-catering cottages tended to purchase their own alcohol as it was a lot cheaper. He said that, although the floor space within the public area was big, the toilet facilities were not sufficient for the capacity and therefore he could only cater for guests.

The Chair referred to the Licensing Standards Officer's report (Appendix 1) and asked what measures would be implemented for guests only to access the alcohol; to limit the consumption of alcohol and to prevent children and young person's accessing the alcohol. Mr Bartlett stated that he would limit the amount of keys issued and the guests would be constantly monitored. He said he usually had a lot of engagement with the guests and added that children and young persons would not have access to the alcohol. He asked the members how this worked with other premises. The Chair advised it was by way of a mini bar in each room. Mr Dearie referred to Aspen Lodge which also has keys for access and the honesty box is stated on their operating plan. He added that the overview of how much alcohol consumed would be hard to determine.

The Chair thought there were too many questions surrounding the honesty box and was minded to grant the application without this and suggested operating as a normal bar.

Jan Brown referred to the Board's policy regarding the external area with adults permitted until 10.00pm and children and young persons until 8.00pm. Mr Bartlett confirmed he was happy with this.

Audrey Forrest said there may be problems with the honesty box but if it

was working within other premises, then further information could be provided and the matter continued to a later date.

Mr Bartlett advised that he had contacted Aspen Lodge which had been granted a similar set up and said that the licence holder had never experienced any problems or issues with the honesty box.

Susan Mair, Depute Clerk wanted to clarify that if guests from the cottages wanted alcohol, they would be served by the applicant within the licensed area. Mr Bartlett replied that this was correct.

Graham Hardie moved to grant the application as applied for with a terminal hour for the external area of 10.00pm for adults and 8.00pm for children and young persons. The motion was seconded by Jan Brown.

The Chair moved an amendment to the motion to grant the application as applied for but with the removal of the honesty box arrangement. The amendment was seconded by Liz McCabe.

A vote was taken by calling the roll.

Motion

Graham Hardie
Jan Brown
Fiona Howard
Audrey Forrest
Paul Kennedy

Amendment

Kieron Green
Liz McCabe
Amanda Hampsey

The Motion was carried by 5 votes to 3.

(b) Riverside Filling Station, Oban Road, Lochgilphead, PA31 8NG

Jane MacLeod, Solicitor, Lochgilphead attended on behalf of the applicant. Calum Charlwood, premises manager also attended. Mrs MacLeod said it was a busy establishment with numerous residential properties close by and that the application was due to customer demand. Local produce as well as a wide selection of groceries were available with a proposed alcohol display of 14.36 square metres, offering wines, beer and ciders. She added that all staff had obtained the relevant training and there was in store security.

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

5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) **Ambience Cafe, Unit 3, 7 Victoria Street, Rothesay, Isle of Bute, PA20 0AJ**

The applicant, Pawel Martyniuk attended and spoke to the terms of the application which sought to: add off-sales; add receptions, funerals and club or other group meetings to the activities; remove the comment at section 5 of the operating plan; amend the children and young persons' conditions and remove the outdoor capacity. Mr Martyniuk advised that he had opened three months ago and wanted to upgrade the premises.

Raymond Park, Licensing Standards Officer stated that the main reason for the application was to remove the restriction on alcohol which was requested by the previous licence holder but it also created an opportunity for the applicant to look at the business as a whole. Mr Park said he had no concerns with the application.

The Chair referred to the children and young persons' conditions which permitted them within the premises until 10.00pm and asked Mr Martyniuk the reason for this. He explained that it would enable customers to eat later in the evening. The Chair suggested an amendment to the wording to the effect that children and young persons would be permitted up until 10p.m. provided they were accompanied by an adult and for the purposes of having a meal.

The Chair moved to grant the application with the suggested wording for the children and young persons' conditions.

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

(b) **Burnside Bar, 1 Burnside Street, Campbeltown, PA28 6JE**

The applicant, Craig Dickson attended and spoke to the terms of the application which sought to add a further three metres to the existing outdoor licensed area whilst allowing the necessary space for the public walkway.

Eric Dearie, Licensing Standards Officer said that there was some construction work ongoing at present but he had no issues with the application.

Paul Kennedy asked what options would be available to delineate the area. Mr Dearie advised that barriers, bollards or planters could be used although there was no clear guidance but as long as the area was clearly marked.

The Chair asked if there had been any issues or complaints regarding noise. Mr Dearie stated that it was a well-run establishment and to date, no complaints had been received.

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) **Ceabhar Restaurant, Sandaig, Isle of Tiree, PA77 6XQ**

The applicant Duncan Castling attended with Polly Kellett and spoke to the terms of the application which sought to: change the name of the premises; change the description of the premises; amend the layout plan to include the micro-brewery; change Sunday opening time from 12.30pm to 12 Midday; amend the seasonal variation; add tours of micro-brewery and online sales to the activities and amend the children and young persons' conditions. Mr Castling said that he had been running the business for 16 years as a pub, guesthouse and restaurant and had recently developed the brewery which he wanted to be included on the licence. He intended to offer pre-arranged visitors' tours, tastings and weddings.

Raymond Park, Licensing Standards Officer said that a major refurbishment had been carried out and he had no issues with the application.

The Chair referred to the children and young persons' conditions and asked if the amendment was for tours to which Mr Castling replied yes but alcohol would only be served to persons 18 years and over. The Chair asked if he would be happy to alter the wording of the conditions to 'when consuming a meal' and 'to be accompanied by an adult 18 years or over on a tour'. Mr Castling said he would be happy with this.

The Chair moved to grant the application with the amended wording for children and young persons' conditions.

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

(d) **Coasters Bar, Corran Esplanade, Oban, PA34 5PS**

The applicant, Michael Durkin attended and spoke to the terms of the application which sought to: reduce the terminal hour on Friday and Saturday to 12 Midnight; amend the seasonal variation; remove live performances and add restaurant facilities, outdoor drinking and takeaways as activities; open for breakfasts from 8.00am to 11.00am and amend the children and young persons' conditions. Mr Durkin advised that he had taken over the premises in August of last year and wanted to change it to a bistro restaurant.

Eric Dearie, Licensing Standards Officer said it was a straightforward application and he had no issues with it.

Paul Kennedy referred to the photographs of the external drinking area and said that the posts appeared quite obstructive and, in his view, there was not sufficient room to manoeuvre around the tables. Mr Dearie said that there were limited options as planters would be larger and that a physical barrier was more appropriate. Paul Kennedy asked if the Roads

Department had approved the area for wheelchair access. Mr Dearie advised that it was a matter for Transport Scotland and they had given permission on the basis that a neighbouring premises already had table and chairs outside.

Mr Durkin advised that the area was 1.8 metres at the narrower part which complied with the Council's guidelines and that he was trying to obtain clarification from Transport Scotland exactly how the measurements work.

Board Members expressed a number of concerns about the lack of room within the cordoned off area.

The Chair moved to grant the application with the exception of the outside drinking area.

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

(e) **Kilchoman Distillery, Rockside Farm, Isle of Islay, PA49 7UT**

Alistair MacDonald, Solicitor, Glasgow attended on behalf of the applicant and spoke to the terms of the application which sought to: increase on sales hours to 11.00pm daily; increase off sales hours to 10.00pm daily; add a seasonal variation and add whisky dinners which may include tastings and dinners for various groups, fundraising events and small functions. Mr MacDonald explained that his client wanted to use the visitors centre for hosting whisky dinners which previously were held by way of extended hour licences and wanted to include this on the operating plan.

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

(f) **Portavadie Marina, Portavadie, PA21 2DA**

Iain Jurgenson, proposed premises manager attended on behalf of the applicant and spoke to the terms of the application which sought to allow the three premises licences for the Marina, Lodge and the Spa & Leisure at Portavadie to be merged into one licence.

Raymond Park, Licensing Standards Officer said that he had no issues with the application as it would be more efficient with the licence holder being responsible for the one licence.

The Chair moved to grant the application as applied for.

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

(g) **Strachur Filling Station, Main Road, Strachur, PA27 8DG**

The applicant, Arlene Stirling attended and spoke to the terms of the application which sought to change the off sales opening time on a Sunday from 12.30pm to 10.00am. Ms Stirling said that this was due to local and tourist demand.

Raymond Park, Licensing Standards Officer advised that 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.

(h) **The Brewery, Islay House Square, Bridgend, Isle of Islay, PA44 7NZ**

The applicant, Bryony Boyd attended and spoke to the terms of the application which sought to: add on sales; add recorded music, live performances and outdoor drinking as activities; amend the layout plan to add the whisky shop in the old brewery premises and change the premises manager.

Eric Dearie, Licensing Standards Officer referred to the live entertainment and advised that this would be primarily folk music. He suggested that the external area be delineated.

The Chair asked whether there were any bye-laws in place for Bridgend and Susan Mair, Depute Clerk advised that there were not. The Chair thought it was good practice to cordon off external areas and moved to grant the application, subject to the outdoor drinking area being delineated.

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

(i) **Pennyghael Hotel, Pennyghael, Isle of Mull, PA70 6HB**

Sandy Murray, Solicitor, Oban attended on behalf of the applicant and spoke to the terms of the application which sought to: amend on sales; add off sales; add a seasonal variation; vary the activities within and outwith core hours; include takeaways as an activity; amend the wording of the children and young persons' terms and to change the name of the premises to 'The Inn at Port Nan Gael'. Mr Murray said that the changes would allow greater use of the premises in an area where there was a substantial number of tourists and passers-by.

Eric Dearie, Licensing Standards Officer advised that 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.

(j) **The Keel Row, Fionnphort, Isle of Mull, PA66 6BL**

The applicant, Simon Wood attended and spoke to the terms of the application which sought to: amend the seasonal variation; add the sale of takeaway food and hot & cold non-alcoholic beverages from 8.00am to 8.00pm daily and to amend the on sales capacity to 138. Mr Wood said at present, children and young persons were only permitted when having a meal but wanted to offer families who pass by, the opportunity to come in for refreshments.

Eric Dearie, Licensing Standards Officer noted that the seasonal variation differed slightly from the Board's Policy but given the location of the premises, thought it was suitable. Mr Dearie asked Mr Wood if there would be a terminal hour for children and young persons if they were not consuming a meal. Mr Wood advised that food would be served up until 8.00pm and customers would be given two hours to finish, therefore the terminal hour would be 10.30pm.

Liz McCabe referred to the existing children and young persons' conditions whereby they are permitted if having a meal, snacks and refreshments. Mr Wood explained that food was only available from 12.30pm to 2.30pm so between 2.30pm and 5.30pm, it was restrictive for families as no food was available.

The Chair suggested amending the terms to keep meals and include snacks up until 6.00pm. Mr Wood said that children and young persons might just want a drink.

Audrey Forrest said that a terminal hour of 10.30pm was excessive and suggested 10.00pm. Mr Wood said he was happy with that.

Jan Brown expressed concerns about children and young person's entering a premises just for a drink even although snacks would be available. Mr Wood understood this and said he was happy to amend it to 'snacks to be consumed'.

Graham Hardie wondered if takeaway teas etc would be more suitable but Mr Wood said that, that would not work as they would need to wait outside.

The Chair moved to grant the application subject to an amendment to the children and young persons' conditions which would allow them in the premises up until 6.00pm provided they were having a snack or meal and up until 10.00pm when consuming a meal and with a terminal hour of 10.00pm for the external drinking area.

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

(k) **The Olive Garden, Unit 2, Waterfront Centre, Railway Pier, Oban, PA34 4LW**

Sandy Murray attended on behalf of the applicant and spoke to the terms of the application which sought to: vary the wording in the seasonal variation and vary the children and young persons' conditions. Mr Murray advised that there was a lot of tourism in the area and there was a high demand for takeaway food. He explained that there used to be two external areas but now there is only one, hence the reason for the reduction in capacity.

Eric Dearie, Licensing Standards Officer said that he was happy 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.

6. GAMBLING ACT 2005- APPLICATION FOR AN ADULT GAMING CENTRE

(a) **Hunter's Quay Adult Gaming Centre, Hunter's Quay Holiday Village, Dolphin Leisure Centre, Hunter's Quay, Dunoon, PA23 8HP**

Paul Fairclough, Dan Goodall and Mick McLaughlan attended on behalf of the applicant. Mr Goodall advised that the premises would be monitored by CCTV and it was the only adult gaming centre in the area.

The Chair asked Mr Goodall how it would be monitored and he said that staff will record customers and observe how much time they spend on the premises.

Fiona Howard asked Mr Goodall if he was aware of gambling issues and he replied that he was.

The Chair noted on the plan there would be 10 machines and Mr Goodall said that this was correct, 2 of which, would be category B3.

The Chair moved to grant the application as applied for.

With no-one else being 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 2) 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 3) 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**

It was noted that all annual fees had been paid.

(b) **Review of Statement of Licensing Policy- Report by Depute Clerk to follow**

Susan Mair, Depute Clerk spoke to the terms of her report and advised of the requirement to review the Board's Statement of Licensing Policy and agree on a process for doing so.

9. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 28th June 2023 at 11.00am.