

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 27 FEBRUARY 2024**

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

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, Audrey Forrest and Amanda Hampsey.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 14TH
NOVEMBER 2023**

The minutes of the meeting held on 14th November 2023 were submitted and approved.

4. APPLICATION FOR A PREMISES LICENCE

(a) Alan Stevenson House, Hynish, Isle of Tiree, PA77 6UG

The applicant, Ashleigh Milne attended and advised that it was a reasonably new business and she was keen to provide a future for the village.

Raymond Park, Licensing Standards Officer said Ms Milne was aware of the Board's Policy and that she had agreed the alternative wording which he had suggested in respect of the terms and conditions for children and young persons. The seasonal variation required to be more precise and therefore Mr Park suggested 31st October to 31st March as the winter period.

Jan Brown asked about the seasonal opening hours. Ms Milne said she would prefer to open all year round but this would take some time. She hoped to encourage people to come over the winter period but the season can fluctuate within the area and therefore she required some flexibility.

The Chair asked for clarification regarding access for children and young persons. Mr Park suggested 24 hour access for residents and up to 10.00pm in the bar area when consuming a meal and 9.00pm at any other time. For pre-booked functions, they would be permitted until the end of the function. The Chair advised that the Board do not generally allow children and young persons in a bar unless they are consuming a meal and recommended 7.00pm if not having a meal. Ms Milne said that the bar area would be closed off but appreciated that children and young persons needed to be kept safe and therefore was happy with the earlier time although she thought it was too early for the summer period. Mr Park explained that the bar area was separate and as it was more a lounge bar he suggested a later time for children and young persons. He added that the terminal hour for the external area would be 8.00pm for children and young persons and 10.00pm for adults. The Chair asked Ms Milne what families would be doing in the lounge if not having a meal. Ms Milne said most of the children would be outside playing but there were many activities available, for example, games; colouring books; reading books; television and internet.

Graham Hardie was concerned that the lounge bar would be busy in the summer with adults but Ms Milne stated that the dining room and bar area were mostly for adults.

The Chair asked Mr Park if a condition could be included in the operating plan to ensure customers are seated while having a drink. Mr Park didn't think there would be a problem with this as the area was more a resident's lounge. Ms Milne said she would be happy with this.

There was some confusion over the layout plan but Ms Milne apologised as an old plan had been submitted. She explained that the old dining room was the lounge bar which then led into the existing dining room.

Graham Hardie said that an amended layout plan was required. Mr Park confirmed that an updated plan would be submitted.

The Chair moved to grant the application subject to the conditions recommended by the Licensing Standards Officer; children and young persons permitted in the dining room and bar area until 7.00pm and 10.00pm if consuming a meal and adults to be seated when having a drink in the lounge area. In addition, a new layout plan was to be submitted.

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

(b) **Glengorm Coffee Shop & Farm Shop, Glengorm, Tobermory, Isle of Mull, PA75 6QD**

The applicant Marjorie Nelson attended with Pam McColl. Ms Nelson said that the premises had been licensed previously but she was seeking a premises licence again, mainly for lunches.

Raymond Park, Licensing Standards Officer advised that the premises was a long standing farm shop with an art gallery upstairs although this area was not to be included in the licence. He said that the seasonal variation was similar to the previous one and he had no issues with the application.

The Chair asked Ms Nelson if she was happy with Mr Park's suggested alternative wording in respect of the terms and conditions for children and young persons and she replied yes. She advised that the premises were located in a remote area and therefore customers would need to drive to the premises.

Ms Nelson referred to the seasonal variation which sought to close in November and December and open in January on Friday, Saturday and Sunday. The Chair asked if this could be more specific. Mr Park suggested normal opening from 1st April to 31st October; closed November and December and open on January, Friday, Saturday and Sunday only.

The Chair moved to grant the application subject to the Licensing Standards Officer suggested wording for the seasonal variation.

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

(c) **Jura Village Hall, Craighouse, Isle of Jura, PA60 7XS**

Katy Beasley, premises manager attended and said that the hall had been running for a considerable time and they wanted to offer alcohol for appropriate events.

Raymond Park, Licensing Standards Officer said that the hall brought the community together with various events and added that he had discussed the children and young persons' terms and conditions with Ms Beasley and he had no issues with the application.

Jan Brown asked Ms Beasley if there would be events held all year round. Ms Beasley explained that the hall would not be open every day but would also be used for other activities as well. She said that the licence would provide an option to have last minute events without needing to seek an occasional licence.

The Chair referred to the children and young persons' terms and conditions whereby no children would be permitted after 5.00pm if they are not accompanied by an adult and asked Ms Beasley if she was happy with this. Ms Beasley replied yes as there were always adults present. The Chair suggested it may be helpful to include a provision whereby

children and young persons could be on the premises unaccompanied during core hours provided the bar is closed. Ms Beasley agreed to this.

The Chair moved to grant the application subject to the addition of the above provision.

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

5. APPLICATION FOR A PROVISIONAL PREMISES LICENCE

(a) The Brewery, Glenegedale, Isle of Islay, PA42 7AS

Mr MacKay Smith, director and co-owner attended and advised that they were moving to a larger site where the capacity would be quadrupled. Mr Smith said he wanted a more family friendly premises with children and young person's being accompanied by an adult but not permitted in the bar area.

Raymond Park, Licensing Standards Officer said that the children and young persons' terms and conditions had been amended slightly and the applicant was happy with the adjusted wording. He had no issues with the application.

The Chair moved to grant the application subject to the amended terms and conditions for children and young persons.

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

(b) Glenforsa Cafe & Farm Shop, Glenforsa, Aros, Isle of Mull, PA72 6JN

Dougie Philand joins the meeting.

Susan Mair, Depute Clerk advised that an objection dated 12/02/24 had been received from Harper Macleod, Solicitors on behalf of Brendan and Alison Walsh, Glenforsa Hotel, Salen, by Aros, Isle of Mull, PA72 6JW. No-one was present from Harper Macleod but Brendan and Alison Walsh were in attendance.

Archie MacIver, Solicitor, Glasgow attended with India Radford, on behalf of the applicant. Mr MacIver advised that his client moved to the area 2 years ago and ran a high end café and farm shop which showcased local produce and they now wanted to include alcohol. There are breakfast and lunch offerings with dinner mainly comprising pizza, etc. There was a camp site nearby and his client was hoping to attract more visitors and tourists. He stated that the terminal hour for on-sales had been reduced from midnight to 11.00pm. He advised that his client would be happy to abide by the Board's Policy for the external area. They intended to operate seasonally, that is, between Easter and 31st October and, outwith

this period, they would operate dependent on demand. He added that live performances would be on an occasional basis.

The objector, Brendan Walsh said that he and his wife had been running their hotel since 2003. They had purchased the premises from a failed business and turned it into a thriving part of the local community, employing local people and contributing to the local economy. They were now faced with this application in direct competition, with outdoor events and restaurant facilities. He advised that they had not been given notice of the planning application. Mr Walsh wondered why the applicant wanted to create their business so close to an existing hotel establishment as it would have a devastating effect on their business. It would also add more noise and light issues to the area.

Mr MacIver confirmed he had no questions at this stage.

Raymond Park, Licensing Standards Officer referred to the seasonal variation which was outwith the Board's Policy but, other than that, he had no issues with the application.

The Chair asked the applicant if the premises was a restaurant rather than a café as indicated on the website. Mr MacIver said it was a farm shop and café. India Radford stated that the information on the website was out of date and the enterprise had changed.

Liz McCabe thought it odd that a café opened so late but Mr MacIver said that later opening hours were commonplace and very much in line with other cafes and farm shops.

Jan Brown asked Mr MacIver what was the proposal for the business. Mr MacIver said it was to provide a valuable facility for locals and tourists and to experience local produce. It would complement other businesses and his client did not intend to compete with these businesses. Jan Brown enquired about the ethos of the business. Mr MacIver explained that it was an opportunity to have meals and drinks which included a retail element and that the business plan was based on other farm shops up and down the country. Jan Brown referred to televised sports and Ms Radford said that this was based on research as in summer months there would be Olympics; tennis and other sports available and emphasised that it would be more family focused. Mr MacIver added that if an activity was not stated on the operating plan, then the licence holder would be unable to carry out the activity and therefore this had been included to keep his client's options open but it would not be a regular occurrence.

The Chair thought in some respects, the application was similar to a pub. Mr MacIver gave his assurance that the premises was a cafe and not a pub and it was within the scope of the legislation.

Mr Park advised that the Licensing (Scotland) Act 2005 did not define different types of licences as had been the case under the previous 1976 Licensing Act. The manner in which a premises is to be operated is detailed in the operating plan.

Paul Kennedy was not aware of the location and asked if there were any other licensed premises within the vicinity. Mr Park advised that there were three premises in Salen and the Glenforsa Hotel which was some miles away. Paul Kennedy thought that this would prove to be a positive premises in the area and was offering something different from the hotel.

Jan Brown asked what the capacity was and Mr MacIver replied 60.

Mr Walsh asked that, if premises serve alcohol after 6.00pm, is it not classed as a bar. Mr Park advised that there was nothing stated in the Licensing (Scotland) Act 2005 which required it to be classed as a bar.

Mr MacIver stated he had no questions for the Licensing Standards Officer.

On summing up, Mr Walsh said that the services, apart from the farm shop, were already being provided by his establishment and with the café offering fine dining this would severely impact on his business as well as creating noise and light pollution. Mr Walsh said that he had no objections to the farm shop, only the café.

Mr MacIver said he had already explained televised sports and the term café and that live entertainment would be a local guitarist which would only be on an occasional basis. He stated that it was not the role of the Licensing Board to consider business viability or success as the objection was largely based on the effect it would have on the objector's business. The premises would create choices for locals and tourists and would offer more trade to both premises.

The Chair asked both parties if they had received a fair hearing and they replied yes. He said he had no issues regarding overprovision and therefore moved to grant the application as applied for subject to the conditions suggested by the Licensing Standards Officer and with a terminal hour of 11.00pm for on-sales.

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

Paul Kennedy leaves the meeting.

(c) **Port Ellen Distillery Visitor Centre, Kiln Square, Port Ellen, Isle of Islay, PA42 7AF**

David Hossack, Solicitor, Glasgow attended with Emily Burnham. Mr Hossack said that the application followed the similar template for Caol Ila Distillery and Lagavullin Distillery. The licensed areas include a small visitors centre open all year round with retail facilities and tasting areas; a pagoda building and external areas. On an occasional basis, public events will be held for whisky festivals. The extra two outside areas, will be the courtyard and another larger area across the road from the premises which would be used for larger events like the Islay Festivals. Mr

Hossack stated that children and young persons will only be permitted in the external areas for public events and agreed the suggestions made by the Licensing Standards Officer, Raymond Park. He was aware of the Board's Policy but asked if children and young persons could be permitted until 10.00pm for the external areas. He referred to the seasonal variation and as a large component of trade will be from tourists, flexibility is required due to inclement weather and ferry timetables.

Mr Park said he had no issues with the application.

Dougie Philand referred to the children and young persons' terms and conditions and asked if there would be food available outside the premises. Mr Hossack replied yes, during the Islay festivals but as the internal area would be a whisky tasting environment, under 18's would not be permitted.

Jan Brown asked where the pagoda was situated and if children and young persons would be permitted there. Mr Hossack referred to the plan and advised it would be adults only.

The Chair asked if there would be adequate toilet facilities for large public events and Mr Hossack confirmed that there would be.

The Chair moved to grant the application as applied for, subject to the Licensing Standards Officer's suggested wording in respect of the terms and conditions for children and young persons.

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

6. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Commercial Inn, 18 Cross Street, Campbeltown, PA28 6UH

Gemma McGeachy, premises manager attended and spoke to the terms of the application which sought to add off-sales, 11.00am to 10.00pm, Monday to Sunday and to host tasting sessions within the premises.

Raymond Park, Licensing Standards Officer said that it was a long standing premises and he had no issues with the application.

Jan Brown asked if the tastings would be held within the premises and Ms McGeachy replied yes, inside only.

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) Lagavulin Distillery, Port Ellen, Isle of Islay, PA42 7DZ

David Hossack, Solicitor, Glasgow attended with Karen Robertson, premises manager. Mr Hossack said that the application was similar to

Caol Ila Distillery with the use of markets over the year and additional activities being identified such as outdoor games; crafts etc. He referred to the capacity of 2000 and stated that this would only be required for large events and therefore would not be a regular occurrence.

Jan Brown thought that it was a considerable increase in capacity. Mr Hossack said that there was some misunderstanding regarding the capacity and advised that previously the incorrect figure had been stated in the premises licence application, hence the reason for the increase from 526 to 1128. During large events, additional numbers could be between 1500 and 2000.

Graham Hardie said that these numbers could fluctuate during the day and wondered if these events should be policed. Mr Hossack confirmed that appropriate stewarding would be put in place for large events.

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) **Morrisons Daily, 8 Argyll Street, Lochgilphead, PA31 8LZ**

Alex Green, Solicitor, Glasgow attended with Caroline Montgomery, Area Manager. Mr Green advised that Morrisons had taken over the RS McColl Group 18 months ago and embarked on a refurbishment programme. It was noted that there was an error in the capacity figure of 5.75m² which should have been 11.74m². Mr Green said that despite this apparent increase in capacity, the actual displays were has had been previously when RS McColls operated the premises.

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.

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 licence.

(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 licence.

8. ANY OTHER BUSINESS

(a) Payment of Annual Licensing Fees

Susan Mair, Depute Clerk referred to the list of premises (Appendix 3) who had 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. Ms Mair said that, previously the Licensing Standards Officers contacted the licence holders direct as well.

The Chair moved that the Licensing Standards Officers contact the licence holders initially and also 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 2024

It was noted that the dates for the September and November Licensing Board Meetings were approved by the Board.

(c) Licensing Hours for MOD 2024

Susan Mair, Depute Clerk referred to her report and advised that, following the September Board meeting, a consultation exercise had been undertaken with a range of interested parties/agencies and the results of the exercise were set out in the Appendix to her report. The consensus from all consultees was that there was no objection to later hours being granted during the period of the MOD.

Having considered the matter, the Board agreed in principle to no later than 3a.m. during the event with a 4a.m. later hour on the final evening. The foregoing was subject to the premises holding an event/entertainment in connection with the MOD.

Ms Mair advised that information regarding this matter would be added to the website and each individual licensed premises would have to submit the necessary application for extended hours.

(d) Application for review of a Premises Licence

Susan Mair, Depute Clerk advised that an application for a review of premises licence had been received from Police Scotland by letter on 21st February 2024. A hearing required to be held to consider the review which had been arranged for Monday 5th March 2024. Ms Mair confirmed that

the licence holder had been notified.

This was agreed by the Board.

9. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 23rd April 2024 at 11.00am.