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MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 26 JUNE 2018

Present: Councillor David Kinniburgh (Chair)

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| Councillor Rory Colville | Councillor Jean Moffat |
| Councillor Lorna Douglas (for part of the Meeting) | Councillor Richard Trail |
| Councillor Audrey Forrest | |

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 Mairi Capaldi, Police Scotland

1. APOLOGIES

Apologies for absence were intimated from Robin Currie, Gordon Blair, Sandy Taylor and Roddy MacCuish.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 24TH APRIL 2018

The Minutes of the Meeting held on 24th April 2018 were submitted and subsequently approved.

4. APPLICATION FOR GRANT OF A PREMISES LICENCE

(a) 'Carradales', Carradale, Argyll, PA28 6QG

Maurice Whelan appeared and spoke to the terms of the application. Mr Whelan explained that the premises were a high end luxury guesthouse which catered for small numbers of residents but also provided restaurant facilities to non-guests when numbers were low. Mr Whelan advised that bucks fizz and whisky would be offered with porridge for breakfasts and off sales would enable residents to have picnics with small bottles of wine and to allow the removal of any unfinished alcohol by guests after a meal.

Eric Dearie, Licensing Standards Officer advised that the seasonal variation applied for was out with the Board's Policy but he did not have any concerns with the application.

Richard Trail wondered if non-residents would be having breakfasts. Mr Whelan replied that this would be unlikely as the premises would be functioning as a guesthouse. Mr Trail said that he was not happy with alcohol being provided with

breakfasts.

Rory Colville commented on the large garden area and asked Mr Whelan why such a big area required to be licensed. Mr Whelan advised that this would allow the residents to stroll around the garden and there would be no restrictions.

The Chair asked if non-residents would be able to have evening meals. Mr Whelan replied yes and they could also use the garden area and have a glass of wine.

Jean Moffat wondered if the layout plan could be amended to remove the car park area and cover the garden area only. Mr Whelan explained that the driveway would require to be licensed in order to access the garden.

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) **The Jam Jar, Roseland Lodge Park, Canada Hill, Rothesay, Isle of Bute, PA20 9EH**

Ainsley Stewart appeared on behalf of the applicant and advised that a coffee shop had recently been added to the established business which would offer wines and beer for guests.

Raymond Park, Licensing Standards Officer explained that the business operated as a holiday park therefore the seasonal variation applied for, although out with the Board's Policy, would be appropriate. Mr Park referred to the various activities and advised that the applicant wanted to expand the business to include functions with acoustic music and that 'gaming' would only relate to race nights. Mr Park added that the usual conditions would apply for the external drinking area.

Richard Trail asked Ms Stewart if the clientele would be solely from the holiday park and she advised it would be used by local patrons as well.

The Chair referred to the service counter and asked if the layout plan would be amended. Ms Stewart advised that she had already discussed this with the Licensing Standards Officer.

The Chair moved to grant the application subject to the amended layout plan and with a terminal hour for the external drinking area of 10.00pm for adults and 8.00pm for children and young persons.

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

(c) **Victoria Halls, Sinclair Street, Helensburgh, G84 8TU**

Graham Craig appeared on behalf of the applicant. Colin Crichton, Area Operations Manager, was also present. Mr Crichton advised that the premises had been operating under occasional licences for many years and now under new ownership, the applicant wanted to obtain a premises licence to cater for events such as weddings; shows; live music etc. The off-sales would allow for gin/wine

tastings and permit customers to purchase bottles of alcohol. Mr Crichton moved to amend the terminal hour on a Sunday from 1.00am to 12 Midnight.

Raymond Park, Licensing Standards Officer advised that they were long established premises with a small external area which was securely fenced off.

Jean Moffat referred to the external area and asked Mr Crichton if vehicles would be able to use the front and the side of the building. Mr Crichton replied yes as the area would be used for weddings but on those occasions, the gates would be closed and barriers would be used to separate the area from the car park.

Richard Trail asked Mr Crichton if this area would be used purely for weddings and he replied yes.

The Chair also referred to the outside area and asked if it would be used until 10.00pm, for adults and 8.00pm for children and young persons. Mr Crichton stated that the area would be used for drink receptions and had no intention of using it as a drinking area. The Chair asked if the area could be delineated. Mr Crichton said that it could be delineated up to the driveway and added that having been in contact with neighbours, there would be no problems with the external area.

Rory Colville shared the Chair's concerns and said it seemed acceptable for weddings but suggested that the premises be monitored in case of any future problems. Mr Colville required clarity regarding the external area and asked if wording could be incorporated into the premises licence to ensure that it would be used as intended. Susan Mair, Depute Clerk replied yes.

The Chair suggested a terminal hour of 6.00pm for the external area. Richard Trail proposed 8.00pm.

It was decided to agree the proposal, therefore the Board granted the application as applied for with a terminal hour of 8.00pm for the external area and the provision of a noise management plan.

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) Ellies Cellar, 18 Colquhoun Square, Helensburgh, G84 8AB

Gordon Polley appeared on behalf of the applicant and explained the existing premises had been operating for 5 years but this had been the earliest opportunity to move to smaller premises which would be less costly.

Raymond Park, Licensing Standards Officer advised that building works had still to be carried out. He referred to the tasting events advising that if alcohol was free of charge, on sales would not be required but if these were charged by way of ticket sales, this type of licence would be required.

Rory Colville asked for clarity regarding these events.

Gordon Polley stated he had other properties and hosted wine evenings where small measures were available but no licence was required. Mr Polley said that different Licensing Boards had different views regarding these type of events.

Mr Park confirmed that if there was a charge for these events then on-sales would be required.

The Chair asked at what time would these events be held. Mr Polley advised 7.30pm to 9.30pm but up to 10.00pm to allow customers to purchase bottles of alcohol.

The Chair moved to grant the application with the addition of on-sales from 12 Midday to 10.00pm.

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

6. APPLICATIONS FOR MAJOR VARIATION OF PREMISES LICENCE

(a) Ardlui Hotel, Ardlui, Arrochar, G83 7EB

Derek Robertson, Solicitor, Alexandria appeared on behalf of the applicant and spoke to the terms of the application which sought to amend and extend the licensed external area and to include a seasonal variation. Mr Robertson referred to the layout plan and advised that his clients wished to withdraw the marquee aspect of the application for now and advised that the marquee would require planning permission from the National Park Authority even although it would only be a temporary structure and it would require to be removed after each event. Mr Robertson said that a designated pathway would be made from the hotel to the beer garden and amended plans would be lodged showing this in order to make it clearer. He explained the layout of the outdoor area which consisted of a decked area at the hotel, an extensive beer garden and a further area near the marina with an upturned boat, the Lady Reg, which would be used as a bar. Mr Robertson confirmed that the terminal hour for the new area would be 10.00pm for adults and 8.00pm for children and young persons. He added that plastic containers would be used. Mr Roberson referred to the seasonal variation and explained that maintenance was carried out in the earlier part of the year and there would be restricted times during that period.

Raymond Park, Licensing Standards Officer stated that he had a number of discussions with the licence holder and requested the usual conditions for the external area and that the submission of amended plans would be ideal. Mr Park suggested that some lighting could be used for the areas at night. He added that he was liaising with Environmental Services regarding a noise management plan.

Jean Moffat said that she had no problem with the application.

Richard Trail wondered if there were any resident neighbours. The Chair advised it was an isolated community.

The Chair moved to grant the application subject to the provision of an amended plan and the drawing of the marquee which would require to be approved by the Chair and the Licensing Standards Officer; a terminal hour of 10.00pm for adults and 8.00pm for children and young persons and a noise management plan to be

implemented.

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

(b) **Ben Cruachan Inn, Lochawe, Argyll, PA33 1AQ**

The applicant, Tracey Peedle appeared and spoke to the terms of her application which sought to vary the terminal hour from 12 Midnight to 11.00pm, Sunday to Thursday and from 1.00am to 12 Midnight, Friday and Saturday; to amend the seasonal variation; to amend the children and young persons' conditions and to add various activities to the licence. Ms Peedle explained that this was a relatively new business and realised that some changes required to be made. Ms Peedle wanted to extend the seasonal period stated on the existing variation and also to hold more events within the premises.

Eric Dearie, Licensing Standards Officer stated that at the discretion of the licence holder, residents and guests of residents would be permitted to purchase alcohol until 2.00am.

Rory Colville complimented Ms Peedle in the reduction of operating hours.

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) **Food for Thought Restaurant, 10 Longrow South, Campbeltown, PA28 6AH**

The applicant, William Brodrick appeared.

Susan Mair, Depute Clerk advised that an objection had been received which had been signed by five tenants who live above the premises. It was confirmed that none of the tenants were present at the meeting.

Mr Brodrick said that he was not aware of any complaints and that if the objectors had contacted him with any issues he would have tried to resolve them. Mr Brodrick stated that off-sales was required to allow the sale of bottles of rare whiskies and local gin and to enable his customers to take away unfinished bottles.

Eric Dearie, Licensing Standards Officer said the application also requested an extension of the terminal hour to 10.00pm for children and young persons and to allow them to be unsupervised when using the take-away food facility.

Rory Colville referred to the internal fan and asked if this was on at all times. Mr Brodrick replied yes and explained that it could be set at various levels and brought in fresh air to the back of 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.

(d) **Lephincorrach Distillery, Torrisdale Estate, Carradale, Campbeltown,**

Niall MacAllister-Hall appeared on behalf of the applicant and spoke to the terms of

the application which sought to extend the on-sales terminal hour to 10.00pm; to allow children under the age of 5 on the premises; to include outdoor drinking as an activity and to extend the premises to add an adjoining building to be used as a visitor centre. Mr MacAllister-Hall advised that the business had been operating for just over a year and involved mainly online sales. Mr MacAllister-Hall explained that a tasting room and a shop was now available therefore tours could be carried out which would finish at 6.00pm and the terminal hour of 10.00pm would cover evening events. He added that customers would have the option to drink in the large garden area.

Eric Dearie, Licensing Standards Officer referred to the external drinking area and the usual terminal hour of 8.00pm for children and young persons and 10.00pm for adults.

Rory Colville asked Mr MacAllister-Hall if he would be happy to amend the terminal hour for the external area to 8.00pm or 9.00pm.

Mr MacAllister-Hall stated he would be happy with a terminal hour of 9.00pm.

The Chair moved to grant the application as applied for with the amended terminal hour of 9.00pm for the external area.

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

(e) **Lorne Bar, 249 Argyll Street, Dunoon, PA23 7QT**

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicant, who was also present and referred to the application which sought to add markets as an activity within the beer garden, 2-3 times per year and to amend the terminal hour for children and young persons from 10.00pm to 9.30pm.

Susan Mair, Depute Clerk asked if there would be an additional bar within the external area. Mr MacIver replied yes but only when the markets would be taking place and therefore it would only be in use on a temporary basis.

Raymond Park, Licensing Standards Officer advised that the previous Christmas Fayre had been successful.

Sergeant Mairi Capaldi, Police Scotland referred to her representation (Appendix 1) which requested a terminal hour of 10.00pm for the external bar.

Rory Colville wondered how many markets would be held per year. Mr MacIver requested some flexibility. The Chair suggested four each year and this was accepted by Mr MacIver.

The Chair moved to grant the application to include up to four markets per year to take place within the beer garden and the external bar is only to be operational when the markets are taking place, and a terminal hour for the external bar of 8.00pm for children and young persons and 10.00pm for adults.

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

(f) **Port Bannatyne Inn, 44-45 Marine Road, Port Bannatyne, Isle of Bute, PA20 0LW**

The applicant, Rhona Watson appeared and spoke to the terms of the application which sought to amend the children and young persons conditions; add various activities; remove gaming as an activity and to update the premises manager's details. Ms Watson said she wanted to create a more family friendly atmosphere.

Raymond Park, Licensing Standards Officer stated there was demand from the new Marina and that this was the only establishment in the village that offered food and permitted children and young persons.

Susan Mair, Depute Clerk clarified that the terminal hour would be increased to 10.00pm for children and 11.00pm for young persons, while consuming a meal and accompanied by an adult aged 18 years or over.

The Chair moved to grant the application as applied for.

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

(g) **Sinbads, 115/117 Argyll Street, Dunoon, PA23 7DH**

Niall Hassard, Solicitor, Edinburgh appeared on behalf of the applicant. The premises manager, Alison McNeill was also present. Mr Hassard spoke to the terms of the application which sought to amend the terminal hour from 1.00am to 2.00am, Thursday to Saturday and to add dance and restaurant facilities as activities. Mr Hassard advised that a noise management plan was being implemented, a CCTV system was in place and six members of staff were personal licence holders. Mr Hassard explained that his client was losing business due to neighbouring premises opening until 2.00am.

Rory Colville referred to the neighbouring premises and asked Raymond Park, Licensing Standards Officer if these premises were operating until 2.00am. Mr Park confirmed they were, apart from The Brewery which had closed recently.

Rory Colville queried the demand for a terminal hour of 2.00am and wanted reassurance that the 5 Licensing Objectives would be adhered to.

Mr Hassard stated that stewarding was in place from 10.00pm and although he could not comment regarding demand he stressed that customers were looking for this facility rather than returning home and consuming larger measures of alcohol. Mr Hassard stressed that it was not all about consuming alcohol as the premises would be having live entertainment such as bands and DJ's.

Richard Trail said that health statistics in Dunoon were particularly worrying.

Mr Hassard advised that he could not make any comments regarding statistics but felt that off-sales was more of a concern as licensed premises provided smaller measures. He reiterated his point stating that patrons were better placed being supervised in licensed premises rather than consuming alcohol at home.

The Chair asked Mr Park if he thought that other premises would come forward

and request the same terminal hour. Mr Park advised that some of these premises had converted to the new Licensing Act under grandfather rights, therefore they previously had the 2.00am in place.

The Chair moved to grant the application.

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

7. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE (CONTINUED FROM PREVIOUS MEETING)

(a) Tayvallich Inn, Tayvallich, by Lochgilphead, PA31 8PL

Brian Masson appeared on behalf of the applicant. The premises manager, Danny Briggs, was also present. Mr Masson explained that the application sought to amend the seasonal variation; add a terminal hour of 9.00pm for the new external area; to amend the capacity from 90 to 120; add outdoor drinking and eating facilities in the grassed area adjacent to the premises on the lochside; change the description of the premises and make a slight amendment to the children and young persons' conditions. Mr Masson said that there were no letting rooms thus the business survived by providing food and drink only. He added that the new external area was required to meet demand and the proposed seasonal variation was a result of the quieter winter months.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 1).

Sergeant Mairi Capaldi, Police Scotland referred to her report (Appendix 2).

Mr Masson confirmed that he had made a pre-application enquiry to the Planning Department regarding the proposed external area and would go ahead eventually with a full application but he wanted to check if this application would be granted first. He confirmed he was happy to put up appropriate signage.

Audrey Forrest referred to the Police report which suggested that staff could deliver the alcohol to the new external area rather than the customers taking it and asked Mr Masson if he would consider this. Mr Masson replied yes but thought that this type of service would require extra staff.

Rory Colville commented that other premises had been granted similar applications with waiter service but would be happier if Roads and Amenity Services had been involved, therefore was hesitant to grant the application without their comments.

Mr Masson advised that the Roads Department had viewed the area and they did not have any issues with it.

Richard Trail enquired about the decked area. Mr Masson advised that it would be on the grassed area and enclosed with a ramp. Mr Briggs provided the Board with a further plan.

Rory Colville asked Mr Masson how many tables would be on the decked area and he replied 4 tables of 8.

The Board adjourned to consider the application further. On resuming, the Chair moved that the application be granted as applied for and, in relation to the outdoor area located across the road, subject to the following conditions:-

- 1) Planning consent to be obtained;
- 2) Appropriate warning signage to be erected on the road in each direction to highlight to drivers that patrons may be crossing the road at this location; and
- 3) Any alcohol being taken to the external area is to be delivered by staff.

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

It was noted that Lorna Douglas entered the meeting.

8. APPLICATION FOR REVIEW OF A PREMISES LICENCE (CONTINUED FROM PREVIOUS MEETING)

(a) Commercial Bar, Argyll Street, Dunoon, PA23 7HA

It was noted that this would be considered at Item 11a together with Items 11b and 11c.

9. APPLICATION FOR GRANT OF A PERSONAL LICENCE

(a) Philip Gray, 10 Sealadh Na Mara, Bowmore, Isle of Islay, PA43 7AB

Susan Mair, Depute Clerk advised that Mr Gray had been in touch by email to advise that he was unable to attend due to work commitments.

Sergeant Mairi Capaldi, Police Scotland referred to her report (Appendix 3).

The Chair referred to the email and noted that Mr Gray had regretted what happened.

Rory Colville noted that the offence took place over 2 years ago but he requested that the applicant be advised of the Board's disappointment and if he was to appear before the Board in future, any further matters would not be dealt with as leniently.

Richard Trail said that he would have liked Mr Gray to be present and supported Rory Colville's comments.

The Chair said he would have preferred Mr Gray to be present as well but moved to grant the application and a warning letter to be included with the licence reflecting the points made by Rory Colville.

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

(b) Joshua Sivarajah, 54 Victoria Parade, Dunoon, PA23 7HU

The applicant, Joshua Sivarajah appeared and requested a private hearing. The Board agreed to consider the matter at the end of the meeting. Mr Sivarajah advised that he had taken over the premises a year ago having carried out refurbishments. He referred to the incident which took place 5 years ago and said he was guilty and that he served his Community Service.

Audrey Forrest stated that she supported the application and thought that Mr Sivarajah seemed to be doing well in his new business.

Lorna Douglas said she had no problem with the application.

The Chair moved that the application be granted.

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

10. APPLICATION FOR REVIEW OF A PERSONAL LICENCE

(a) David Black, 7 Jane Road, Dunbeg, Oban, PA37 1QE

It was noted that Mr Black was not present. The Board agreed to continue the matter to a future Board Meeting once the Court proceedings had been concluded.

11. APPLICATION FOR REVIEW OF A PERSONAL LICENCE (CONTINUED FROM PREVIOUS MEETING)

(a) James English, Villa Novella, 19 Pilot Street, Dunoon, PA23 8DB

Archie Maclver, Solicitor, Glasgow appeared and advised he would deal with items 8a; 11a; 11b and 11c together. Mr Maclver confirmed that James English, Jill English and Lianne McVicar were all present.

The Chair explained the procedure.

Mr Maclver advised that James English would surrender his personal licence but stressed this was not an admission to anything and reiterated that no further action had been taken by the Procurator Fiscal. Mr Maclver said Mr English had been running the premises for 30 years without incident but now the licence had been transferred to the family company, with Lynsay English appointed as premises manager. Mr English, on occasions, dealt with the admin aspects of the business although he now resided in Spain for considerable periods.

Mr Maclver referred to the report from Police Scotland (Appendix 4) and said that matters started in May 2016 when there was an altercation with 2 males which had not been reported to the Police. At this time Mr English was not present but the staff on duty at the time said they had dealt with the matter appropriately. It was noted that the CCTV was not working when the incident happened.

There had been a further incident on 8th July 2016 when a female, who had previously been drinking in the bar was assaulted out with the premises. The female contacted Police Scotland. Mr Maclver wanted to clarify that the premises had closed at the correct time on the night in question. A further incident on 13th November 2016 was a result of an elderly male who had taken ill within the toilets of the premises. He had fallen and banged his head then went into cardiac arrest. The Scottish Ambulance Service was in attendance and the male was taken to hospital.

Mr Maclver advised that on 10th January 2017, Mr English had resigned from Pub

Watch as he was not happy about how a situation had been dealt with regarding one of his customers. Mr Maclver said that another incident on 16th January 2017 involved a male who was found by Police collapsed in the doorway of the premises at 12.07am. He entered the premises around 3.00pm and when he left, the staff said he did not seem that drunk. Mr English, who was not present at the time of the incident assured Police that he would speak to all his staff and remind them of their responsibilities.

Mr Maclver referred to another incident on 21st January 2017 when a female was assaulted in the toilets of the premises. She stated that the staff were not interested about what had taken place so she left and went to the Police Station to report the incident. Having spoken to staff, Police Scotland were told that there was no indication from the female that anything had happened as she left the premises without speaking to anyone.

Mr Maclver mentioned an incident on 15th September 2017 when Police had observed lights on within the premises at 1.25am. When entering, there were approximately 15 patrons, the majority of which were playing pool. The officers spoke to the staff on duty who admitted that the premises should have been closed earlier. No further action was taken.

Mr Maclver said another incident took place on 4th November 2017 around 1.55am when Police had noted lights on within the premises. There were approximately 15 to 20 patrons present playing dominoes. Mr Maclver said Mr English stated there was no alcohol being served at the time and that he denied shouting and swearing at the Officers.

On 12th January 2018 Mr Maclver advised that Jill English had contacted Police Scotland after a male had been put out of the premises. Mr Maclver confirmed that other establishments were made aware of this via the Pub Watch scheme.

Mr Maclver stated that no further incidents had been reported since and that Mr English had accepted some responsibility for these incidents but this was after 30 years of an unblemished business. Mr Maclver said that Mr English was now stepping back from the business.

Richard Trail said it was unfortunate that the CCTV was broken on the night in question. Mr Maclver agreed but stressed there was no requirement to have this installed.

Rory Colville wanted to know what happened regarding the incident on 4th November 2017.

Mr Maclver explained that Lianne McVicar was behind the bar cashing up but she denied selling alcohol. Mr Maclver added that there was no real evidence to support the sale of alcohol and questioned why till rolls had not been taken by Police which would have confirmed whether patrons had been paying for drinks after the terminal hour.

The Chair asked why there were drinks still on the tables at 1.55am. Mr Maclver accepted that this should have been dealt with appropriately but he stated his clients have now changed the way they run the premises.

Lorna Douglas referred to the incident regarding the assault of a female and found it worrying that no staff member noticed her or approached her. Lorna Douglas said that the staff should be observing the premises and that awareness should be prior to any incidents.

Mr Maclver explained that the assault took place in the toilet and the female left the premises immediately after, hence the reason staff were not aware of the incident.

Rory Colville wondered what went wrong with the premises over this period as it was such a well -run business.

Mr Maclver explained that Mr English lost interest in the business. He referred to the incident regarding the dominoes competition and said that this was a clash of personalities and that over the period it resulted in various factors coming together but now Mr English had retired and a new generation had taken over which proved to be working well.

The Chair referred to the incidents regarding the dominoes and pool competitions and noted that Jill English and Lianne McVicar, who are personal licence holders, had been present on both nights. He wondered why these situations had been dealt with by Mr English. Mr Maclver confirmed that Jill English was not on duty these nights and it was Mr English who was in charge. Mr Maclver added that Jill English dismissed a member of staff regarding the incident on 15th September for not noticing the female who had been assaulted.

Jean Moffat said she was confused regarding the information about the CCTV system and its lack of use especially when there was so many incidents reported. Mr Maclver confirmed that Police Scotland requested the CCTV and this was provided to them.

The Chair asked Mr Maclver to sum up.

Mr Maclver said that measures have been put in place to prevent any further incidents in the future. He said that Mr English was no longer involved in the business apart from helping out on the odd occasion when staff were on holiday, the issue regarding closing time had been dealt with and the CCTV system was now in place. He added that for the last 6 months there had been no issues with the premises. Mr Maclver said that lessons had been learnt and that both licence holder and staff had taken everything on board.

The Board adjourned to consider the matter further. On resuming the Chair requested that a warning letter be issued to the licence holder stating that no patrons to be permitted in the premises beyond the terminal hour. He noted that although there was no requirement for CCTV this could be used in future if there were any further incidents.

The Chair advised that there would be no further action taken at this time regarding the personal licences for Jill English and Lianne McVicar.

(b) **Jill English, 49 Alexander Street, Dunoon, PA23 7EW**

It was noted that this was considered at Item 11a.

(c) **Lianne McVicar, Flat 1-2, 16D Victoria Parade, Dunoon, PA23 7LD**

It was noted that this was considered at Item 11a.

12. REVIEW OF PERSONAL LICENCES

The list of personal licence holders (Appendix 5) who had not undertaken the required refresher training within the prescribed timescale was noted and the Board agreed to revoke their personal licences.

13. ANY OTHER BUSINESS

It was noted that there was no other business

14. DATE OF NEXT MEETING

It was agreed that the next meeting of the Licensing Board would be held on Tuesday 11th September 2018 at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.

LICENSING STANDARDS OFFICERS REPORT ATTACHED

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ARGYLL AND BUTE LICENSING BOARD MEETING**TUESDAY 26th JUNE 2018****LICENSING STANDARDS REPORT**

Each report below includes reference to The Argyll and Bute Licensing Board Policy document where relevant

APPLICATION FOR NEW GRANT OF PREMISES LICENCE**CARRADALES, CARRADALE, PA28 6QG****LSO**

Carradales is a Bed & Breakfast primarily catering for booked guests but also providing restaurant facilities to non-guests where numbers allow. There will be no access to children and young persons. The applicant has liaised with the LSO during the application process and there are no LSO concerns with this application.

Layout Plan

The premises layout plan meets the requirements of the Premises Licence (Scotland) Regulations 2007 in that it depicts the site location, the premises, and the licensed area (indoors and out) boldly in red.

Operating PlanQuestions 2 & 3 – On & Off Sales

The premises will provide on and off sales of alcohol. Off sales will be available on a restricted basis to those taking a meal to allow the removal from the premises of any unfinished alcohol from the meal. Off sales may also be available as part of packed lunches/picnics if requested.

Question 4 – Seasonal Variation

The applicant wishes a seasonal variation in the following terms:

“The management reserves the right to close the premises for two weeks during the winter period, 1st October to 31st March, for essential maintenance and refurbishment.”

The applicant has been advised of the Board’s policy statement:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Question 5 – Activities Outwith Core Licensing Hours

The applicant has provided detailed information in relation to those activities which will be provided outwith core licensed hours, this includes breakfasts where bucks fizz and whisky may be available. The Board may wish to consider its policy on licensing hours for on sales premises when deciding on the grant of this aspect:

“Whilst each application will be considered on its merits, the following sets out the Board’s policy on licensing hours. Applications for hours at times outwith the Board’s policy will require to demonstrate that the additional requested hours are appropriate in the circumstances.”

For applications relating to premises licences including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises shall generally be no earlier than 11:00am. Applicants need to demonstrate a clear operational need for opening prior to 11.00am.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Question 5(f) – Any Other Activities

The applicant has provided the following additional activities by way of explaining the extent of the licensed area; the provision and restrictions of off sales; and the outdoor drinking statement:

“Licensed area includes guest rooms; lounge; dining room and outside garden all of which are included within the red boundary depicted on the layout plan.

Off sales of alcohol may be provided on the following restricted basis only:

When included in prepared packed lunches/picnics; and

For the removal of a partly consumed bottle of wine after a meal giving customers more control over their consumption. This would cover wine purchased with a meal only.

The terminal hour for the outdoor drinking area will be 10:00pm”.

Question 6 – Children & Young Persons Terms of Access

Children and young persons will not be allowed on the premises.

Question 7 – Capacity

The capacity will be 20.

EHO

No comments received.

THE JAM JAR, ROSELAND LODGE PARK, CANADA HILL, ROTHESAY, ISLE OF BUTE PA20 9EH

LSO

This application relates to the licensing of a new, purpose built, and modern social area incorporating reception and coffee shop/café within the grounds of Roseland Holiday Park, Canada Hill, Rothesay, Bute.

Primarily to be used by holidaymakers to the Park and also for private functions/pre-booked events, for locals and visitors alike.

The LSO and EHO were consulted early in the build and have kept in contact as the new build developed toward completion.

Operating Plan

Question 1: on and off sales;

Question 2: on sales; Monday to Sunday 11:00am to 11:00pm.

Question 3: off sales; 10:00am to 10:00pm.

Question 4: Seasonal Variations;

Proposed - Operate while Holiday Park is open only = 7th March until 7th January.

Board policy in relation to seasonal variation is as follows:

“Applicants should be aware that premises are expected to remain open for the licensed hours they apply for and which are granted by the Board. The Board recognises, however, that at certain times of the year demand may diminish to the point where it is no longer economically viable for premises to remain open, particularly on weekday evenings. The Board expects that any premises licence applicants ensure that if they anticipate being affected by this and wish to close early, for example during the winter months, that this is specifically referred to in their operating plan.

Licence holders of existing premises licences who may wish to close early or open later should make application for the appropriate variation to their operating plan. For guidance, the Board is likely to consider the following variation acceptable:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

The Board may wish to look favourably in regards to the premises’ individual requirement.

Question 5: Activities -

The applicant seeks permission for the after listed;

Conference, Restaurant, Weddings etc., club/group meetings, recorded music, live performances, dance, films, gaming, and outdoor drinking

Clarification on live performance indicates acoustic singers. No dance floor; maybe highland dance displays or similar. Gaming would involve bingo and race nights etc.

Outside drinking facilities;

Board Policy

"In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening."

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – "Outside Areas"

Local conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6: Children and Young Persons

Terms;

Children and Young Persons will be permitted access when accompanied by a responsible person aged 18 years or over. Young Persons (16 & 17) permitted without a responsible person aged 18 years or over if employed on the premises.

Ages;

Children (0-5 years) baby changing facilities provided and depicted on the layout plan.

Young Persons (16 & 17 years)

Times;

Permitted to remain until 10pm unless attending a function or is an employee

Parts

*All public parts of licensed area, but not in immediate vicinity of the **service counter***

(Layout plan to be adjusted to delete child access to "**service counter**")

Question 7: Capacity

50 total; 40 inside, 10 outside

EHO

The EHO has been consulted and has issued a section 50 certificate and will work with the applicant in terms of noise management planning, particularly regards to outside use and live performance.

VICTORIA HALLS, SINCLAIR STREET, HELENSBURGH, G84 8TU

LSO

Victoria Halls is a long established community hub now operated by Live Argyll. The applicant has kept in touch with and been advised by the LSO while the application has developed.

Operating Plan

Question 1: alcohol will be sold for both on and off sales (off sales for indoor market events)

Question 2: on-sales Monday to Thursday 11:00am to midnight; Friday to Sunday 11:00am to 1:00am

Question 3: off-sales 10:00am to 10:00pm seven days (in line with national allowance)

Board Policy

“Licensed hours for on-sales premises in particular can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1 am, the Board considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of the premises:-

*Sunday to Thursday 12 midnight
Friday & Saturday 1 am”*

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

This application falls within Board policy

Question 4: no seasonal variation sought

Question 5: activities; conference, restaurant, bar meals, receptions, club/group meetings, recorded music, live performances, theatre, films, gaming, indoor sports, and televised sport.

Outdoor drinking facilities

The applicant has sought permission to utilise the front entrance area (see layout plan), in essence, the front doors, foyer, and fenced off arrival area to be used for weddings champagne and photograph sessions.

There is a no drinking by-law in force however, following the boundary as depicted on the plan would prevent this by-law being breached.

The fence and boundary wall also assists in ensuring the extent of the outside area is respected.

Board Policy

“In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Local Conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6: Children and Young Persons Proposed

Terms

This facility encourages family orientated community events. Children and Young Persons will be allowed access and will require to be accompanied by a responsible person aged 18 years or over for pre-specified events.

Ages

Children 0-15 Young Persons; 16 & 17

Times

Children and young persons will be allowed entry until 9:00pm, be permitted to remain until 11:00pm when attending a specific unlicensed youth event, and be allowed to remain for the duration of a pre- booked family event or private function when accompanied by a responsible person aged 18 years or over. .

Parts

Children and Young Persons will be allowed access to all public areas with the exception of the immediate vicinity of any permanent or temporary bar area.

Question 7: Capacity - 600

EHO

The Environmental Health Officer is working with the applicant toward section 50 certification and a noise management plan.

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

ELLIE'S CELLAR, 18 COLQUHOUN SQUARE, HELENSBURGH, G84 8AB

LSO

The applicant leases an existing off Sales in Helensburgh and is seeking to re-locate to the premises applied for. (Former Post Office building) the applicant has consulted with the LSO prior to submission of the application.

The applicant will vacate the current premises and return the Premises Licence to the current owner of the building.

The premises require refurbishment and fitting, hence the application for a provisional licence.

Operating Plan

Question 1: off sales only.

Question 3: 10:00am till 10:00pm

Question 4: no seasonal variation requested

Question (5f): additional activities -

Club group meeting; (tasting events where sample measures of alcohol are dispensed)

Question 6: Children and young persons are listed on the application but are not relevant for the purpose of this application (off sales shop)

Question 7: Capacity

This is primarily alcohol sales with linked provisions as ancillary therefore the capacity is calculated to suit the shop floor and displays therein and is given as;

Floor: 58.26 square metres

Frontage of shelving and fridges: 34.3 square metres

Total other display areas: 17.5 square metres

EHO

No issues

APPLICATION FOR VARIATION (MAJOR)

ARDLUI HOTEL, ARDLUI, ARROCHAR, G83 7EB

LSO

This is an application formed from discussion between the LSO and the Premises Owner over the last few visits. The application is a culmination of proposed changes believed to be the best options to resolve the potential difficulties of adjoining the geographical areas as depicted in the revised layout Plan.

In this respect the LSO has consulted with the applicant's agent and has suggested the following be considered, prior to date of Board meeting.

The Board may be minded to clarify the following

- Has planning permission been considered/sought/granted, for temporary Marquee within car park?
- Has planning permission been considered/sought/granted, for bar within the boat yard?
- Are the owners of the Hotel, the owners of the entire area to be incorporated into the Premises Licence?
- Is there alternative parking when temp structure in use?

Securing Public Safety

Pedestrians/patrons will make their way across the car park, into the beer garden area and walk a path, into an area primarily utilised as a boatyard and storage area, prior to reaching the new outside bar area.

Having visited the area it would appear that a physical barrier would not be practical or possible, however, a visible barrier such as pedestrian pathway (such as those painted within shopping centre car parks) marked on the grounds may assist in securing public safety.

Is the outside area and pathway, boatyard, lit for evening use?

The Board may wish to consider the dangers involving the use of glass in the proposed outside areas and pathways and may wish to impose a condition of toughened glass or plastics only.

Preventing Public Nuisance

The applicant has sought 11:00pm terminal hour for the new outside bar. Board policy suggests that the use of outside areas be restricted to 10:00pm for persons aged 18 years and over and 8:00pm for children and young persons.

The Board may wish to impose the following as a local condition.

Board Policy

"In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific

circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Local Conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

The applicant has suggested that the terminal hour for the Marquee could be as late as 2:00am in line with the main premises; this may cause issue in terms of late hours noise escape from the marquee and disturbance to residents of the hotel, Caravan Park and any neighbouring residences.

Consultation with the Environmental Health Officer and the development of an approved noise management plan is advised prior to such use.

From an administrative perspective the hours granted for the outside area and the proposed hours, if granted for the temporary structure, could be added to the notes section of the premises Licence and operating plan.

Seasonal Variation; No current variation

Proposed;

The Ardlui Hotel will close from the second Monday in January until 1st March. The Lomond Bar and the lounge bar will operate restricted hours from the second Monday in January until the 1st March namely;

*Fridays 4pm till 1am following morning;
Saturday 11a.m till 1a.m following morning*

Board Policy

“Applicants should be aware that premises are expected to remain open for the licensed hours they apply for and which are granted by the Board. The Board recognises, however, that at certain times of the year demand may diminish to the point where it is no longer economically viable for premises to remain open, particularly on weekday evenings. The Board expects that any premises licence applicants ensure that if they anticipate being affected by this and wish to close early, for example during the winter months, that this is specifically referred to in their operating plan.

Licence holders of existing premises licences who may wish to close early or open later should make application for the appropriate variation to their operating plan. For guidance, the Board is likely to consider the following variation acceptable:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

The Board may wish to look favourably in regards to the premises individual requirement.

EHO

The EHO is happy to work with management in the development and implementation of health and safety and noise risk assessments.

BEN CRUACHAN INN, LOCHAWE, PA33 1AQ

LSO

The applicant has liaised with the LSO and there are no concerns with this application.

Operating Plan

Question 2: On Sales Hours - reduce the terminal hour to 11:00pm Sunday to Thursday and to Midnight Friday and Saturday;

Question 4; Seasonal Variation - amend the current seasonal variation from 1st October – 31st March to 1st October - 31st May;

Question 5: Activities Outwith Core Hours - The applicant is also looking to include receptions; live performance; recorded music; films and dance facilities to take place within and outwith core licensing hours.

Question 5(f): Additional Activities - the applicant is looking to add quiz nights; craft fairs and community/charity events, and allow residents and guests of residents to drink outwith licensed hours in the following terms:

“At the discretion of the licensee, residents may purchase and consume alcohol with any guest after the terminal hour and until 2:00am.”

This concession is allowed for under Section 63 of the 2005 Act –

“...allow alcohol to be consumed on or taken from licensed premises outwith licensed hours if the person consuming or taking the alcohol -

- resides on the premises, or*
- is a guest of a person who resides there;*
- sell alcohol or allow alcohol to be sold on licensed premises outwith licensed hours if the alcohol is sold to a person who resides on the premises...”*

Question 6: Children and Young Persons Access - extend the terminal hour for children and young person access indoors only from 9:00pm to 10:00pm (no change to outdoor drinking curfew of 8:00pm). The premises is food led; family-friendly; spacious and open-plan.

The applicant has updated Question 6 of the operating plan to include a 10:00pm terminal hour indoors. The remainder of children and young persons' access statement remains unchanged.

EHO

No comments received.

FOOD FOR THOUGHT RESTAURANT, 10 LONGROW SOUTH, CAMPBELTOWN, PA28 6AH

LSO

The premises is a restaurant situated in Campbeltown Town Centre. It is a food led business with alcohol as ancillary to meals.

The applicant has liaised with the LSO during the application process and the LSO has no concerns with this application.

Operating Plan

Question 3: addition of off sales between 11:00am and 10:00pm daily;

Question 5(f); addition of off sales on a restricted basis and takeaway meals.

Question 6: amendment to children and young person access (including 10:00pm terminal hour) as follows:

Terms

Children and young persons allowed access while accompanied by a responsible person 18 years or over to take a meal. Unsupervised access allowed when using takeaway food facility.

Ages

Children of all ages (birth to 15 years) and young persons (16 & 17 years).

Times

Between 7:00am and 10:00pm.

Parts

All public parts of the premises.

EHO

No comments received.

LEPHINCORRACH DISTILLERY, TORRISDALE ESTATE, CARRADALE, PA28 6QT

LSO

Lephincorrach Distillery produces the Beinn An Tuirc Kintyre Gin and provides for tours and tastings and is currently licensed for on and off sales of alcohol. This application will allow the applicant to extend On Sales hours to 10:00pm and expand the business with the addition of a visitor's centre, comprising tasting room; office; easy access toilet; outdoor drinking facilities and car parking.

Access to children and young persons will be amended to birth to 17 years with baby changing facilities being available, and the premises capacity augmented.

The applicant has liaised with the LSO during the application process and the LSO has no concerns with this application.

Premises Licence - Description of Premises

If this application is granted, the description of the premises on the front of the premises should be updated to reflect the changes.

Layout Plan

The premises layout plan meets the requirements of the Premises Licence (Scotland) Regulations 2007 in that it depicts the site location, the premises, and the licensed area (indoors and out) boldly in red.

Operating Plan

Question 2: On Sales – extend terminal hour to 10:00pm daily.

Question 5(f): Any Other Activities – As per Board policy the Board may wish to consider including a statement in relation to outdoor drinking similar to –

“Outdoor drinking facilities will be available to persons aged 18 years and over until 10:00pm and to children and young persons until 8:00pm.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Question 6: Children and Young Person Access – Licensing Standards advocates a standard form of wording to cover children and young person access to on-sales premises as this is the wording that will appear in the operating plan and the statutory access notice. Any standard form should take cognisance of the nature of the operating plan and the wording submitted by the applicant.

Applicant's proposed wording:

Terms

Children permitted access if accompanied by adult. A member of staff will be present at all times

Ages

All children and young persons permitted. They must be accompanied by an adult. Only those over 18 will have a free sample or be allowed alcohol in any form.

Times

During standard opening times as detailed in this plan.

Parts

Tours will encompass all areas of the building (distillery) and also in the tasting room and will be accompanied by a member of staff at all times. Children and young persons will have access to the same areas.

Licensing Standards wording:

Terms

Children and young persons allowed access while accompanied by a responsible person 18 years or over. A member of staff will be present at all times.

Ages

Children of all ages (birth to 15 years) and young persons (16 & 17 years).

Times

Generally, between 11:00am and 10:00pm. Outdoor drinking area 11:00am to 8:00pm.

Parts

Tours encompass the Distillery building, tasting room and outdoor drinking facilities.

Question 7: Capacity – the capacity of the premises should be amended –
Tours – 10. Tasting Room and outdoor drinking area – 30

EHO

No comments received.

LORNE BAR, 249 ARGYLL STREET, DUNOON, PA23 7QT

LSO

This is an application for a variation to the premises licence layout plan to incorporate an additional bar outdoors and within the beer garden area and to add additional activities and amend the operating plan as follows;

Question 5(f): Any other Activities - The use of Beer garden as a market space; to be used two to four times a year:

Board Policy

"In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening."

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – "Outside Areas"

Local Conditions

The Board may wish to impose the following local conditions:

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6(d): children and young persons; reduce times from 10:00pm to 9:30pm.

EHO

A noise management plan is in place and has been reviewed by the EHO with regard to Market use. The applicant is also aware a separate Market Operators Licence is required.

PORT BANNATYNE INN, 44-45 MAIN ROAD, PORT BANNATYNE, ISLE OF BUTE, PA20 0LW

LSO

The owners have taken time to examine their current Operating plan and in an effort to match their developing business model they have reviewed and amended the Operating Plan to aim for a more family orientated premises.

The premises are situated in Port Bannatyne where there is currently three licensed premises, one which does not permit children, and one which is currently closed due to, long term ill health of the Licence Holder. Port Bannatyne has seen a recent resurgence in visitors with the recent addition of a large marina which the applicant states provides custom in the form of families seeking family facilities. The owners did consult with the LSO and the amendments now requested are as a result.

Question 5: Activities - Add; Conference, restaurant, dance, Delete; gaming

Question 6: Children and Young Persons:

Terms:

Current

Children and Young Persons must be permitted provided they are accompanied by a responsible person aged 18 years or over and display acceptable behaviour.

Proposed

No change sought.

Ages:

Current

Children must be over the age of 5 years.

Proposed

Children 0-15 years & Young Persons 16 & 17 years. In line with the family-friendly policy, unisex baby changing facilities are provided as indicated on the Layout Plan.

Times:

Current

Children will be permitted up to 8.00pm and Young Persons will be permitted up to 11:00pm

Proposed

Children, accompanied by a responsible person aged 18 years or over, eating a meal at the Inn will be permitted up to 10:00pm. Young Persons, accompanied by a responsible person aged 18 years or over will be permitted up to 11:00pm.

Parts

Current

Children and Young Persons will be permitted access to the hallway, lounge/dining room, garden and games room.

Proposed

Children and young persons will be permitted access to the hallway, lounge/restaurant (previously known as dining room) male and female toilets, unisex toilets with baby changing facilities, enclosed garden and games room.

Accompanied by an adult, children and young persons will be permitted access to the public bar, with the exclusion of the bar counter.

The Board may be minded to note children **are currently permitted access** to the "Games Room" which contains a pool table.

Children are not currently permitted into the bar area, notwithstanding they must pass through the bar to get to the games room.

In summary the Inn is traditional in style and layout it has bedrooms upstairs. Downstairs it has a restaurant (previously known as dining room) and corridor to toilets and bar then games room leading from the bar.

The Premises Licence holder wants to ensure that Port Bannatyne has facilities available for local and visiting families alike.

Board Policy

“The Board will not normally grant a premises licence or occasional licence where children and young persons could have unsupervised access to pool tables, darts boards or gaming machines. The parts of the premises to which children and young persons are allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide an appropriate environment. In addition, premises which have very few facilities are unlikely to comply with the Board’s requirements.

The terminal hour for children and young persons on licensed premises will generally be 9pm provided they are accompanied by an appropriate responsible adult over the age of 18 years and they are on the premises for the purposes of taking a meal. It may be that young persons can remain on the premises beyond this hour but that will be a matter for the Board to determine on an individual basis having regard to factors such as the nature of the establishment and the type of facilities provided.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 13 – “Access by Children & Young Persons”

EHO

No issues

SINBAD'S 115/117 ARGYLL STREET, DUNOON, PA23 7DH**LSO**

The Premises Licence Holder is Green King Ltd and is leased to the current Designated Premises Manager. The LSO had discussion with management with regard to changes made to upgrade the internal decoration and to a change in direction as to the current operating model to suit the current late night economy in Dunoon town centre.

Late night opening Dunoon

The table below illustrates the current late hours permitted beyond policy and those now applied for and allows a comparative with regards to other like premises throughout Dunoon's' main town centre and surrounding area:

Legend: TC = Temporarily Closed; () = Applied For; D = Dance

| Premises | Mon | Tues | Wed | Thurs | Fri | Sat | Sun |
|-----------------------------------|-------------|-------------|-------------|--------------------|--------------------|--------------------|--------|
| 2:00am [current & applied for] | | | | | | | |
| Sinbad's (D applied for) | 1:00am | 1:00am | 1:00am | 1:00am (2:00am) | 1:00am (2:00am) | 1:00am (2:00am) | 1:00am |
| Lorne Bar (D) | 1:00am | 1:00am | 1:00am | 2:00am | 2:00am | 2:00am | 1:00am |
| Clansman | 1:00am | 1:00am | 1:00am | 2:00am | 2:00am | 2:00am | 2:00am |
| The Brewery (Brass Monkey) | 1:00am | 1:00am | 1:00am | 2:00am | 2:00am | 2:00am | 2:00am |
| The Braes (D) | 11:00p m | 11:00p m | 11:00p m | 2:00am | 2:00am | 2:00am | 1:00am |
| Victoria Bar (D) | 12mid | 12mid | 12mid | 1:00am | 2:00am | 2:00am | 12mid |
| MacClure's (D) | 12mid | 12mid | 12mid | 1:00am | 2:00am | 2:00am | 1:00am |

Board Policy dictates the following in terms of late night/early morning terminal hours;

“Licensed hours for on-sales premises in particular can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1 am, the Board considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of the premises :-

Sunday to Thursday - 12 midnight and Friday & Saturday – 1.00am

Applications for hours at times out with the Board's Policy will require demonstrate that the additional requested hours are appropriate in the circumstances.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Operating Plan**Question 2: Core Hours On-Sales:**

Currently

11:00am to 1:00am every day

Proposed

Sunday, Monday, Tuesday, Wednesday; 11:00am till 1:00am Thursday, Friday, Saturday, 11:00am till 2:00am

The premises are set within the centre of Dunoon and are in the vicinity of residential flats. There has been noise complaints in the past however none recently.

Question 5: Additional Activities

Dance; the upstairs lounge has been used in the past for private function, dance is an activity now sought.

Restaurant; there are kitchen facilities upstairs which the Current Designated Premises Manager would like to make use of for functions and events.

EHO

Due to the change in hours sought and potential noise escape the Environmental Health Officer has requested that the management work with her to develop a noise management plan. The EHO will also work with management in terms of food safety when the kitchen is refurbished and food preparation is instigated.

END OF REPORT