

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on TUESDAY, 11 SEPTEMBER 2018

Present: Rory Colville (Vice Chair)

Robin Currie
Lorna Douglas
Richard Trail

Audrey Forrest
Jean Moffat

Attending: Susan Mair, Depute Clerk
Margaret MacLean, Admin Assistant
Kelly Coffield, Licensing Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Constable Alison Simpson, Police Scotland

1. APOLOGIES

Apologies for absence were intimated from David Kinniburgh, Sandy Taylor, Gordon Blair 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 26TH JUNE 2018

The Minutes of the Meeting held on 26th June 2018 were submitted and subsequently approved.

4. APPLICATION FOR GRANT OF A PREMISES LICENCE

(a) Ritz Lounge Bar, 76-78 High Street, Rothesay, Isle of Bute, PA20 9BB

The applicant, David MacKinnon appeared.

Susan Mair, Depute Clerk, advised that one objection had been received from Mr and Mrs McNeill, Ritz Flat, 78a High Street, Rothesay (Appendix 1) but they were not present. She also advised that one other objection had been received but was withdrawn.

Mr MacKinnon explained that the premises were purpose built for entertainment and were an asset to the community and visitors alike. He advised that the premises would not be run as a public house and wanted

to create a family friendly establishment as well as an entertainment venue. Mr MacKinnon explained that the number of persons attending would vary from 30 to 200, depending on the type of event and confirmed that he was SIA approved and had dealt with various events in the past.

Raymond Park, Licensing Standards Officer referred to his report (Appendix 2) and advised that the premises had been 2 to 3 years in the making and that the project had progressed over the years. He said that a noise management plan would be implemented and stressed that Mr MacKinnon simply wanted to make the premises into a community hub.

The Vice Chair referred to the objection from Mr and Mrs McNeill and expressed his concerns regarding the condition of the external decking area. Mr Colville wondered if a Building Standards Officer could look into the matter and confirm its suitability.

Mr MacKinnon said that a neighbour dispute had taken place and suggested that the objection was vexatious. He advised that the decking area required to be cleaned and if it was unsuitable he would not use it.

Jean Moffat was not familiar with the premises and enquired what was underneath the decking. Mr MacKinnon advised it was concrete.

Richard Trail referred to the Board's Policy which stated that on a Sunday the terminal hour was 12 Midnight. Mr Trail asked Mr MacKinnon why he was seeking the extra hour. Mr MacKinnon said he was happy to amend the application to 12 Midnight.

Lorna Douglas wondered if recycled glass would be used on the decking area. Mr MacKinnon gave his assurance that that only plastic and recyclable glass would be permitted on this area.

The Vice Chair enquired if tables and chairs would be placed on the decking. Mr MacKinnon replied no as it would only be used for 2 day events and festivals, not at all times.

The Vice Chair moved to grant the application with a terminal hour for the external area of 10.00pm for adults and 8.00pm for children and young persons; a terminal hour of 12 Midnight on a Sunday and as per the Licensing Standards Officer's comments.

Jean Moffat supported the motion but asked if a Building Standards report be submitted for the decking area which the Vice Chair agreed.

Robin Currie moved as an amendment to grant the application as applied for. It was noted there was no seconder for the amendment, therefore the motion was carried. Robin Currie requested his dissent be recorded.

(b) **Spirit of Bute, 79 Montague Street, Rothesay, Isle of Bute, PA20 0HW**

Stephen McGowan, Solicitor, Glasgow appeared on behalf of the applicant, Keith MacIntyre, who was also present. Mr McGowan explained that his client wanted to offer customers unique products such as specialist whiskies and gins and that two thirds of all sales derived from tourists.

Raymond Park, Licensing Standards Officer said that the alcohol display area of 4.7% was modest. He stated that any ticketed sales for tastings would require on-sales. Mr Park noted that the inaccessible display area would be situated within the front window, therefore any displays or promotions would be visible to the public from the outside of the premises. He added that the online sales would be monitored.

The Vice Chair queried the requirement for on-sales.

Mr MacGowan advised that this was not part of the application as free samples would be given and if there would be any ticketed events in the future, the relevant application would be submitted. Mr MacGowan referred to the window display and confirmed that only specialist products would be displayed so therefore, would not encourage irresponsible drinking.

Lorna Douglas enquired about charity and community events and wondered if they would be held within the premises and if it would be tasting sessions only.

Mr MacGowan explained that these events would be held in the shop whereby his client would provide tastings and as part of the experience, advise customers how his products were made.

Richard Trail reverted back to the inaccessible area and asked if it could be screened off.

Mr MacGowan suggested this could be carried out at night but not during the day. He stated that there was no requirement to do so under the Licensing (Scotland) Act 2005.

Mr Park mentioned the possibility of putting the blind down at night which would be perfectly reasonable.

The Vice Chair moved to grant the application as applied for.

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

(c) **Springbank Distillery, Well Close, Campbeltown, PA28 6ET**

Stuart Campbell, applicant and director of the company, appeared. He explained that the application was for the new shop next to the distillery and the visitors centre which provided a more professional approach to the visitors' experience.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 2).

The Vice Chair noted that the terminal hour of 11.00pm had been applied for but the tours finished at 10.00pm.

Mr Campbell advised that he would be happy to amend the terminal hour to 10.00pm.

The Vice Chair moved to grant the application as amended and as per the wording in the Licensing Standards Officers report.

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

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) **Ardnahoe Distillery Visitor Centre & Shop, Ardnahoe Distillery, Port Askaig, Isle of Islay, PA46 7RN**

Hayley McGuire, Solicitor, Glasgow appeared on behalf of the applicant. Paul Graham, Operations Manager of the distillery was also present. Ms McGuire explained that this was a huge investment to accommodate the normal operation of the premises. She said that there would be various events held but not on a regular basis.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 2) and suggested the following standard wording for children and young persons be applied:

'Children and young person's require to be accompanied by a responsible person aged 18 years or over and will be allowed entry to all public parts of the premises with the exception of the designated bar area'.

Richard Trail asked why the opening time of 10.30am was required. Ms McGuire advised that the premises were a tourist attraction and the tours commenced at 10.00am.

Robin Currie asked if the capacity of 488 was correct. Ms McGuire replied yes as the figure was as per Building Standards Regulations but emphasised that this number would not be present at any one time.

The Vice Chair moved to grant the application as per the Licensing Standards Officers wording regarding children and young persons.

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

6. APPLICATIONS FOR MAJOR VARIATION OF PREMISES LICENCE

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

Mr Ian Smith, Director of Islay Ales appeared and spoke to the terms of the application which sought to amend off sales to Monday to Sunday, 10.00 to 22.00; to add on-sales; to include recorded music, bar snacks and outdoor drinking as activities; to increase the alcohol display area; to amend the layout plan and change the premises manager. Mr Smith advised that there were 3 Directors within the Company and one would be made premises manager. He explained that the business needed to expand as there was now a demand for on-sales. He said that customers wanted to be able to have a drink as well as purchasing bottles to take away. Furthermore, weekend tours in the summer months would benefit both the business and the tourists.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 2) and suggested the usual standard conditions for the external drinking area.

The Vice Chair moved to grant the application as applied for and to include the standard conditions for the outdoor drinking area.

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

(b) The Kinloch Bar, 10 Saddell Street, Campbeltown, PA28 6DN

It was noted that no representation was required. The application sought to provide breakfast for customers from 7.00am, Monday to Saturday and a breakfast club for ex-servicemen every fourth Friday.

Eric Dearie, Licensing Standards Officer referred to his report (Appendix 2) and confirmed that no alcohol would be sold or consumed prior to the existing core licensing hours.

The Vice Chair moved to grant the application as applied for.

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

(c) Wm. Morrison Supermarkets plc, 40/42 John Street, Dunoon, PA23 8BJ

Richard Taylor, Solicitor, Hull appeared on behalf of the applicant. The premises manager, was also present. Mr Taylor said the reason for the

application was to update the operating plan to enable free sampling of alcohol within the store and to promote local produce as well. He advised that a small stand would be used occasionally by trained members of staff providing small measures of 12.5mls for spirits and 25mls for beers and wines.

Raymond Park, Licensing Standards Officer confirmed he was happy to monitor and support the management.

The Vice Chair asked how often this activity would be used. Mr Taylor replied infrequently, possibly once every 2 months.

Jean Moffat referred to the premises in Dublin where this was common and well- practised and advised that persons involved with the products, appeared, not the store staff. She asked if this could be the case within these premises.

Mr Taylor confirmed it would be store staff but this may be a possibility in the future.

Lorna Douglas thought that this was a great idea whereby a large store was focusing on local produce and not solely on alcohol.

The Vice Chair moved to grant the application as applied for subject to the wording in the Licensing Standards Officers report and the relevant monitoring.

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

7. APPLICATION FOR GRANT OF A PERSONAL LICENCE

(a) Margaret Anne MacNab, 4 Tarsgeir, Port Ellen, Isle of Islay, PA42 7BT

It was noted that an email was received by the applicant to request that the application be continued to the November Board Meeting.

The Board agreed to continue the application to the Meeting on Tuesday 20th November 2018.

8. REVIEW OF PERSONAL LICENCES

The list of personal licence holders who had not undertaken the required refresher training within the prescribed timescale (Appendix 3) was noted and the Board agreed to revoke their personal licences.

9. ANY OTHER BUSINESS

(a) Festive Policy 2018

It was noted that the Board agreed the Festive Policy 2018.

(b) Chief Constable's Report to Argyll & Bute Licensing Board

The Vice Chair congratulated Police Scotland on their report (Appendix 4) and advised that the Board found it informative and readable. He enquired about by-stander training.

Constable Alison Simpson, Police Scotland explained that premises managers and staff were invited to watch 3 short videos which deal with different situations to assist staff to be more aware of the overall picture of what could happen in these situations. Sergeant Simpson confirmed that this had been well received within Argyll and Bute.

10. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held on Tuesday 20th November 2018 at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.