

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 12 NOVEMBER 2019

Present:

Councillor David Kinniburgh

David Kinniburgh (Chair)
Rory Colville
Councillor Gordon Blair
Councillor Rory Colville
Councillor Robin Currie
Councillor Lorna Douglas

Councillor Audrey Forrest
Councillor Jean Moffat
Councillor Richard Trail

Attending:

Susan Mair, Depute Clerk
Margaret MacLean, Admin Assistant
Kelly Coffield, Licensing Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Sergeant Wendy Mcguiness, Police Scotland
Sergeant Iain McNicol, Police Scotland

1. APOLOGIES

Apologies were intimated from Sandy Taylor and Roddy MacCuish.

2. DECLARATIONS OF INTEREST

It was noted that there were 3 declarations of interest as follows- Rory Colville in respect of item 6 (b); David Kinniburgh in respect of item 6 (f) and Lorna Douglas in respect of item 9.

3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 3RD SEPTEMBER 2019

The minutes of the meeting held on Tuesday 3rd September 2019 were submitted and approved.

4. APPLICATIONS FOR GRANT OF A PREMISES LICENCE

(a) Islay Gin Ltd, Unit 4, Islay House Square, Bridgend, Isle of Islay, PA44 7NZ

The applicant, Dr Audrey Gow appeared and explained that the shop, which was located within Islay House Square, would sell mainly gin for the tourist industry and offer cocktails and tastings.

Eric Dearie, Licensing Standards Officer stated that this would be a specialist off sales with an alcohol display of 16.29 m2.

Richard Trail asked if the cocktails would be full measures and free of charge. Dr Gow advised that they would be full measures and the customer would be charged for them. She added that this would be very popular with the younger clientele and said that free coffee would be offered to drivers. Richard Trail asked whether this would require on sales and Susan Mair, Depute Clerk confirmed it would.

Rory Colville asked if there would be a postal delivery service in place. Eric Dearie, Licensing Standards Officer said yes and it was included in his report (Appendix 1).

The Chair asked Dr Gow how many cocktails did she envisage selling and she replied approximately 10 to 15 per week.

Jean Moffat stated that the applicant might want to consider applying for on sales in the near future as part of her business plan.

Lorna Douglas suggested that the cocktails could contain a thimble measure and be free of charge. Ms Mair advised that if that was the case, on sales would not be required.

Dr Gow was unaware of this and thought the cocktails would be a good sales point. She liked Lorna Douglas' suggestion and may use the cocktails as part of the tastings then apply for on sales in the near future.

Having considered the foregoing, the Board granted the application as applied for.

(b) **Lussa Gin Distillery, The Stables, Ardlussa, Isle of Jura, PA60 7XW**

Claire Fletcher, Director appeared and explained that the premises comprised of a gin distillery and sales operation which included distillery tours and tastings.

Claire Fletcher, Director appeared and explained that the premises comprised a gin distillery and sales operation which included distillery tours and tastings.

The Chair referred to the company's website whereby a field appeared asking 'are you the legal age for drinking in the country you are from?' which did not meet with the licensing objectives. It also directed the customer to another site called WhiskyFix.

Ms Fletcher advised that this was a payment platform and WhiskyFix was for international orders.

Raymond Park, Licensing Standards Officer stated that it should be where the alcohol is dispatched from, therefore the legal age would require to be

18 years and over.

Ms Fletcher confirmed that they only traded within the UK and that WhiskyFix is one of their customers but she stated that she would contact her web team regarding the matter.

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

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) Steamer Terminal, Pier Square, Ardrishaig, PA30 8DZ

David Hossack, Solicitor, Glasgow appeared on behalf of the applicant. The premises manager, Seona Niven was also present. Mr Hossack said that the previous premises licence had been revoked but the premises had since been renovated and opened last July. He advised that the premises were seen as the gateway to the Crinan Canal with a small café room and a larger room for dinners and events. The external area was in two parts, one being the smaller at the rear of the premises close to the loch side and the other on the car park at the front. His client sought to licence the whole of this area which allowed for flexibility for events only. Mr Hossack said that his client would be happy with the terminal hour of 10.00pm for the external areas but sought a time later than 8.00pm for children and young persons as the events would be family orientated. He also advised that the premises intended to hold theatres; receptions etc therefore requested that children and young persons be permitted within the premises until the terminal hour of 11.00pm. Mr Hossack added that live performances would be held occasionally such as jazz or classical music, again, to allow some flexibility. As the business was fairly new, his client was unsure about demand and asked for a seasonal variation to operate reduced hours in the winter months.

Eric Dearie, Licensing Standards Officer advised that he had met with Seona Niven to discuss the application and produced photos of the external area at the front. Mr Dearie explained that the whole area would be roped off at the bollards and stewarding would be put in place. He added that the external area to the rear would be used for tables and chairs.

Richard Trail expressed his concerns regarding the extent of the external drinking area to the front and asked if the area could be taken back slightly to ensure it was clear from the carriageway.

Mr Hossack said that this would be difficult and referred to the event which was held on 2nd August when the whole area was roped off up to the bollards and stewards were in place which proved successful. He advised that his client could reduce the area to create a physical gap for pedestrians.

Richard Trail asked if the area was used for car parking and if roped off

were there other parking facilities elsewhere. Mr Hossack replied yes but stressed that it would be used only for occasional events. He advised that there was a further car park along from the premises. Richard Trail enquired if the toilet facilities were sufficient for 300 people. Mr Hossack confirmed that the premises and the Egg Shed had toilets and for larger events further toilets would be made available.

Robin Currie stated he had no concerns regarding the application as there was a pavement between the bollards and the carriageway.

Rory Colville had concerns about how the whole area at the front would be stewarded and as the rear area was not visible from the front of the premises wondered how this would be monitored.

Seona Niven explained that the area at the back of the premises would be used mainly for customers to sit and have a drink on a regular basis and look at the view across the loch. Ms Niven advised that this area would be clearly delineated.

Mr Dearie suggested that a local condition could be applied to the licence rather than in the operating plan itself stating that the external area to the front be used only for large events whereby it would be clearly delineated and roped off and appropriate stewarding in place.

The Chair asked why a commencement time of 10.00am was sought. Mr Hossack advised that this was more for the off sales but it would also offer more flexibility especially to tourists, although there was more trade from lunch time onwards. The Chair asked if 11.00am opening time would present any difficulties and Mr Hossack said no and advised that this would be acceptable but would like to open at 10.00am for off sales.

The Chair asked why children from aged 10 years old would be permitted entry unaccompanied. Mr Hossack said that it would allow them to come in for ice cream and such like.

The Chair referred to the capacity of 309 which he thought was a considerable number. Mr Hossack explained that this was for larger events mainly family orientated, therefore alcohol would only be ancillary to these events.

The Chair noted the seasonal variation and referred to the Board's Policy which he thought would be more suitable. Mr Hossack said that his client was trying to be as honest as possible as the premises may require to close earlier during the winter months and it also gave them flexibility.

The Chair suggested a terminal hour of 10.00pm for children and young person's when consuming a meal. Mr Hossack said his client wanted to permit them for the duration of an event or function within the external area and up until 11.00pm internally.

Richard Trail said he would be happy if the external area to the rear be restricted to picnic tables and the larger area at the front to run on

occasional licences when required for the near future.

The Chair suggested that the on sales commencement time be amended to 11.00am. He referred to the external area at the front and Rory Colville stated that he would prefer the matter be dealt with by way of a local condition as previously suggested by Eric Dearie.

Susan Mair, Depute Clerk suggested the addition of a further condition stating no parking would be permitted when an event was being held which Mr Dearie agreed to.

Richard Trail requested his dissent to be recorded.

Ms Mair enquired as to the nature of the live performances and if they would be held in the external area at the front. Mr Hossack replied yes and Ms Niven advised that the performances would be acoustic but amplified.

Richard Trail asked if the area was residential and Ms Mair replied no.

The Chair moved the following- that the opening time be amended for on sales from 10.00am to 11.00am; to licence the rear and the front external areas as applied for with clear delineation of the front external area by bollards and sufficient stewarding to be in place when an event was taking place, with the foregoing imposed by way of local conditions; ; a terminal hour for the external areas of 10.00pm for adults and 8.00pm for children and young persons; the seasonal variation to be as per the Board's policy and to allow children aged 10 years and over unaccompanied until 9.00pm.

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

6. APPLICATIONS FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Bunnahabhain Distillery, Port Askaig, Isle of Islay, PA46 7RP

Peter Semple, Retail Facilities Manager appeared on behalf of the applicant and Karen Spy of Distell International Limited was also present. Mr Semple spoke to the terms of the application which sought to: change the trading hours within the seasonal variation; add further activities; change the description of the activities and services; amend the children and young persons' conditions; amend the capacity; change the layout plan; change the description of the premises and change the premises manager. Mr Semple advised that £2 million had been invested in the premises with a new visitors centre attracting up to 10,000 visitors per annum. The small café sold modern/traditional scottish cuisine and the business incorporated lunches and tastings.

Eric Dearie, Licensing Standards Officer suggested the usual terminal

hour for the external drinking area.

The Chair asked for clarity regarding access for children under 8 years of age. Mr Semple explained that the premises had been built for production rather than tourism therefore it was more from a health and safety perspective that this age group was not permitted on the tour route.

Robin Currie thought that there was no requirement for a curfew due to the location of the premises.

Richard Trail asked if the proposed licensed area would be the perimeter of the whole distillery and Karen Spy replied yes. Mr Semple added that the festival was held annually and an open day was also organised so the distillery was used by visitors throughout. Richard Trail asked if this also included the car parks. Mr Semple replied yes but they would be supervised and appropriate stewarding put in place.

Gordon Blair enquired about the possibility of a soft play area for children while a tour was taking place. Mr Semple advised that the distillery was beside a beach and there were also walk areas. He said that the company had an open policy where families were welcome and was aware that children required to be accommodated too.

Rory Colville suggested the usual terminal hour of 8.00pm for children and young persons and 10.00pm for adults for the external area.

The Chair moved that the application be granted with the usual terminal hour as stated for the external area.

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

Rory Colville left the meeting.

(b) **Caol Ila Distillery, Port Askaig, Isle of Islay, PA46 7RL**

David Hossack, Solicitor, Glasgow appeared on behalf of the applicant. Mr Hossack explained that the manager had intended to be present but the ferry had been cancelled. Mr Hossack spoke to the terms of the application which sought: to change the description of the premises; changes to the layout plan; to increase the off sales capacity; and to increase the on-sales capacity to 799 persons and to 1000 persons for special events. He advised that the visitors centre was a state of the art experience which consisted of the tasting room and the retail area. The capacity of 1000 persons was required for large events and the terminal hour of 10.00pm for the external area was already imposed on the operating plan and children and young persons were permitted for the duration of an event.

Richard Trail asked if sufficient toilet facilities would be available for 1000 visitors and Mr Hossack confirmed these would be put in place as and when required.

The Chair moved that the application be granted as applied for.

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

Rory Colville returned to the meeting.

(c) **Chalmers of Oban, 42-44 George Street, Oban, PA34 5SF**

Stephen McGowan, Solicitor, Glasgow appeared on behalf of the applicant and the manager, Shona Wood, was also present. Mr McGowan advised that item 6(g) was a similar application to this one and asked if he could make one submission in respect of both applications. The Board agreed. Mr McGowan spoke to the terms of the applications which sought to: amend the opening time for off sales from 11.00am to 10.00am on a Sunday; amend the terminal hour for off sales from 6.00pm to 10.00pm daily; delete the seasonal variation; add club or other group meetings as an activity; amend live performances to permit this activity during and outwith core hours; and add wording at section 5(f) of the operating plan. Mr McGowan explained that both applications were a tidy up exercise to bring all stores in line and he confirmed that live performances would only take place on a very occasional basis and would likely be someone playing a violin or fiddle.

Audrey Forrest referred to the addition of group meetings as an activity and Mr McGowan said that this had been included to ensure the premises were covered for all possibilities in the future.

The Chair moved to grant both applications as applied for.

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

(d) **Co-op, Bridge Street, Rothesay, PA20 0HH**

Peter Lawson, Solicitor, Glasgow appeared on behalf of the applicant and the team manager, Lynsey Spears, was also present. Mr Lawson spoke to the terms of the application which sought to add home deliveries to the operating plan.

Rory Colville asked if this was similar to other stores whereby all items are purchased at the premises. Mr Lawson replied yes and that no online facility was available.

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

(e) **Isle of Luing Stores, Cullipool, Isle of Luing, PA34 4TX**

It was noted that the applicant was not present.

The Chair referred to the application which sought to: extend the terminal hour from 1.00pm to 5.30pm on a Monday; remove core hours on a Sunday as the premises will be closed and to amend the seasonal variation.

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

The Chair left the meeting.

(f) **Lodge St. George, 49 West Princes Street, Helensburgh, G84 8BN**

Rory Colville advised that he would chair the application in David Kinniburgh's absence.

Michael Board, Treasurer appeared and explained that the manager could not be present due to work commitments. Mr Board referred to the application which sought to: amend the children and young persons' conditions; amend the commencement and terminal hours for on-sales and delete race nights from the operating plan and replace with charity fund raising nights. He said the club was under new stewardship and that after a review of the operating plan, some adjustments required to be made. Mr Board advised that functions were held within the hall and the existing condition did not permit children and young persons to this area for refreshments. He referred to the change of core hours and explained that there was no longer a demand for the earlier opening time of 12.30pm but there was a demand for a later terminal hour of 1.00am on Friday and Saturday evenings.

Rory Colville referred to the seasonal variation and asked if the premises would be closed for one month. Mr Board said that this timescale was only dependent on how much work was required to be carried out and therefore it was more for flexibility.

The Chair moved to grant the application as applied for.

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

David Kinniburgh returned to the meeting.

(g) **McCaigs Warehouse, Unit 3 & 4, The Heritage Centre, Oban, PA34 4LW**

It was noted that this application was considered and granted under item 6 (c).

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

Daniel MacKinnon appeared and referred to his application which sought to:- extend on-sales to include Monday to Thursday from 11.00am to 1.00am; to add off-sales Monday to Friday; to add conference facilities as an activity; and the adjustment of terms for children and young persons.

Mr MacKinnon said that there was a demand during the week for group meetings and the off sales was required for gin or beer festivals and the like to allow the sale of unopened products.

Raymond Park, Licensing Standards Officer advised that various meetings had been held with the applicant and Environmental Services and there seemed to be an increase in demand during week days. Mr Park confirmed that, to date, no complaints had been received.

Richard Trail referred to the opening hours and asked if they would be utilised. Mr MacKinnon advised that the premises would be open at all times during the summer months but at the moment it was only being used by certain groups. He said that the premises had never operated as a bar during the day but he wanted both, a venue and a conference facility, to enable flexibility. Richard Trail asked Mr MacKinnon if he was aware that the Board's Policy stated a terminal hour of 12 midnight on week days. Mr MacKinnon said he was aware of this but thought it would result in a drop in business.

Jean Moffat said that the premises had been running for a considerable time and had never traded as a daytime venue therefore a terminal hour of 1.00am, Monday to Thursday seemed inappropriate and suggested it be amended to either 11.00pm or 12 midnight.

Rory Colville asked about the terminal hour of 10.00pm for children and young persons. Mr Park advised that this time was on the existing premises licence for Friday and Saturday evenings, therefore Mr MacKinnon wanted it the same throughout the week.

Robin Currie stated he would be happy to grant the terminal hour of 1.00am for each night.

The Chair asked why the need for 1.00am Monday to Thursday. Mr MacKinnon said that the Pavilion had similar opening hours and felt his premises were at a disadvantage compared to other premises in the area.

Rory Colville advised that the applicant required to show demand for the additional hours sought and but felt that this had not been demonstrated.

The Chair moved that the application be granted as applied for with a terminal hour of 12 midnight, Monday to Thursday for on-sales. Jean Moffat seconded the motion.

Robin Currie moved as an amendment to the motion that the application be granted as applied for which was seconded by Gordon Blair.

After a show of hands, 6 votes were carried for the motion and 2 votes were carried for the amendment. As a result, the motion was carried.

- (i) **Rosslea Hall Hotel, Ferry Road, Rhu, G84 8NF**

Lynn Graham, General Manager and Robert McGregor, Director for Relations appeared on behalf of the applicant.

The Chair advised that 2 objections had been received (Appendix 2), one from Rhu & Shandon Community Council, C/o Armadale Road, Rhu, Helensburgh and the other from Mr T C Lamb, Rhu Cottage, Ferry Road, Rhu, Helensburgh. It was noted that none of the objectors were present. He also advised that 1 late objection had been received (Appendix 3) from Brian and Ruth Fleming of Abergare, Rhu Point, Rhu and the reason given for the late submission was that they were on holiday. The Chair noted that they were not present.

Susan Mair, Depute Clerk advised that the Board could consider the late objection if there was good reason.

The Board decided to consider the late objection copies were circulated to Lynn Graham, Robert McGregor, Raymond Park, Licensing Standards Officer and Sergeant Mcguiness, Police Scotland.

Lynn Graham referred to the application which sought to add the patio and lawn areas to the premises licence and to change the layout plan. She said that they thought this was already included on the licence. She stressed that these areas would only be used in the summer months as they were not illuminated. She referred to the late objection which mentioned an event that took place on 27th October 2019, whereby the objectors stated that numerous cars from the hotel had been trying to enter their driveway in order to turn. She noted that on that date the objectors were meant to be on holiday so on that basis asked if the objection could not be considered.

Raymond Park advised that the neighbour had submitted the objection and he had spoken to her and put her mind at rest. He also sent an email to the Community Council. Mr Park explained that the objections had been mainly related to noise and car parking issues but the issues related to capacity and the terminal hour of 2.00am in the seasonal variation could not be considered as they were already included in the premises licence.

Rory Colville asked how the external drinking area would be managed. Ms Graham said that they were private gardens in an isolated area which would be monitored by staff.

Mr Park added that there was a natural delineation between the car park and the gardens which would be simple to police.

Lorna Douglas said that if the patio area had been used in the past then there was no real change apart from adding it on to the premises licence. Ms Graham agreed as it required to be included in the operating plan.

Richard Trail noted that a noise management plan was in place but asked if any doors or windows would be opened when events were being held later in the evenings. Ms Graham advised that the fire exit at the rear of

the premises, which was adjacent to Mr Lamb's property, was closed at all times but the patio doors, which were to the side of the premises away from any residential houses, were opened occasionally.

Rory Colville thought that if the areas were not used in the winter months this may ease the objectors' concerns. Ms Graham advised that the areas would not be used in the winter as they were mainly used for Sunday lunches/teas and events.

Richard Trail enquired about the use of fireworks at certain events. Ms Graham confirmed that this had been removed from their events package.

The Chair thought that it would give some assurance to the objectors if the external area would not be used in the winter months, therefore he moved that the application be granted with the usual terminal hour of 10.00pm for adults and 8.00pm for children and young persons for the lawn area from 1st November to 1st March only and the same terminal hour for the patio area which could be used throughout the year.

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

(j) The Argyll Hotel, Argyll Street, Dunoon, PA23 7NE

Jonathan Gray, premises manager appeared and spoke to the terms of the application which sought to:- change the description of the premises; add off- sales from 11.00am to 10.00pm Monday to Sunday; add a seasonal variation; add reception and club or other group meetings, televised sport and outdoor drinking as activities; amend the wording at section 5(f) of the operating plan; and amend the conditions for children and young persons. Mr Gray explained that certain parts of the operating plan required to be clarified.

Raymond Park, Licensing Standards Officer said that the application was more of a tidy up exercise.

The Chair referred to the seasonal variation and asked Mr Gray whether he was aware of the requirement to apply for extended hours applications when a later terminal hour was needed and Mr Gray replied yes.

The Chair moved that the application be granted as applied for with a terminal hour of 10.00pm for adults and 8.00pm for children and young persons for the external drinking area and the wording for the seasonal variation to be as per the Board's Policy.

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

7. APPLICATION FOR MAJOR VARIATION (CONTINUED FROM PREVIOUS MEETING)

(a) **Waitrose, Cardross Road, Helensburgh, G84 7LB**

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicant and Kevin Sharkey, branch manager, was also present. Mr MacIver advised that the capacity of the store had been miscalculated and therefore a letter had been submitted to advise that the increase in capacity being sought was 3.7 square metres. He said that the application had been continued from the previous meeting to find out what steps had been implemented by the management. Mr MacIver advised that additional CCTV had been installed outside the premises. 2 incidents had taken place since the previous meeting but each were detected at the time, the Police were alerted and they had been referred to the Procurator Fiscal. He said that, as a result of this, there had been a marked decrease in the number of incidents.

Raymond Park, Licensing Standards Officer advised that he had carried out 4 unannounced visits and, on each occasion, a member of staff was present within the licensed area.

Sergeant Wendy McGuinness, Police Scotland confirmed that 2 incidents had been referred to the Procurator Fiscal.

Richard Trail asked Mr Sharkey how long he had been the manager of the store and he replied since March 2018. Mr Trail asked Mr Sharkey if he was aware of the incidents which had led to the Board's concern. Mr Sharkey explained that, after seeking advice from Police Scotland, a crime prevention strategy had been put in place and after some time the incidents reduced. Mr Trail referred to the selling of alcohol outside the premises. Mr MacIver advised that there had been extensive discussions with the company's compliance unit and they had sent in an undercover team to check on security etc and the feedback had been positive.

Jean Moffat commented on the tagging system which was used on products costing £20 and over and was surprised to note that the sensors were not in operation. Archie MacIver stated that if the tag is not removed from an item then that item cannot be opened or used. Mr Sharkey added that a customer would require to be observed lifting an item from the shelf but the sensor, which was in use in some stores, was not seen as a deterrent therefore it did not provide additional security.

Gordon Blair asked if the store allowed a limited number of school children entry at lunch time. Mr Sharkey advised 30 pupils were permitted at one time, then, on a one in, one out basis.

Lorna Douglas said that some of the recommendations put forward by Police Scotland were not adopted and she wanted to know what had changed to show such a reduction in incidents and when this change had taken place. Mr Sharkey advised that the recommendations that could be implemented were done so right away. The Crime Prevention Team installed a further security camera in the car park which helped but he stated shoplifting would always take place and pointed out that the number of incidents were low in comparison to other Waitrose stores.

The Chair asked whether a member of staff was permanently around the alcohol area. Mr Sharkey said the area was monitored from 10.00am to 7.00pm then after that time it was known as a red zone whereby it was checked regularly. He added that this had been in place since the end of September. The Chair advised that this was not the case when he visited the premises twice on separate occasions. He said that both occasions were before 7.00pm and no member of staff was present. Mr Sharkey said that there were times when a customer needed help with something and therefore a member of staff would require to leave their post to assist. The Chair enquired about the tagging system and asked if this only related to high priced bottles as he had noticed that not all bottles had been tagged. Mr Sharkey advised that all bottles which cost £25 and over should be tagged. The Chair referred to the self- checkout area and asked if this was manned at all times, to which Mr Sharkey replied yes.

Archie MacIver said that Mr Sharkey had been honest and the steps which had been implemented seemed to have worked.

The Chair moved to grant the application as applied for.

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

8. APPLICATION FOR REVIEW OF A PERSONAL LICENCE

(a) Euan Finlayson, Flat C, Kilbowie House, Gallanach Road, Oban, PA34 4PE

Euan Finlayson appeared and referred to the incident for which he had been convicted on 14th August 2019. He explained that he had been having ongoing issues with the traffic wardens when unloading outside his premises and on the day of the incident he received another parking ticket and coupled with stress at work, he made a stupid decision to have a few drinks. Mr Finlayson remembered that he had to move his car about 20 metres and, while doing so, was stopped by the Police. He stated that he had pled guilty to the charge and, up until the incident he had a clean driving licence.

Sergeant Wendy Maginnis, Police Scotland referred to the Report (Appendix 4).

Richard Trail asked Mr Finlayson where he worked and what was his occupation. He advised that he was the owner of Oban Whisky and Fine Wines. Mr Trail asked why he needed to move the car just 20 metres away and Mr Finlayson said he had parked within a pedestrian zone.

Robin Currie stated that it was a considerable fine. Sergeant Iain McNicol, Police Scotland advised that he could not comment on the level of the fine as it was the Sheriff's decision but he said that the level of alcohol recorded is taken into consideration and that a 12 month driving ban is the

minimum sentence for this offence.

The Chair asked Mr Finlayson if this had affected his business, to which he replied yes as he was unable to carry out stock runs and other main duties. The Chair asked if the alcohol was consumed within the premises. Mr Finlayson replied yes and that it was a lapse in judgement whereby he made the wrong decision. The Chair asked if he intended to drive home that day and he said no as he had contacted his partner to collect him from the premises.

Gordon Blair asked Mr Finlayson if he had learnt his lesson and he replied yes as it was a harsh lesson and now he has to rely on others for lifts and to carry out certain duties. Mr Finlayson emphasised that it would not happen again.

The Chair asked Mr Finlayson and Police Scotland if they had received a fair hearing and both replied yes. The Chair thanked Mr Finlayson for appearing and moved that an endorsement on the licence would be appropriate which was seconded by Audrey Forrest.

Jean Moffat asked how this would affect the licence. Susan Mair, Depute Clerk advised that if a personal licence holder received 3 endorsements within 5 years, the licence would be revoked but on this occasion Mr Finlayson would still be able to use his licence.

The Board agreed to endorse the licence.

(b) **Peter MacLellan, 23 Shore Street, Bowmore, Isle of Islay, PA43 7LB**

It was noted that the licence holder was not present.

The Chair moved that the matter be continued to the next licensing board meeting and Mr MacLellan be requested to appear.

With no-one else being otherwise minded, it was decided to continue the matter to the board meeting on 25th February 2020.

(c) **Katrina Paterson, 6 McKelvie Road, Oban, PA34 4GB**

Susan Mair, Depute Clerk confirmed that an email had been received from the licence holder to request that the matter be continued to the next licensing board meeting.

The Board agreed to continue the matter to the meeting on 25th February 2020.

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

(a) **Mark Tyson, 28 Craigendoran Avenue, Helensburgh, G84 7AZ**

Susan Mair, Depute Clerk advised that notification had been received that the licence holder was surrendering his licence.

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

(a) The Bute Piper, 23 Marine Place, Rothesay, Isle of Bute, PA20 0LF

Peter Lawson, Solicitor, Glasgow appeared on behalf of the applicant. The premises manager, Brian Jamison was also present.

Sergeant Iain McNicol, Police Scotland referred to his report (Appendix 5). He confirmed that the Procurator Fiscal dealt with the matter by way of a warning letter which had already been issued to the licence holder.

Raymond Park, Licensing Standards Officer referred to his report (Appendix 6) and stated that no further complaints had been received since the complaint was submitted on 4th February 2019.

Mr Lawson said that the dancers were told that there was to be no nudity but they went against instruction. Mr Jamison was in another room at the time. Mr Lawson advised that the Procurator Fiscal was initially going to charge his client with not having a premises licence but it was changed to trading outwith the terms of the operating plan. He added that there had been some history between his client and the neighbour but confirmed that this would not happen again. Mr Lawson provided copies of the warning letter to the Members.

The Chair wondered how the incident was reported. Mr Lawson said that the event was well advertised and well attended and when Police officers attended the premises they were satisfied that the event was exotic dancing and not adult entertainment but Police Scotland received video evidence from a complainant showing adult entertainment. Mr Lawson said he examined the tape and there was a brief moment when a flag was removed which was not meant to happen as strict instructions were given and were not adhered to. The Chair asked if this type of event would be held in the future and Mr Lawson replied no.

Gordon Blair said this matter seemed to be a breach of contract and asked if Mr Jamison received some sort of refund. Mr Lawson advised that his client would be able to claim something back but had decided to take no action and he would not be hiring them again. Mr Lawson stated that the matter was a genuine case of inadvertence.

Sergeant McNicol emphasised that licensing conditions had been breached although this had been admitted by Mr Jamison.

Gordon Blair asked if this could be recorded on the premises licence. Susan Mair referred to the Licensing (Scotland) Act 2005 and advised that the Board could take one of the following steps: issue a warning letter to the licence holder; make a variation to the licence; suspend the licence for

such period as the Board may determine or revoke the licence.

Gordon Blair thought that a warning letter would be more appropriate. Richard Trail agreed.

Jean Moffat also agreed as she felt that Mr Jamison had been through enough.

The Chair said that a lesson had been learnt and was prepared to take Mr Jamison's word that this type of event would not happen again. He moved that a written warning be issued.

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

11. REVIEW OF PERSONAL LICENCES

(a) Revocation of personal licences where licence holders have not undertaken the refresher training.

The list of personal licence holders who had not undertaken the required refresher training within the prescribed timescale (Appendix 7) 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 8) who had not submitted an application to renew the licence was noted and the Board agreed to revoke their licences.

12. ANY OTHER BUSINESS

Susan Mair, Depute Clerk advised that the suggested amendments by some Board Members had been agreed and therefore the draft licensing policy would be put out for consultation.

13. NEXT LICENSING BOARD MEETING

The next meeting of the Licensing Board will be held on Tuesday 25th February 2020 at 11.00am within the Council Chamber, Kilmory. Lochgilphead, PA31 8RT.