

9 February 2018

Our Ref: L/LIC/AS

Your Ref:

The Clerk
Argyll & Bute Licensing Board
Kilmory
DX599700
LOCHGILPHEAD
PA31 8RT



Argyll & West Dunbartonshire
'L' Division Headquarters
Stirling Road
DUMBARTON
G82 3PT

Tel: 01389 822033

Dear Sir

**LICENSING (SCOTLAND) ACT 2005: SECTION 29
APPLICATION FOR VARIATION OF A PREMISES LICENCE
APPLICANT: BRIAN & RIMA JAMISON
PREMISES: THE BUTE PIPER 23 MARINE PLACE ROTHESAY ISLE OF BUTE
PA20 0LF**

I have to inform you that the Chief Constable wishes to make the following representation in relation to the above application.

As Your Honours are aware, the applicants are applying to vary the current licence as follows:

- To add an external area to the front of the premises
- To extend the terminal hour Monday to Saturday
- To add off sales
- To add dancing to operating plan
- To amend to children & young persons conditions

Your Honours, in relation to the external area, during conversation with Mr Jamison, he stated that he planned to place a removable wooden structure utilising rope to separate the outdoor seating area. His plan is to place four fold away tables, which seat up to 24 persons for the outside area for the period of opening hours of their restaurant. He advised that the restaurant closes at 8pm during the winter months and 9pm during the summer months. The outside area will mainly operate during the summer period. Once the restaurant closes they will remove all tables and temporary fencing.

The Chief Constable would request that if the Board are minded to vary the licence to include the external area, that a condition be added to the licence that a suitable form of delineation is put in place to separate the area from the street to allow staff to supervise access to the external area and ensure that it is patrons only utilising the area for the purposes of a meal as Mr Jamison has advised.

Your Honours, it is requested that the external area is only used for the purposes of a meal due to noise complaints being received where people have been outside the premises. For your information the following list is noise complaints received by Police Scotland within the last year.

On Sunday 26th February 2017 at 1am, police officers attended at the Bute Piper on request of licensee Brian Jamison who stated patrons were ignoring his requests for them to leave the premises and he was concerned of noise that would disturb neighbours. Whilst police attended to assist the licensee a male was subsequently arrested for failing to quit licensed premises.

On Saturday 20th May 2017 at around 10pm, police received a phone call regarding noise from the Bute Piper. Police attended and observed patrons sitting in the garden area at the front of the property, there was no music and no excess noise from the licensed premises. Brian Jamison was made aware of the complaint.

On Sunday 21st May 2017 at around 12.05am, a further call was made to police regarding noise from the Bute Piper. Police attended and observed patrons still seated in the garden area at the front of the property as well as patrons leaving the premises, there was no music and no excess noise from the licensed premises.

On Tuesday 25th July 2017 at around 9pm, a staff member contacted police as a female patron was refusing to leave when being asked by staff.

On Saturday 19th August 2017 at around 11.30pm Police Scotland received a call stating that loud music was coming from the Bute Piper. Police attended and advised staff to shut windows to lessen the noise coming from the premises. There was a live band playing at the time and officers were advised that they would be stopping at midnight.

On Saturday 23rd September 2017 at around 11.45pm police received a phone call stating there was someone within the premises wanting to start a fight. On police arrival there was no signs of disturbance and no persons approaching police with any complaints.

On Sunday 29th October 2017 at 01.50am police passed the Bute Piper and observed people standing outside and still within. They spoke with the licence holder, Brian Jamison who confirmed that the licence was until 0100 hours. Mr Jamison stated he had been trying to get people to leave for around 45 minutes. Police entered the premises and saw around 15- 20 patrons still within. There were still people drinking who had to be told to stop and leave by Police.

On Friday 10th November 2017 our Licensing Department received an email from the local Sergeant for the area with concerns regarding the Bute Piper. The concerns were that the owners were relatively new to the licensed trade with a few incidents at the beginning of the year when premises were not closing on time, "last orders" being called too late with staff not capable of coping with the resultant rush to the bar, and customers then expecting to have time to finish their drinks.

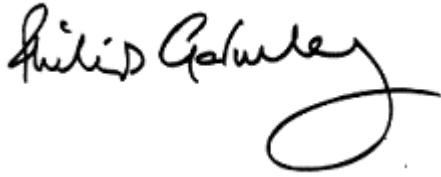
On Thursday 16th November 2017 Constable Simpson of the licensing department and Raymond Park attended at the Bute Piper. The following points were discussed with Brian and Rima Jamison: -

1. Closing time - non-residents not to be served alcohol and asked to leave in accordance with their closing time.
2. Levels of intoxication

3. Phone police if they have any concerns or issues over persons within premises, example persons refusing to leave.
4. If they are holding events/functions to inform local taxi companies so they can be prepared for closing time and persons not loitering outside premises. If they take bookings ask persons who will be attending to have pre-booked taxis at end of the night.

I can advise that when the divisional licensing officer spoke to Mr Jamison in relation to the proposed extension of hours and what conditions would need to be implemented for the terminal hour of 2am, Mr Jamison advised that due to a number of reasons, he would be withdrawing the request for 2am and now be looking at the terminal hour of 1am.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Gormley'. The signature is fluid and cursive, with a large loop at the end of the last name.

Philip Gormley QPM
Chief Constable