

Minutes of the Argyll and Bute Licensing Board Meeting held on Tuesday 21st November 2017 at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.

Present:-

David Kinniburgh (Chair)
Rory Colville (Vice-Chair)
Jean Moffat
Sandy Taylor
Audrey Forrest
Richard Trail
Gordon Blair

In Attendance:-

Susan Mair, Depute Clerk to the Board
Kelly Coffield, Licensing Assistant
Alison Brodie, Clerical Assistant
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Sergeant Angela Walker, Police Scotland
Heather Murray, Police Scotland

A. APOLOGIES FOR ABSENCE:

Apologies for absence were intimated by Roddy McCuish, Robin Currie and Lorna Douglas.

B. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

C. APPROVAL OF PREVIOUS MINUTES

The Minutes of the meeting held on 12th September 2017 were submitted and subsequently approved.

D. APPLICATION FOR GRANT OF A PREMISES LICENCE

1. The Gaelic Heritage Centre and Museum, Port A Charrain, Isle of Lismore, PA34 5UL

Mike Robertson appeared on behalf of the applicants. He stated that the premises was a small museum and heritage centre. The café has been open for five years now and they felt it would be in the interest of visitors and tourists to be able to offer a glass of wine or beer with their lunch.

Eric Dearie, Licensing Standards Officer advised that the prospective Premises Manager has still to undergo training before he can apply for his personal licence. He further advised that the Seasonal Variation applied for was out with Licensing Board policy but in view of the location and type of premises he recommended it be approved.

The seasonal variation proposed is as follows:-

'From November to mid-March the museum is closed and the café restricted to weekends and functions.'

The Chair, David Kinniburgh confirmed he was happy to grant the application and to use the applicant's seasonal variation. With no-one being otherwise minded, this became the decision of the Board.

E. APPLICATIONS FOR GRANT OF A PROVISIONAL PREMISES LICENCE

1. Etive Restaurant, 43 Stevenson Street, Oban, PA43 5NA

The applicant, John McNulty appeared together with his business partner, David Lapsley. He explained that they currently run the Taynuilt Hotel and have recently taken over a site in Oban which they want to run as a restaurant. When they acquired the property, they believed it already had a premises licence and realised part way through the process that the licence had been surrendered by the previous tenants. They now wish to re-apply for the licence. The new restaurant is to be a small restaurant mirroring the Taynuilt Hotel restaurant.

Eric Dearie advised the premises had previously been an Indian restaurant. He said he had no concerns with the application but stated the wording in the description of the premises was rather brief and suggested slightly more detailed wording to put in place of the current description.

He also advised the seasonal variation is out with Board policy. The applicant's Seasonal variation is as follows:-

"From time to time if quiet the premises may open later and close earlier than stated, if insufficient demand exists at the time."

Rory Colville stated in regard to the seasonal variation, there had been complaints in the past from the general public about premises closing early and they didn't want to give the wrong impression to tourists.

David Lapsley replied it would only happen occasionally over quiet periods such as winter's evenings when there have been no tables taken by 9.00pm for example. He was happy to change the seasonal variation to suit the Board.

A lengthy discussion followed regarding when holidays could be taken and how the seasonal variation should be worded.

The Board adjourned to further consider the licence.

On resuming:-

The Chair confirmed that the Seasonal Variation was to be amended to the policy wording, namely:-

"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 ie. 1st October to 31st March."

With no-one else being otherwise minded, this became the decision of the Board and the licence was granted subject to the Licensing Standards Officer's amendments to the description of the wording.

2. Glenegeedale House, Glenegeedale, Isle of Islay, PA42 7AS

Sandy Murray, Solicitor, Oban appeared on behalf of the applicants. He explained the premises was currently a bed and breakfast but they were looking to expand the business in the New Year. The applicants had been in discussions with the Licensing Standards Officer and confirmed that the capacity of the premises should be amended to 100 and not 247 as suggested on the application form. They wanted to restrict the age of children to over 12 years of age only and this was in regard to dining and staying.

Sandy Taylor asked why they were applying for evening meals when the paperwork suggests the premises is a bed and breakfast. Sandy Murray replied they were intending to open for evening meals after the licence was granted.

Sandy Taylor asked if they had any intention of opening as a bar to which Sandy Murray replied they had no intention of opening as a bar - they simply wished to cater for resident guests and occasional functions. There would be no-one permitted to drop in for a drink.

Rory Colville wished more advice on the kind of activities that would be going on in the premises and looked to the Licensing Standards Officer for advice on this.

Gordon Blair advised he was perturbed about no under 12's being permitted. He claimed it was not good for tourism.

Sandy Murray reminded the Board that this was a provisional application so it could be changed down the line.

Rory Colville asked if there was a need for a terminal hour of 1.00am seven days a week. Sandy Murray explained that the applicants wanted to be able to offer residents at the premises, the possibility of a drink until that time.

Rory Colville asked if it would be possible to bring the licence application back to the Board when the applicants applied for Confirmation. The Clerk advised this would not be required and added that the application today was to check the Licensing Board were comfortable with the Operating Plan at this time.

Rory Colville confirmed he was not happy to be granting a terminal hour of 1.00am to a bed and breakfast.

A long discussion ensued regarding who was permitted to come in for meals. The Chair asked Sandy Murray if he could go and get some further information on the premises and come back later in the meeting.

On his return, Sandy Murray had contacted the applicants and explained that originally the premises had been known as Glenegedale Hotel. When it changed to a bed and breakfast, the name was changed to Glenegedale House. There is no bar, the alcohol is served from the kitchen. They will only serve alcohol to residents, at functions and for lunch and dinner times. There is no service of drinks to people coming in for drinks only. They do not wish to permit children under the age of 12 at all but are willing to change that to over the age of 5 if the Licensing Board would prefer.

Gordon Blair asked if there were disabled facilities in the premises. The Clerk replied this would need to be addressed prior to Confirmation but they would not get a Buildings Section 50 Certificate without this issue having been seen to.

The Chair granted the application subject to the necessary Section 50 Certificates being issued and the age of children being amended to over 5 years.

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

3. La Jupe, 27 West Clyde Street, Helensburgh, G84 8AR

The applicant, Phil Lockett appeared and explained he was looking to open a wine bar in Helensburgh. He envisaged tables out the front and closing early on Sundays. It is mainly aimed at people over the age of 25. There will be no televisions and the only music will be quiet, background music which will not disturb the neighbours.

Raymond Park, Licensing Standards Officer advised they had worked together to develop an Operating Plan to suit Board policy. Environmental Health are happy to work with the applicant towards his Section 50 Certificate and also a Noise Management Plan.

There were four objections to the application. The Chair asked if any of the objectors were present - there were none.

Jean Moffat asked if there was any outdoor space and the applicant advised he wishes to put three small tables outside on the pavement at the front of the premises. There is ample space for this and he wished a terminal hour of 10pm for the outside area.

Jean Moffat further asked if there were people living above the premises to which Phil Lockett replied there was but they would limit noise control. There was to be no live music and they would pay attention to resident's requests.

Rory Colville asked what type of food was being prepared in the kitchen. The applicant advised it would be chilled meat, deli style food and fresh bread. Rory Colville noted that the conversion of the property had already started and commented that they maybe should have

waited to find out whether their licence was granted before going ahead with this. It was a wine bar and there could be an overprovision of these types of premises in Helensburgh.

Phil Lockett commented that there was a need for a nice bar in Helensburgh. He had lived in the area for four years and there was a lack of places without discos and football on the television. In his view there was definitely a need for this type of bar.

Rory Colville asked why off-sales is required and whether spirits or beer would be sold on an off-sales basis.

The applicant advised they do sell spirits but on an on-sales basis only. It would mainly be wine or a small selection of beers.

Richard Trail noted that the objections principally related to noise. Will there be an assurance that a Noise Management Plan will be put in place prior to grant of Confirmation. The Clerk confirmed that this would be put in place.

Rory Colville asked, in relation to the external area, how the area would be delineated and what the terminal hour would be.

Phil Lockett replied he would need to speak to Roads. He further commented it would greatly enhance the bar and asked for a terminal hour of 10pm.

Rory Colville confirmed the outdoor terminal hours of 10pm for adults and 8pm for children.

The Chair confirmed he was happy to grant the application with the following conditions:-

- No hot food to be served.
- Noise Management Plan to be put in place

The Clerk confirmed that the outdoor area will be dealt with separately. This part of the application is to be continued to the next Licensing Board in February to give the applicant time to get planning consent.

The Chair confirmed he was happy to grant the rest of the application subject to the aforementioned conditions.

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

4. Marks & Spencer Simply Food, Unit 1, Oban Retail Park, Lochavullin Drive, Oban, PA34 4BW

Peter Lawson, Solicitor, Glasgow appeared on behalf of the applicants. Paul Brown, Commercial Operations Manager was also present. Peter Lawson explained the application was for a standard food operation. The overall licensed area was 34.18 m2 which is around 5.8% of the total retail shop space.

Eric Dearie, Licensing Standards Officer commented on the terminal hour of 11.00pm for the café area. He advised the Board may wish separate access times for the shop and café.

Sandy Taylor asked if the applicants could describe the café operation and the nature of the alcohol to be sold there. Paul Brown advised it was usually wine but that there was not really much alcohol sold there at all. Peter Lawson advised that the trading hours would be less than those noted on the Operating Plan. It would usually be 9pm but later over the Christmas period or for special events.

Rory Colville asked what the live performances are likely to be. Peter Lawson replied this was mainly a box ticking exercise but it could be charity events such as a fashion show and suchlike. There would be no heavy rock bands or anything similar.

The Board adjourned. On resuming:-

The Chair agreed to grant the application with the condition that the café was to close in conjunction with the store closing time ie. it was to close at the same time as the store.

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

F. APPLICATIONS FOR MAJOR VARIATION OF PREMISES LICENCE

1. Argyll Vintners, 18 Hillfoot Street, Dunoon, PA23 7DS

The applicant, Andrew McMaster appeared on behalf of his application. He is the owner of the business and wishes to expand the business with the addition of a deli counter. There is to be a change to the layout of the premises and a slight reduction in the capacity.

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

2. Co-operative Group Food Limited, 33 Main Street, Tobermory, Isle of Mull, PA75 6NV

Peter Lawson, Solicitor, Glasgow appeared on behalf of the applicants. Brian Freeman, Premises Manager of Tobermory store was also present. Peter Lawson explained the applicants are carrying out a general refurbishment of the store with the re-opening scheduled for 30th November.

Eric Dearie, Licensing Standards Officer commented that although there was an increase in the capacity from 27.59m² to 34.86m², this was still well below Board policy of 10% of the total retail shop space.

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

3. Dalmally Village Shop, Glenview, Dalmally, PA33 1BE

The applicant had been advised he did not require to attend on this occasion. The variation was to extend the terminal hour on all days of the week to 8.00pm.

The Board agreed to grant the application as applied for.

4. Drimsynie House Hotel & Caravan Shop, Drimsynie Estate, Lochgoilhead, PA24 8AD

Andrew Bowyer, the Premises Manager at the premises appeared on behalf of the applicants. He explained they have built an extension to the main complex to include three floors, 17 bedrooms, a spa, conference facilities and a new dining area.

Raymond Park, Licensing Standards Officer advised this was a substantial change to the premises and a huge expansion, raising the capacity and the range of activities. However, it was a quality build.

The Chair asked if the proposed capacity of 2475 persons was for the whole premises. Mr Bowyer confirmed it was.

The Clerk asked if the Food Hygiene Certificate was in hand and the Licensing Standards Officer confirmed this was being dealt with.

The Chair advised he was happy to grant the application subject to the Completion Certificate being issued prior to the building being used.

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

5. Lodge St. John's No. 141 Recreation Club, St. John Street, Campbeltown, PA28 6AU

The Clerk advised this application had been withdrawn.

6. Oban Bowling Club, Dalriach Road, Oban, PA34 5JE

Sandy Murray, Solicitor, Oban appeared on behalf of the applicant. Donna MacLean, Premises Manager was also present. Sandy Murray explained that the Club wished to regularise the situation as when the licence changed from the 1976 Act, no outdoor drinking was mentioned on the new Operating Plan. Competitions are usually run during the day and people sit on benches around the green and spectate. He pointed out that there was one objection raised which came from a local resident. Her concern is the smoking area to the east of the green which is close to her house and could create noise. Sandy Murray suggested moving the smoking area to the other side of the Clubhouse.

The Chair confirmed the objector was not present.

Eric Dearie, Licensing Standards Officer suggested a terminal hour of 10pm for adults and 8pm for children for the outdoor drinking area.

Rory Colville and Jean Moffat both suggested a terminal hour of 9pm for the outdoor area.

The Chair asked for clarification on where the smoking area was to be moved to. Donna MacLean confirmed it was to be moved to the other side of the Clubhouse closer to the road where the entrance is.

The Chair proposed to grant the licence with a terminal hour of 9pm for adults and 8pm for children in the external area and the outdoor drinking is limited to the pavilion area outwith the bowling season.

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

7. The Galley of Lorne, Ardfern, by Lochgilphead, PA31 8QN

The applicant, Andrew Stanton appeared on behalf of his application. He explained that he wishes the entire outside area at the premises to be licensed to make the most of the stunning view and to enable the clientele to wander around to appreciate the area.

Eric Dearie, Licensing Standards Officer explained he had submitted photographs to show the area in question. He suggested a terminal hour of 10pm for adults and 8pm for children.

The Board agreed to grant the application as applied for with the terminal hours suggested by the Licensing Standards Officer.

G. Application for a Major Variation of Premises Licence (continued from previous meeting)

1. Loch Lomond Arms Hotel, Main Street, Luss, G83 8NY)

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicants. Iain Hamilton, the Premises Manager was also present. Archie MacIver explained the change to the layout of the premises and confirmed an increase in capacity of 20 persons.

The Board agreed to grant the application as applied for.

2. Luss Estates Shop, Pier Road, Luss, G83 8NZ

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicants. He explained there are one million visitors a year to Luss and therefore the expansion of the premises is required. He confirmed it is a large outside area but it is a very busy place. All the Building Standards issues have been resolved. Archie MacIver mentioned that they would change the description on the licence as per the Licensing Standards Officer's comments.

The Board agreed to grant the application as applied for incorporating the changes to the description suggested by the Licensing Standards Officer.

H. Application for Grant of a Personal Licence

1. Sushila Crockett, 36 Kent Drive, Helensburgh, G84 9RR

There was no-one present to appear on behalf of the applicant. The Chair moved to continue the application to the February 2018 Licensing Board Meeting.

This was agreed by the Licensing Board.

I. Application for a Review of a Personal Licence

1. Brian Ferguson, Guildford Court, 5 Watergate, Rothesay, Isle of Bute, PA20 9AB

There was no-one present to appear on behalf of the applicant. The Clerk explained an email had been received from a Social Worker to advise Mr Ferguson would not be appearing due to ill health. It further explained he had no intention of re-opening the premises at the present time and it is on the market for sale.

Police Scotland advised they had submitted a detailed representation letter and went on to say that he was clearly unfit to be a personal licence holder. It was a sad set of circumstances but action clearly needed to be taken.

The Chair moved to revoke the licence. This was agreed by the Licensing Board.

J. Review of Personal Licences

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

K. Any Other Business

1. Equalities Mainstreaming Report and Equality Outcomes

Rory Colville moved to adopt the report as per the recommendations. This was agreed by the Licensing Board.

L. Date of Next Meeting

The next meeting of the Licensing Board will be held on **Wednesday 28th February 2018** at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.

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(Chair)