

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 20 NOVEMBER 2018

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Sandy Taylor
	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
Constable Alison Simpson, Police Scotland

1. APOLOGIES

Apologies were intimated from Robin Currie and Gordon Blair.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 11TH SEPTEMBER 2018

The Minutes of the Meeting held on 11th September 2018 were submitted and subsequently approved.

4. APPLICATION FOR GRANT OF A PREMISES LICENCE

(a) Ambience, Unit 3, 7 Victoria Street, Rothesay, Isle of Bute, PA20 0AJ

The applicant, Ian Colville, appeared. He explained that the premises opened a year ago and this application was a result of customer demand. He added that the opening times would be limited and only wine and beer would be available.

Raymond Park, Licensing Standards Officer said this was a modest application. He recommended that the wording in the children and young persons' terms be amended to 'an adult over the age of 18 years'. Mr Park advised there would be no outside drinking but the applicant was working towards the café culture but no alcohol would be consumed within

this area.

The Chair agreed with the amended wording for children and young persons and confirmed that an updated layout plan showing the baby changing facilities had been received. He asked the applicant if off-sales would be required and Mr Colville replied no.

Having considered the foregoing, the Board agreed to grant the application with the amended wording for the children and young persons' terms.

(b) The Top Shop, 139 Alexander Street, Dunoon, PA23 7PY

The applicant, Ramashish Prasad appeared together with Ann Cairns who used to be a licensed grocer. Ms Cairns advised that the premises, which previously held a premises licence, had been refurbished.

Raymond Park, Licensing Standards Officer said the premises were located in the heart of the community and the 2.5% of retail floor space given over to the display of alcohol was a modest request.

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

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) Ardlui Retreat and Mooring, Ardlui, Loch Lomond, G83 7DT

Audrey Junner, Solicitor, Glasgow appeared together with the architect for the project. Ms Junner stated that this was an unusual application as the alcohol, which will be 70cl bottles of wine, would be sold to guests from the reception area and there would be no sales to the general public at all. She explained that the holiday homes have been operating since 2006 and a multi- million pound investment had created a more high end establishment with state of the art lodges and a luxury boat. Ms Junner said that each lodge would include a mini bar which would be automated and linked to the guest's credit card which meant that every time a product would be removed from the mini bar, it would be charged to their card. She stated that, when booking, the guests must provide the names and dates of birth of all those staying in the lodge and if children and/or young persons would be staying, then the mini bars would be locked and not accessible during their stay. Ms Junner added that the premises would be manned 24 hours a day. She requested that no conditions be applied to the external drinking area as this would be difficult to control and advised that there were no nearby premises or residential housing.

Raymond Park, Licensing Standards Officer said this was an extensive report and an application which was unlike any other. He stated that he would liaise with the management to make it work. He advised that the resort would provide a cruise vessel available exclusively to patrons of Ardlui Retreat which would sail on Loch Lomond. This vessel would be moored within the confines of the Retreat and would be crewed at all

times. Mr Park stressed that this is a provisional application therefore there may be some changes prior to confirmation.

Susan Mair, Depute Clerk stated that she understood the activities of receptions and club or other group meetings were to be removed from the Operating Plan. Ms Junner confirmed that this was indeed the case as the current planning consent did not permit these activities.

Richard Trail enquired about the nearest neighbouring premises. Ms Junner advised that it was the Ardlui Hotel which was a quarter of a mile away.

Rory Colville referred to the requirement to provide customer details and asked why this was relevant. Ms Junner said this was part of the age verification policy as there was a resident element and if children and young persons are present then the mini bars within their bedrooms can be locked.

The Chair asked Ms Junner if the capacity of 100 persons was accurate. She explained that that there would be 48 for the lodges; 12 for the main house and 12 for the vessel. The Chair thought that the vessel was purely for the guests and therefore the capacity of 12 would already be included in these figures. Ms Junner agreed but reiterated that these figures may change once the development is completed.

Rory Colville wondered why the alcohol was restricted to wine only. Ms Junner said that only small bottles would be available in the mini bars.

The Chair enquired about customers taking their own alcohol and asked if there would be any restrictions regarding this. Ms Junner said that this was not encouraged or expected. She added that the clientele would expect alcohol to be available and therefore it would be unlikely this would happen although it would be difficult to enforce. The Chair referred to the outside drinking area and asked if there would be any restrictions. Ms Junner advised there were balconies and terraces and requested that no restriction be imposed as the premises were so remote and therefore it was unlikely that there would be any noise disturbance issues.

The Chair moved to grant the application as applied for.

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

6. APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE

(a) Albany Stores, Albany Street, Oban, PA34 4AL

The applicant, Michael Wright appeared and spoke to the terms of the application which sought to change the layout of the premises and increase the alcohol display area from 5.93 square metres to 6.25 square

metres. Mr Wright advised that the premises had been refurbished, hence the slight increase.

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

(b) **Clynder Stores, Victoria Buildings, Shore Road, Clynder, G84 0QB**

The applicant, Eleanor Walsh appeared and spoke to the terms of the application which sought to add on-sales; extend the terminal hour for off-sales from 8.00pm to 10.00pm; to include a seasonal variation; change the name of the premises; to add a number of activities; add children and young persons' conditions; change the premises manager and the description of the premises. Ms Walsh said she required the on-sales and the extended off-sales hours to accommodate the café.

Raymond Park, Licensing Standards Officer advised that this was a tidy up application as a result of new ownership. The premises were previously a licensed grocers with off-sales only but the establishment had been developed into a café and deli. Mr Park added that the on-sales would add 20 covers.

Jean Moffat asked Ms Walsh if alcohol would be served in the external seating area and she replied no, but maybe in the future.

Richard Trail noted that a noise management plan would be put in place and wondered if there would be live music as there were residential flats above the premises. Ms Walsh said only occasionally when there would be one off events.

Susan Mair, Depute Clerk asked if it would be amplified or acoustic and Ms Walsh replied acoustic.

Rory Colville noted that permission was required from the Planning and Roads Departments for the outside area and wondered if this could be considered although it was not part of the application.

Mr Park referred to the Council's Café Culture Policy which required the relevant permissions to be obtained first then an application placed before the Board. He said that if the Members considered the external area, this would mean that Ms Walsh would not have to submit a further application. He suggested that a minor variation be applied for with an amended layout plan when permission had been given.

Susan Mair, Depute Clerk advised that this could be agreed in principle but stressed that the applicant would not be in a position to use the external area until the necessary consents had been issued.

Sandy Taylor enquired about the flats above and asked if they had been considered regarding the application. Mr Park replied that they had as the noise management plan involved consultation with all the neighbours.

Lorna Douglas asked if the parking was off the main road. Mr Park said there was a parking bay in front of the pavement.

The Chair moved to grant the application as applied for.

Sandy Taylor wanted to clarify if this included the requirement to provide a noise management plan and the outside drinking area. The Chair replied that it did and with the standard terminal hour for the external area 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.

(c) **Inveraray Woollen Mill, The Anvil, Inveraray, PA32 8UY**

Steven McGowan, Solicitor, Glasgow appeared on behalf of the applicant. Paula Cook, the premises manager, was also present. Mr McGowan spoke to the terms of the application which sought to: extend the terminal hour for on and off-sales from 5.30pm to 10.00pm Monday to Saturday and from 5p.m. to 10p.m. on a Sunday; amend the seasonal variation; amend a number of activities to be held outwith core hours and to add wording under 'any other activities'. He advised that this was a tidy up application.

The Chair questioned the requirement for the amended seasonal variation. Mr McGowan said that it covered future possibilities that the Board's Policy may change and that his client was aware of the necessity to submit an extended hours application if and when required. The Chair stated that he would like to add wording to the fact that extended hours applications will be required.

Having considered the foregoing, the Board agreed to grant the application as applied for and to include the additional wording for the seasonal variation.

(d) **The View (formerly Skipinnish), 34 George Street, Oban, PA34 5NL**

Andrew Buchanan, Premises Manager, appeared and spoke to the terms of the application which sought to add televised sport and casino nights as activities.

Roderick McCuish advised that the premises were in the centre of Oban and it was good to see it opened again and he supported the application.

Sandy Taylor requested some more information regarding the casino nights. Mr Buchanan explained that these would be more social events and a sort of high end night out. He added that there would be no high stakes gambling and a certain amount of tokens would be given to patrons.

Rory Colville wondered why an experienced operator was required. Mr Buchanan said he did not know enough about running this type of event.

The Chair asked Mr Buchanan how often these events would be held and he replied once or twice a year.

Richard Trail asked Eric Dearie, Licensing Standards Officer what was equal chance gambling. Mr Dearie advised that there would be no house or banker and the maximum win was £100.00.

Jean Moffat enquired about the tokens and asked if everyone received the same amount. Mr Buchanan replied yes and no-one would be given extra tokens.

The Chair moved to grant the application as applied for.

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

7. APPLICATION FOR GRANT OF A PERSONAL LICENCE

(a) Danielle MacIntyre, 10c Alma Crescent, Oban, PA34 4LT

It was noted that the applicant was not present and that an email had been received from Ms MacIntyre explaining why she was unable to attend.

Constable Alison Simpson, Police Scotland referred to her Report (Appendix 1).

Sandy Taylor referred to the Report and asked if these incidents related to the applicant's dwelling and were there any other incidents at this address. Constable Simpson advised that it was the applicant's address and there had been no further convictions.

Rory Colville expressed his disappointment regarding the applicant's non-appearance. He said he was not happy to grant these type of licences purely on written explanations and therefore wanted the applicant to attend.

Roderick McCuish asked Constable Simpson if the applicant had any further contact with the Police within the last 3 years. Constable Simpson said that no further checks had been carried out for calls but she could find this out for the next meeting. Mr McCuish said that this would be helpful.

The Chair agreed with Mr Colville regarding the non-appearance and moved to continue the application to request the applicant to attend at the next meeting and asked Police Scotland to check for any calls made relating to the applicant's address.

Rory Colville seconded the motion and, with there being no amendment, this became the decision of the Board.

8. APPLICATION FOR GRANT OF A PERSONAL LICENCE (CONTINUED FROM PREVIOUS MEETING)

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

It was noted that the applicant was not present and that an email had been received explaining the circumstances.

Rory Colville reiterated what he had recommended previously regarding non-attendance but suggested a video link be set up due to the distance and ferry times.

Sandy Taylor referred to the Police Report (Appendix 2) and asked if the heavy penalty was due to the amount of alcohol consumed. Constable Simpson of Police Scotland confirmed that was the reason.

The Chair referred to the suggestion of a video link but was concerned this may set a precedent.

Jean Moffat referred to the winter ferry timetables which meant that it would not be possible for the applicant to attend and get home on the same day.

Susan Mair, Depute Clerk advised that there would need to be strict terms due to the specific circumstances which would necessitate an overnight stay. She mentioned that a video link may be possible from the Bowmore Service Point.

The Chair thought that another option would be for someone else to appear on their behalf but Susan Mair said this would not resolve the issue as the applicant would not be present. The Chair suggested representation and also the applicant to appear via video link.

Sandy Taylor moved to continue the application to the next meeting with a clear indication being given to the applicant of her need to attend in person. This was seconded by the Chair.

Roddy McCuish moved as an amendment to the motion, that the application be refused as this was the second opportunity for the applicant to appear and there was no excuse for the non-attendance. This was seconded by Jean Moffat.

Susan Mair, Depute Clerk referred to Section 74(6) of the Licensing (Scotland) Act 2005 which states that the Licensing Board must refuse an application if satisfied that it is necessary to do so for the purposes of any of the licensing objectives.

Roddy McCuish stated that, in view of the seriousness of the offence, in his opinion, it was linked to all of the objectives.

Susan Mair advised that she did not consider this was competent which Roddy McCuish accepted.

The Chair then moved the motion put forward by Sandy Taylor and, with no-one being otherwise minded, this became the decision of the Board.

9. REVIEW OF PERSONAL LICENCES

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

10. ANY OTHER BUSINESS

Susan Mair, Depute Clerk advised that a working group had been set up to review the Licensing Board Policy. She said a meeting would be arranged as soon as possible for the working group to look at the proposed changes.

The Chair advised that once any changes or amendments had been carried out by the working group, the information would be collated and a draft Policy drawn up which will be considered at the February 2019 Board Meeting.

11. DATE OF NEXT MEETING

It was agreed that the next meeting of the Licensing Board would be held on Tuesday 26th February 2019 at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.