

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on TUESDAY, 3 SEPTEMBER 2019

Present:

David Kinniburgh (Chair)
Rory Colville
Richard Trail
Robin Currie
Lorna Douglas
Audrey Forrest

Attending:

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

1. APOLOGIES

Apologies were intimated from Sandy Taylor, Roddy McCuish, Gordon Blair and Jean Moffat.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

3. APPROVAL OF MINUTES OF LICENSING BOARD MEETING OF 25TH JUNE 2019

The minutes of the meeting held on Tuesday 25th June 2019 were submitted and approved.

4. APPLICATIONS FOR GRANT OF A PREMISES LICENCE

(a) 18 Longrow South, Campbeltown, PA28 6AH

The applicant, Neil McAllister-Hall appeared with Susan Black, premises manager. Mr McAllister explained that the premises would cater mainly for the tourist trade selling distillery products and providing tasting sessions. He added that the shop would generally be open from 10.00am to 5.00pm but may close earlier in the winter months.

The Chair enquired about the early closing and asked what would be the winter months. Mr McAllister-Hall advised that it would be from January to March, closing one hour earlier as it was a new venture and he wanted to

see how well it would operate in the coming months. The Chair asked him if it would be the same opening hours over the festive period and he replied yes, from 10.00am to 5.00pm.

The Chair moved that the application be granted with the amended wording for the seasonal variation of 'premises may close one hour earlier from January to March each year'.

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

(b) **Ardenslate Stores, 2 Elizabeth Avenue, Kirn, Dunoon, PA23 8NW**

The applicant, Pardeep Chopra appeared and explained that he had taken over the premises 2 months ago which had been a long standing local grocery shop and wanted to expand the business by selling alcohol.

Raymond Park, Licensing Standards Officer said that there was a demand for off-sales and the alcohol display would not be accessible to the public.

Audrey Forrest said that the grammar school was situated across the road from the premises and asked Mr Chopra if he would be stringent regarding sales of alcohol to persons under 18 years of age. Mr Chopra confirmed that he was aware of the requirements and would request ID, if required.

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

(c) **Lochgilphead Bowling Club, Bank Park, Lochgilphead, PA31 8NX**

Alan Guy and Roderick MacDonald appeared on behalf of the applicant. Mr Guy advised that in the past 2 years there had been an increase in membership and the number of events and having applied for a considerable amount of occasional licences over the years, there was demand to sell alcohol.

Rory Colville wondered why 12 Midday opening was sought as clubs usually requested earlier times of 9.00am and 10.00am. Mr MacDonald stated that competitions usually commenced at 10.00am. The Chair asked Mr McDonald if the intention of 10.00am opening was for competitions only and he replied yes but it was for open competitions. The Chair enquired how often these type of competitions would take place and Mr Guy advised approximately 3 during the summer.

The Chair asked for a description of the outside area and when it was intended to be used. Mr Guy said it was a small slabbed area looking onto the bowling green where people could sit and view a game. The Chair asked if it would be used for other events but Mr Guy confirmed it would only be used for competitions and as a smoking area.

The Chair referred to events and asked how often these would be held. Mr Guy said 2 evenings had already been booked and it was mainly

birthday parties and baby showers but no live music.

The Chair enquired if a noise management plan would be required. Eric Dearie, Licensing Standards Officer replied no.

Rory Colville stated that the standard terminal hour for the outside drinking area which was 10.00pm for adults and 8.00pm for children and young persons, be applied.

The Chair moved to grant as applied for and to include the standard terminal hour for the outside drinking area.

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

(d) **The Ardfin Club Ltd., Ardfin Estate, Craighouse, Isle of Jura, PA60 7XX**

Beppo Buchanan Smith, premises manager appeared on behalf of the applicant. He explained that it was a golf resort with accommodation and an events centre with 2 licensed areas within the premises licence which comprised of the Quads and the Boathouse and had taken 9 years to build. Mr Buchanan Smith added that the premises had still to be opened.

Eric Dearie, Licensing Standards Officer said that there was a lot involved in the application and referred to his report (Appendix 1). Mr Dearie confirmed that Jura House, which was originally going to be the third licensed area, had been withdrawn.

Robin Currie said that he had visited the site and wondered if a member of the public was able to have a drink at the premises. Mr Buchanan Smith advised only those playing golf were permitted to drink and anyone could play as long as it was pre-booked, therefore it was not a private members club.

The Chair asked if they intended to licence Jura House in the future and Mr Buchanan Smith replied hopefully in the spring.

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

(e) **Kintyre Larder, 48 Main Street, Campbeltown, PA28 6AD**

The applicant, Linda McLean appeared and explained that the premises were a small local produce retail shop which opened last June. Ms McLean said she would like to offer quality whiskies, ciders, ales and gin and had applied for a number of occasional licences which proved successful.

Eric Dearie, Licensing Standards Officer advised that the premises had 2 licensed areas, one behind the counter and one accessible to the public with a 4.2% of alcohol display area which was below the Board's Policy.

Rory Colville asked why the premises would not open on a Sunday as cruise ships harboured occasionally. Ms McLean advised that she was going to liaise with the harbour master to find out when ships would be expected to enable her to have prior warning. She said that she would apply for extended hours applications when and if required, including late opening over the festive period.

The Chair moved to grant the application as applied for.

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

5. APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

(a) The Oban Beer Seller, 29 Stafford Street, Oban, PA34 5NH

Sandy Murray, Solicitor, Oban appeared on behalf of the applicant, Karen Lindsay, who was also present. Mr Murray said that the premises wanted to sell craft beer and other speciality products and would occasionally be open until 10.00pm for parties visiting the premises for tastings.

Eric Dearie, Licensing Standards Officer advised that it was a dedicated off-sales which was similar to the previous application at item 4(a).

The Chair asked how often the premises would be open until 10.00pm. Mr Murray replied 2 to 3 times during the summer but was not sure regarding the winter months. The Chair thought that it would make more sense if the premises closed at 7.00pm each night and if required, apply for extended hours licences for the tastings.

Mr Dearie said that the terminal hour of 10.00pm would be a better option.

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. APPLICATIONS FOR VARIATION OF A PREMISES LICENCE

(a) Rossdhu House, Garden Cottage & Lodges, Loch Lomond Golf Club, Luss, G83 8NT

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicant and spoke to the terms of the application which sought to: add Colquhoun Lodge to the licence and amend the layout plan accordingly; change the description of the premises and increase the capacity from 749 to 765. Mr MacIver said that this was purely to include the lodge within the parameters of the current premises licence.

The Chair noted the increase of 16 to the capacity. Mr MacIver advised that there would be 2 extra rooms, each for 8 persons.

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

(b) **The Ashton, 74 West Princes Street, Helensburgh, G84 8UG**

Caroline Loudon, Solicitor, Glasgow appeared on behalf of the applicant, Euan Catterson, who was also present and spoke to the terms of the application which sought to: add an external drinking area and amend the layout plan accordingly. Ms Loudon said that the external area would also be used for tea/coffee and soft drinks outwith core hours but not before 9.00am. She added that consent had been received from Roads and Amenity Services but planning permission had still to be applied for.

Raymond Park, Licensing Standards Officer advised that a noise management plan would require to be implemented but had no specific issues with the application.

Richard Trail enquired about how the external area would be delineated. Euan Catterson said that standard banners would be used to define the outside area.

The Chair moved to grant the application as applied for with the terminal hour of 10.00pm for adults and 8.00pm for children and young persons for the external drinking area with the condition that it be appropriately delineated.

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

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

Archie MacIver, Solicitor, Glasgow appeared on behalf of the applicant and spoke to the terms of the application which sought to add a further wine tower and increase the capacity from 144.48 m² to 154.48 m². Mr MacIver said this was a fairly straightforward application but referred to the representation from Police Scotland (Appendix 2).

Sergeant Iain McNicol, Police Scotland read out the letter of representation dated 13th August, 2019 and referred to Appendix A detailing various incidents from March 2017 to July 2019 relating to the theft of alcohol from the premises. He advised that they had visited the premises in March of this year regarding the amount of alcohol which had been stolen over the period and advised the manager that they could assist with the recommendations from the Crime Prevention Survey which had been undertaken on 18th September 2018. Sergeant McNicol advised that none of the recommendations had been implemented.

Lorna Douglas asked what recommendations had been put forward. Sergeant McNicol said a change to the layout of the store to alter the checkout area so that all customers required to pass the tills to exit the store; at peak times, staff to monitor the self- service tills; continued

surveillance of the alcohol area; mirrors to be erected at blind spots and to monitor the CCTV during peak times of shoplifting and to encourage staff to make eye contact with customers.

Mr MacIver stated that he wished to start with an apology. He advised that at the time the survey was carried out there had been a change in management and there had been a failure to convey information back to the Police. Mr MacIver advised that a number of changes had been implemented- a mirror had been put in place to improve visibility; the licensed area was monitored by a representative of the store; security marks had been placed on certain products and notices displayed so the customers were aware of this; self-service tills were now supervised; additional training had been provided to staff; CCTV had been adjusted for the car park area and a tagging system was to be used for higher value products. Mr MacIver said that the shop layout could not be changed as Waitrose had a standard layout for all their stores. He acknowledged that there had been issues in 2017 and 2018 but only 4 in 2019, two of which were detected; one was a small theft and one, the customer had been approached outwith the premises so over the course of the last 9 months there had been a major improvement. He added that Waitrose were a responsible operator with hundreds of stores throughout the UK.

Robin Currie stated had he never seen a report like this and wondered why it had been brought before the Board. He asked if it was because Waitrose did not seem concerned or was it the huge increase in shoplifting incidents. He noted that no representative of Waitrose was present today.

Sergeant McNicol advised that Police Scotland wanted to bring these incidents to the attention of the Board as one of the licensing objectives is to prevent crime and disorder.

The Chair asked if anyone had been charged in respect of any of the incidents. Sergeant McNicol advised that he was unable to provide any further information other than what's in the report but some of the incidents had been detected. The Chair noted that the last incident listed resulted in the customer handing back the alcohol and wondered if this had been reported.

Mr MacIver stated that the store reported all thefts and staff were trained to detain the person if it was safe to do so until the Police arrived. He said that over a period of 2 years, approximately 20 incidents had been reported which was not a large amount compared to other stores in urban areas.

The Chair referred to the incident on 6th September 2018 which took place at 10.20am but was not reported until 5.05pm and asked why there had been such a delay. Mr MacIver said he did not know why this happened as it should have been reported immediately but speculated that it may have been because it was only detected when viewing the CCTV later that day. The Chair noted there had been fewer incidents this year but two

of them involved extremely high value thefts. Mr MacIver reiterated that all thefts were reported, whether they were of low or high value.

Robin Currie expressed concern that the shoplifting appears to be organised and there may be a risk that some of it is being sold to young people. Mr MacIver advised that the store cordoned off the alcohol area at lunch times when school kids were on the premises.

The Chair asked Sergeant McNicol if the Police attended all the incidents listed in the report and he confirmed that they had.

Raymond Park advised that he had been liaising with the Police and management as the premises were seen as an easy touch and were being targeted by professional shoplifters. Mr Park advised that changes had been put in place and a lot of the measures had been implemented.

Lorna Douglas said when she was in the store she did not see any supervision at the self-service tills or at the alcohol area. The only change she noticed was the installation of the mirror.

Mr MacIver said this was disappointing and there appeared to be conflicting reports between what he was being told and what he was now hearing. He suggested that the matter be continued to the next Board meeting to enable a representative from Waitrose to attend.

Richard Trail asked if a report could be compiled by the Licensing Standards Officer over the next 12 months to ascertain if there had been a decline in the number of incidents. Raymond Park advised that Police Scotland could provide this.

Rory Colville said he had no issues granting the application but would like someone from Waitrose to appear at the next Board meeting to reassure him.

The Chair stated that he was unhappy that no-one from Waitrose was present but he appreciated Mr MacIver could only put forward what he had been told.

The Board adjourned to consider the application and, on resuming, the Chair moved that the application be continued to the November Board meeting to allow a representative from Waitrose to appear and also to seek a report from Police Scotland

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

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

(a) Feathers Bar, Cross Street, Campbeltown, PA28 6HU

David Leishman, Solicitor, Campbeltown appeared on behalf of the applicant. Mr Leishman advised that this application had gone through a 3

year gestation period and was now back before the Board following the pedestrianisation of Burnside Square in Campbeltown. He added that the external drinking area was delineated in green on the layout plan and his client was happy with the standard terminal hours of 8.00pm and 10.00pm.

The Chair stated that some members had viewed the location and moved to grant the application as applied for with a terminal hour of 10.00pm for adults and 8.00pm for children and young persons with the condition that the external area be appropriately delineated.

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

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

(a) Suzanne Tomsett, 10 Clyde Street, Dunoon, PA23 7HT

Susan Mair, Depute Clerk advised that the matter had been continued from the previous meeting as the licence holder was requested to attend. Ms Mair said that an email had been received from Suzanne Tomsett to inform the Board that she was unable to appear due to a family bereavement but a character reference from her current employer had been submitted. Ms Mair explained that the Board could continue the matter further to the November Board Meeting or the Board could deal with it in Mrs Tomsett's absence. The Board agreed to deal with the matter.

Sergeant McNicol, Police Scotland referred to the report (Appendix 3).

The Chair moved to endorse the personal licence which was seconded by Audrey Forrest.

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

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

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

Susan Mair, Depute Clerk advised that a request to continue the matter to the November meeting had been received. Ms Mair confirmed that the Procurator Fiscal had now made a decision to issue a warning letter to the licence holder which meant that the criminal proceedings had been concluded.

The Board agreed to continue the matter to the November Board Meeting.

10. REVIEW OF PERSONAL LICENCES

The list of personal licence holders who had not undertaken the required refresher training within the prescribed timescale (Appendix 4) was noted and the Board agreed to revoke their personal licences.

11. ANY OTHER BUSINESS

(a) **Chief Constable's Report to Argyll & Bute Licensing Board for the period 1st April 2018 to 31st March 2019**

Sergeant McNicol, Police Scotland referred to the report, the contents of which were noted by the Board.

(b) **Review of Gambling Policy**

Susan Mair, Depute Clerk referred to the policy and advised that approval from the Board required to be sought for paragraph 2(1) in order to finalise the policy which will come into force on 30th December 2019.

The Board agreed to approve the revised policy.

(c) **Festive Hours Policy 2019**

The Festive Hours Policy was approved by the Board.

(d) **Review of Statement of Licensing Policy**

Susan Mair, Depute Clerk advised that there was a need to progress the review of the Statement of Licensing Policy which had been outstanding for some time. After discussion, it was agreed that the draft Policy, incorporating those changes made to date, would be issued to the members of the Board with a short turnaround period for any further comments. Thereafter, the consultation process can be undertaken.

12. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held on Tuesday 12th November 2019 at 11.00am within the Council Chamber, Kilmory, Lochgilphead, PA31 8RT.