

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 27 JUNE 2023**

Present:

Kieron Green (Chair)	Liz McCabe
Jan Brown	Fiona Howard
Audrey Forrest	Paul Donald Kennedy
Amanda Hampsey	

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
Andy Galloway, Helensburgh Advertiser

1. APOLOGIES

Apologies were intimated from Mark Irvine, Graham Hardie and Luna Martin.

2. DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 25TH
APRIL 2023.**

The minutes of the meeting held on 25th April 2023 were submitted and approved.

4. APPLICATION FOR A PREMISES LICENCE

(a) A. M. MacQueen & Sons, 1 Bishop Street, Rothesay, PA20 9DH

The applicant, David MacQueen attended and explained that he had a modern butchery business which was established in 1976 and now wanted to introduce craft beer etc to complement his products. Mr MacQueen added that the Co-op, which was nearby, had been re-located.

Raymond Park, Licensing Standards Officer advised that the alcohol display area would be 4.4% and had no concerns regarding the application.

Jan Brown asked if it would be tastings only within the premises and Mr McQueen replied yes but he may have evening tastings in the future.

The Chair asked if these evenings would be for certain events only and Mr MacQueen replied yes.

Fiona Howard wondered if the licence would require to be changed for these events. Susan Mair, Depute Clerk advised that the applicant could apply for occasional licences for each event and a major variation application would require to be submitted for a more permanent arrangement should this be necessary.

The Chair moved to grant the application as applied for.

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

(b) **Braw Liquor Club, c/o John McKirdy Ltd, Cotton Mill Lane, Isle of Bute, PA20 9BZ**

The applicant, Elizabeth MacKirdy attended and advised that this was a cocktail business using Scottish ingredients which is sold online and also through trading at some local events. Ms MacKirdy advised that the premises would be used purely as a store room and dispatch area and therefore no members of the public would be permitted entry.

Raymond Park, Licensing Standards Officer confirmed that the premises would be for storage and dispatch only and had no issues with the application.

The Chair moved to grant the application as applied for.

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

(c) **Croft 3, Ulva Ferry, Isle of Mull, PA73 6LX**

The applicant, Jeanette Cutlack attended.

Eric Dearie, Licensing Standards Officer advised that this was a standard application and that the applicant had provided a proposed wording to clarify the terms of the seasonal variation. He further advised that the terms for the outdoor area would be children and young persons permitted until 8.00pm and adults until 10.00pm.

The Chair moved to grant the application as applied for subject to including the revised wording in respect of the seasonal variation.

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

5. APPLICATION FOR A PROVISIONAL PREMISES LICENCE

(a) **Mansefield House, The Gallery and Larder, Shore Road, Arrochar, G83 7AG**

Susan Mair, Depute Clerk advised that a request had been received from the applicant's agent to continue the application to the next meeting of the Board on 7th September.

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

(b) **The Balaclava Byre, Balaclava Croft, Port Ellen, Isle of Islay, PA42 7DR**

The applicant, Alexander Moss attended.

Susan Mair, Depute Clerk advised that the application had been submitted as a provisional application but, subsequent to the agenda being issued, all the relevant documentation had been received and therefore it could now be considered as a full grant application.

Eric Dearie, Licencing Standards Officer advised that the live entertainment was low level and that the alcohol retail space was 0.5%. He had no issues with the application.

The Chair moved to grant the application as a full grant of a premises licence.

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

6. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) **An Tobar & Mull Theatre, Argyll Terrace, Tobermory, Isle of Mull, PA75 6PB**

Karen Ray, Premises Manager attended and spoke to the terms of the application which sought to: increase the terminal hour for on-sales to 12 Midnight and add a seasonal variation. Ms Ray advised that the current licence was proving quite restrictive when holding events and wanted to extend it to allow patrons to have a better experience.

Eric Dearie, Licensing Standards Officer referred to the proposed seasonal variation and advised that he had no issues with the application:

The Chair referred to the seasonal variation and asked if the reason for this was in relation to reduced operating hours in the winter months. Ms Ray replied yes as they intend to take music to communities rather than in the premises due to heating costs.

The Chair moved to grant the application as applied for.

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

(b) **Ardbeg Mini Market, 78A Ardbeg Road, Rothesay, Isle of Bute, PA20 0NN**

The applicant, Joe Dodgson, attended and spoke to the terms of the application which sought to increase the terminal hour for off-sales to 8.00pm, Monday to Sunday. Mr Dodgson said that this was due to customer demand for later hours and would create more employment in

the area. Ardbeg was becoming busier and there was now a higher volume of tourists.

Raymond Park, Licensing Standards Officer advised that he had no issues with the application.

The Chair moved to grant the application as applied for.

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

(c) **Duck Bay Hotel & Marina, Loch Lomond, G83 8QZ**

Alan Cawley, Director, attended and spoke to the terms of the application which sought to: change the layout of the premises; amend the description of the premises; change the wording at Question 5(f) under Any other activities; change the wording of children and young persons' conditions and change the way the on-sales capacity figure is made up.

Raymond Park, Licensing Standards Officer advised that the premises had recently been refurbished and there were some readjustments to the layout of the interior which were only minor. He had no concerns regarding the application.

The Chair moved to grant the application as applied for.

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

(d) **Garelochhead Bowling Club, Feorlin Way, Garelochhead, G84 0DG**

The Director, Ian Halliday attended and referred to the application which sought to amend the children and young persons' conditions to permit them until 11.00pm and/or until the end of a function. Mr Halliday said the variation would help the club to be recognised as a family orientated premises and also encourage more junior membership. He explained that some competitions may run late and games and quiz nights often continued after 9.00pm.

Raymond Park, Licensing Standards Officer said that member's clubs tended to have various age groups and referred to the Board's policy where the terminal hour for children and young persons was 10.00pm.

The Chair recognised what the club was trying to achieve and asked if children and young persons could be accompanied by a club member. Mr Halliday stated that he could not guarantee this.

Mr Park advised that there would always be a staff member in charge of the bar who could ensure that children and young persons were being supervised. The Chair was concerned that this could set a precedent, having bar staff responsible for children and young persons while dealing with a busy bar.

Jan Brown agreed and asked if children and young persons would be in the club at all times or just when competitions were being held. Mr Halliday said that all junior members required to abide by the rules of the club and would be present when competitions were being held and that the majority of parents would be present at these competitions and therefore they would not be left unsupervised.

The Chair referred to the licensing objective of 'protecting children and young persons from harm' and stated that an adult aged 18 years or over required to actively supervise children and young persons.

Amanda Hampsey asked if the reason for the variation was to allow parents to work in the bar and wondered if it would be children and young persons or the club benefiting from this. Mr Halliday replied that this was not the case and stated the application was to allow junior members to attend competitions and functions and become used to a social environment.

Mr Park explained that, at present, children over 14 years were permitted unaccompanied until 9.00pm and suggested a compromise between these times. The Chair said he would not be happy to extend the times.

Mr Halliday said that he would be happy to amend the wording to include 'accompanied by a responsible adult from 9.00pm to 11.00pm'

After some deliberation, the Chair proposed that children over 14 years and young persons, including junior members, must be accompanied by a responsible adult aged 18 years and over after 9.00pm.

Mr Park checked if this could be incorporated into the club's constitution and Mr Halliday confirmed that it would be and that the accompanying adult would be a member or a member's guest.

The Chair moved to grant the application with the amended wording that children over 14 years and young persons, including junior members, are accompanied by a responsible adult aged 18 years or over from 9.00pm until 11.00pm and/or until the end of a function. Junior members may be on the premises unaccompanied until 9.00pm.

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

(e) **Lochavullin Bar, Combie Street, Oban, PA34 4HS**

The applicant Annmarie MacLean attended.

Susan Mair, Depute Clerk advised that a late objection to the application had been received by email on 19th June 2023 from Mrs Whyte, 33B Combie Street, Oban, PA34 4HS (Appendix 1), who was also in attendance. Ms Mair advised that the Board does have the power to consider late objections where there are good reasons. The preliminary issue, therefore, is for the Board to determine whether to accept the late

objection, having regard to the reasons provided by the objector as set out in the e-mail of 20th June (Appendix 2). After a short deliberation, the Board decided to accept the objection and a copy of the objection was circulated to the members of the Board.

Ms MacLean spoke to the terms of the application which sought to add indoor/outdoor sports as an activity and advised that this would be restricted to pool and darts. She added that there had been a lock on the close door for the last year or so.

Mrs Whyte referred to her objection and stated that it was more of a noise issue with the jukebox and patrons banging the pool sticks on the floor. She said that if the premises were quieter then she would have no issues.

Eric Dearie, Licensing Standards Officer referred to the application and stated that it was a tidying up exercise and he had no concerns.

Audrey Forrest asked if any noise complaints had been received regarding the premises. Mr Dearie said that he was not aware of any.

The Chair asked Mrs Whyte whether she had complained to Police Scotland and she confirmed that she had over the years but not recently.

Paul Kennedy enquired whether Mrs Whyte still resided above the premises and she replied no and that it was unoccupied at present.

Ms MacLean advised that she took over the premises in September 2022 but had worked there for 3 years before that under partnership with the previous licence holder. She added that darts and pool had always taken place but had been omitted from the operating plan.

Mrs Whyte said that she had misunderstood the application initially and confirmed that she had no issues with darts and pool, only the noise levels.

Paul Kennedy asked if a noise management plan could be implemented. Ms MacLean confirmed that the jukebox was capped at 11.00pm.

The Chair moved to grant the application as applied for.

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

(f) The Royal Bar, 4 Pier Road, Innellan, Dunoon, PA23 8TH

The applicant, Martin Donovan attended and spoke to the terms of the application which sought to: change the start time on a Sunday for on and off sales from 12.30pm to 11.00am; add restaurant as an activity and change column 4 to 'yes' for activities related to early opening for breakfast; amend the children and young persons' conditions and to remove reference to 'restricted family area' on the layout plan. Mr Donovan explained that, having taken over the premises 2 years ago, he

wanted to make several adjustments to the operating plan to develop a more family orientated restaurant than a lounge bar.

Raymond Park, Licensing Standards Officer said that the new business plan was geared towards a restaurant rather than a public bar and had no issues with the application.

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. REVIEW OF PERSONAL LICENCES

(a) Revocation of Personal Licences where licence holders have not undertaken the refresher training.

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 licence.

(b) Revocation of Personal Licences where licence holders have not applied to renew their licence.

The list of personal licence holders (Appendix 4) who had not submitted an application to renew their licence was noted and the Board agreed to revoke their licence.

8. ANY OTHER BUSINESS

(a) Review of Statement of Licensing Policy

Susan Mair, Depute Clerk referred to the e-mail of 26th June sent to members of the Board enclosing a proposed survey form in relation to overprovision which had been provided by NHS Highland. She asked if members could revert to her with any comments they may have on the content of the form.

9. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Thursday 7th September 2023 at 11.00am.