

**MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD held in the BY SKYPE
on TUESDAY, 14 NOVEMBER 2023**

Present: Kieron Green (Chair) Paul Kennedy
Mark Irvine Luna Martin
Jan Brown Liz McCabe
Audrey Forrest Dougie Philand
Graham Hardie

Attending:

1. APOLOGIES

Apologies were intimated from Amanda Hampsey.

2. DECLARATIONS OF INTEREST

Graham Hardie declared a non-financial interest at Agenda item 5(f) (Application for a Major Variation-The Keel Row, Fionnphort, Isle of Mull) as he knew the applicant.

**3. APPROVAL OF MINUTES FROM LICENSING BOARD MEETING OF 7TH
SEPTEMBER 2023**

The minutes of the meeting held on 7th September 2023 were submitted and approved.

4. APPLICATION FOR A PREMISES LICENCE

(a) The Pier Cafe, Main Street, Tobermory, Isle of Mull, PA75 6NU

The applicant Michelle Devlin attended and advised that the outdoor drinking area would be delineated by a barrier and restricted to customers only.

Eric Dearie, Licensing Standards Officer advised that the external area may be used outwith core licensing hours and therefore suggested that the following statement be included at section 5(f) in the operating plan:

'The outdoor area may be used prior to the start of on-sales core licensing hours to provide food and non-alcoholic beverages'.

Mr Dearie referred to the children and young persons' conditions for the external area and said that Ms Devlin was aware of the Board's Policy which stated that the terminal hour for persons 18 years and over was 10.00pm and 8.00pm for children and young persons.

Jan Brown referred to the layout plan which only showed a tea prep store rather than a kitchen. Ms Devlin explained that this area was the kitchen which contained 2 sinks.

Mark Irvine asked Ms Devlin if there was any storage for the alcohol and she advised that there was a double locked cupboard for this and the alcohol would be behind the counter.

The Chair thought that the external area of 3.6m looked bigger than that on the photo. Ms Devlin said that 2 of the larger tables had been removed as the smaller tables were easier to control.

Paul Kennedy wondered what was the purpose of the café and asked if it was for ferry passengers or a pub for locals. Ms Devlin explained that they would be rebranding next year and will be working with cruise ships offering whisky dinners to both passengers and locals.

Liz McCabe asked what the capacity was for the external drinking area and Ms Devlin said it would be a maximum of 16 persons. Liz McCabe noted it stated 50 on the application but Ms Devlin said that the 2 large tables had been removed, hence the reduction.

The Chair asked about the need for a terminal hour of 12 Midnight for on-sales and if a capacity of 36 would suffice. Ms Devlin stated that she would be happy to change on-sales to 10.00pm and amend the capacity accordingly.

The Chair moved to grant the application, subject to the Licensing Standards Officer's suggestions relating to the external area; the change to the on-sales terminal to 10.00pm and the reduced capacity of 36.

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

5. APPLICATION FOR MAJOR VARIATION OF A PREMISES LICENCE

(a) Cadenhead's Campbeltown Whisky Shop & Tasting Room

David Woods, Operations Manager attended and referred to the application which sought to: add a larger external courtyard area; add a blending lab; change commencement time for on-sales from 11.00am to 10.00am, Monday to Saturday; remove conference facilities; add bar meals and recorded music as activities and change the premises manager.

Eric Dearie, Licensing Standards Officer said 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.

(b) **Caol Ila Distillery, Port Askaig, Isle of Islay, PA46 7RL**

David Hossack, Solicitor, Glasgow attended on behalf of the applicant. Kirsty Basnett, Events Manager, also attended. Mr Hossack spoke to terms of the application which sought to add the following wording at section 5(f) in the operating plan:

1. Both internal and external areas may be used for market purposes where third parties exhibit and sell food, drink and other products; light food offerings may be provided within the premises and external areas.
2. Light food offerings may be provided within the premises and external areas.
3. The premises may be used for arts, crafts and creative demonstrations and workshops. Electronic games and interactive facilities may be available on the premises.
4. Capacity 26.75m²(alcohol shelving display) and 15.59m³ (alcohol display furniture/cabinets)

Mr Hossack advised that this was a new visitor's centre and his client wanted to make changes to offer more to the community and the tourist trade.

Graham Hardie enquired about the electronic games. Mr Hossack stated that they were retro games which would not be available at all times and would not be used by children.

Paul Kennedy asked if there would be other people selling alcohol on the premises from various stalls. Mr Hossack advised that the vast majority of traders do not sell alcohol but it would be the responsibility of the licence holder to ensure they have the appropriate licences in place.

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) **Dunoon Burgh Hall, 195 Argyll Street, Dunoon, PA23 7DD**

Gillian Donaldson, premises manager attended and spoke to the terms of the application which sought to: add off-sales to the shop area; add capacity of off-sales alcohol display area and adjust the layout plan to show the position of the off-sales display area. Ms Donaldson said that locally produced alcohol would be on offer with one display cabinet.

Raymond Park, Licensing Standards Officer said that it was a well-

established premises which wanted to offer a further service for customers and 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.

(d) **Oban Distillery, Stafford Street, Oban, PA34 5NH**

David Hossack, Solicitor, Glasgow attended on behalf of the applicant. James Anderson, premises manager also attended. Mr Hossack spoke to the terms of the application which sought to: change the wording at question 5(f) to include internal and external markets, sale of light food offerings and the use of the premises for arts, crafts and creative demonstrations and workshops and change the email address for the premises manager. He said that this was a similar application to item 5(b) and that the changes would benefit the community and tourists.

The Chair moved to grant the application as applied for.

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

(e) **Springbank Distillery Visitors Centre and Shop, Well Close, Campbeltown, PA28 6ET**

David Woods, Operations Manager attended and spoke to the terms of the application which sought to: add an external seating area; add a blending lab; change the on-sales start time from 11.00am to 10.00am Monday to Saturday; include bar meals, receptions, funerals, club or other group meetings and recorded music and outdoor drinking facilities as activities.

Eric Dearie, Licensing Standards Officer said 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.

Graham Hardie left the meeting.

(f) **The Keel Row, Fionnphort, Isle of Mull, PA66 6BL**

Susan Mair, Depute Clerk advised that a representation had been received from Mr and Mrs Nodding, Seaview, Fionnphort, Isle of Mull (Appendix 1) and an objection had been received from Creich Community Association and Creich Hall Fund, Fionnphort, Isle of Mull (Appendix 2). It was noted that Mr and Mrs Noddings were unable to attend. Kirsty Lords attended on behalf of both of them.

Claire Chalmers, premises manager attended and spoke to the terms of the application which sought to add conference facilities, theatre and dance facilities to take place outwith core licensing hours and to include films as an activity. Ms Chalmers said she had sent an email to licensing requesting a simple addition to section 5 of the operating plan which would allow small events to be held as she had been approached by community groups to use the premises during the winter months. She stressed that the Keel Row would not be organising these events but had been in discussions with other groups and would be happy to participate in jointly organised events.

Kirsty Lords asked Ms Chalmers which community groups she was in contact with as the Creich Community Association and Creich Hall Fund had not been approached. Ms Chalmers advised that she did not contact them due to their objection but had discussions with the Bunessan Community Association. Ms Lords said that she fully supported the Keel Row but the community still needed the village hall and granting the application would mean loss of income which would be detrimental to the hall, which provided full disabled access, kitchen facilities, a library and a polling station. Ms Chalmers struggled to understand the issue of loss of income as the application was purely to benefit the community and there would be no profit to be made. She added that the village hall offered different facilities from the Keel Row and they were not looking to compete with the association. Ms Lord stated that they would be taking potential funding away from the hall but Ms Chalmers said that they would not be charging for the use of the premises and the bar would be closed so only tea and coffee would be available.

Eric Dearie, Licensing Standards Officer suggested that the statement provided by Claire Chalmers be included under 'activities' at section 5 of the operating plan. He added that he had no issues with the application.

Paul Kennedy wondered why a commercial enterprise would offer free hire of a premises. Ms Chalmers explained that they employed up to 15 people in the summer but were quieter in the winter months so this was about serving the local community, not making a profit.

The Chair asked Kirsty Lords if she had anything further to add. Ms Lords said that any facility taking money away from the village hall was improper.

Claire Chalmers stated that she would be open to discussions with the committee members and possibly create a diary of events.

Paul Kennedy asked Susan Mair, Depute Clerk if there were any grounds to refuse the application and she advised that the decision would require to be linked to one or more of the licensing objectives.

Jan Brown and Audrey Forrest had sympathy for both parties but through appropriate communication and dialogue, matters should hopefully improve.

The Chair advised that in his view there were no grounds to refuse the application and therefore moved to grant subject to the addition of Claire Chalmers statement as suggested by the Licensing Standards Officer.

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

Graham Hardie returned to the meeting.

6. APPLICATION FOR A PROVISIONAL PREMISES LICENCE (CONTINUED FROM A PREVIOUS MEETING)

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

Susan Mair, Depute Clerk advised that this application had been continued from the September Board meeting. Ms Mair advised that an email had been received to withdraw the application.

(b) Aart Hotel, Marine Parade, Hunters Quay, Dunoon, PA23 8HJ

Susan Mair, Depute Clerk advised that the application had been continued from the September Board Meeting. Ms Mair advised that an email had been received to withdraw the application.

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

(a) Tower Digital Arts Centre & Submarine Centre, 81 Sinclair Street, Helensburgh, G84 8TR

Susan Mair, Depute Clerk advised that the application was continued from the September Board meeting.

Donna Hicks, premises manager attended and explained that the original application had included the submarine centre but it had been decided to remove this section from the application. She advised that they would apply for occasional licenses if and when required for that area. Ms Hicks said that, initially, there were outstanding fire safety issues in respect of Screen 1 but work had been undertaken to address these and the Fire Service had approved them.

Raymond Park, Licensing Standards Officer advised that he had received an email from the Fire Service confirming what Ms Hicks had outlined with only minor adjustments required and therefore he had no issues with the application.

The Chair wanted clarification regarding children and young persons as Mr Park mentioned that they should not be permitted within the bar area. Ms Hicks confirmed that a separate area of the bar would be created for the sale of crisps and sweets. Mr Park said he was happy with this.

Graham Hardie asked how this would work. Ms Hicks explained that customers would make their purchases at the bar, which was in two parts, one side for adults and the other side for children and young persons, then they would make their way to the relevant screening. She added that staff would monitor the areas at all times.

Mr Park said that cinema terms oversee children and young persons and he was confident that staff were aware of this as well as the licensing terms.

The Chair moved to grant to grant the application for screens 1, 2 and 3.

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

8. 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.

9. ANY OTHER BUSINESS

Susan Mair, Depute Clerk advised that a report in relation to later licensing hours for the Oban MOD would be provided to members at the February Board meeting.

10. DATE OF NEXT MEETING

The next meeting of the Licensing Board will be held by Skype on Tuesday 27th February 2024 at 11.00am.