

**North Ayrshire Licensing Board
27 March 2023**

Irvine, 27 March 2023 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Councillors John Bell, Cameron Inglis, Christina Larsen, Matthew McLean, Jean McClung, Donald L Reid, Ronnie Stalker and Angela Stephen.

In Attendance

R Lynch, Clerk, W O'Brien, Solicitor Licensing, D Grier, Solicitor, G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer, M Champion, Admin Assistant and A Toal Admin Assistant.

Convenor

In terms of Schedule 1 paragraph 6(5) of the Licensing (Scotland) Act 2005, Mr O'Brien invited Motions from the Board for an Acting Convenor as Councillor Collier had noted her apologies for this meeting. Councillor Stalker proposed Councillor Inglis as Convenor. Councillor Reid seconded the motion. There was no Amendment. The Board unanimously agreed without dissent or abstention to nominate Councillor Inglis as Acting Convenor.

Apologies for Absence

Councillors Eleanor Collier and Nairn McDonald.

1. Declarations of Interest

There were no Declarations of Interest.

2. Minutes

The Board were asked to confirm the Minutes of the Board meeting held on 28 November 2022. The Board unanimously agreed to confirm and adopt the Minutes.

3. Licences and Applications under the Licensing (Scotland) Act 2005.

The Board considered a report by the Clerk to the Licensing Board on matters under the Licensing (Scotland) Act 2005. The report, on this occasion, contained 1 Appendix;

- A. Premises Licence applications or any other applications requiring a Hearing.

The Licensing Board agreed to dispose of the matters as follows;

A. Premises Licence applications or any other applications requiring a Hearing

A.1 0527 Costcutter, 1 Ladyha Court, Girdle Toll, Irvine

The Board considered an application for grant of a Provisional Premises Licence made by Muhammad Anees for the above premises. Mr Anees was present and was represented by Ian Hunter, Solicitor.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising.

One objection to the application had been made by Mrs Alexis Lynch. A copy of the written objection was given to the Board Members. Mrs Lynch was not present. Mr Hunter confirmed that he had seen a copy of the objection prior to the Board meeting.

Mr Hunter then addressed the Board. He read the contents of his written submission provided to Board Members. He explained that the premises benefited from a licence in the past however it had been surrendered many years ago. As outlined in the Report, Mr Anees has submitted 5 Provisional Premises Licence applications between 2014 and 2018 which have all been refused. Mr Anees is an experienced operator and has operated licensed premises for over 10 years and currently operates News Stand in Saltcoats. Since the original applications, Mr Anees has operated this store as a convenience store but believes he is disadvantaged as he cannot sell alcohol. His customers have advised that they prefer to do their shopping in one place and as he cannot supply a full range of products, including alcohol, and as a result he is losing customers.

Referring to the objection, Mr Hunter advised that Mr Anees is not aware of customers being harassed by teenagers outside the store and points raised in the objection are out with his client's control.

Mr Hunter advised the premises is in a large and growing community, since the last application in 2018, there are 200 new houses built at Annick Gardens and a new development for a further 90 houses is due to commence at Lawthorn Primary School, with evidence of further developments in the future. In the last 3 years, due to the Covid pandemic, society is much more community orientated with shopping habits changing and increasing numbers choosing to shop locally or remotely. Local shops have an important role in the community and provide a place for social interaction, create a sense of community, and increase local populations' wellbeing. Mr Hunter noted that while waiting for this meeting he saw that this is also contained within the Council's Aims.

Mr Hunter explained that if the licence is granted the store will be fully modernised at a cost of approximately £60,000 and would create employment for 2 full time and 2 part time members of staff. It is evident from the applications previously submitted that it is necessary to provide a complete shopping experience for the local community as well as the sustainability of his Client's business.

In summing up his submission, Mr Hunter referred to 2 premises contained in the objection letter, the Gulab and BP Garage. He was aware that the Gulab in the past lost their licence as the Licence Holder was bankrupt and the premises now have a new licence. Additionally, as also contained in the report, the Board for many years had a Policy on garage forecourts being refused a Premises Licence, the BP Garage was granted a Premises Licence then granted an increase in capacity recently. Mr Hunter believes his client has been treated unfairly and moved that the Board exercise their discretion and decide that the benefits in granting this application overcome the overprovision presumption.

The Convenor asked if the Board had any questions for the applicant.

Councillor Larsen referred to the objection letter, although Mr Hunter addressed the 2 premises, he did not address the issue of teenagers intimidating people. Mr Hunter confirmed that no reports have been received of any intimidation. Mr Anees advised Councillor Larsen that he has been running the shop since 2006 and has never had any problems or experience of teenagers harassing anyone. This could have been a problem for the previous owner, however, he will have CCTV and the premises would be well looked after. Mr Anees has lived

in the local area for 13-14 years, he knows the local people and families personally. Referring to the submission, Councillor Larsen asked Mr Hunter what benefits a convenience store, selling alcohol, would have on the health and well-being of the local community. Mr Hunter explained a benefit to a community shop is the social interaction it provides not just the sale of alcohol. People will shop locally if a full range of products are available. Mr Hunter advised Councillor Larsen that people prefer to shop in one place in the local community and if granted his client would open for more hours, from 7am to 10pm, allowing more people to come out of their homes and interact. He suggested that if someone wanted a bottle of wine with dinner, usually they would also pick up makings of the dinner as well as wine but as they were unable to sell alcohol, his client is losing custom.

Following questions for Councillor Reid, Mr Anees advised that trouble could take place in any Premises and highlighted that staff would contact the Police if any incident took place. Additionally, CCTV would record any incidents. He also confirmed that he would minimise the risk of this by stopping teenagers from gathering outside his shop. He does know local teenagers well as they have come to his shop for many years with their family. Mr Anees confirmed that currently his shop closes at 6pm however if granted he would open until 10pm which would require more staff, possibly 4/5 more jobs. The local community were also in support of his application, he is a local resident and personally knows everyone in the local area.

The Board adjourned with the Clerk and Licensing Solicitor at 10.24 am to deliberate in private and re-convened at 10.37 am.

Having considered the terms of the reports and the submission made, Councillor Reid proposed that the Board grant the Provisional Premises Licence application. Councillor McClung seconded the motion. Councillor Larsen moved, as an amendment, that the application be refused. Councillor Bell seconded the amendment.

There was then a roll-call vote. The Convenor and Councillors McLean, Reid, Stalker and McClung voted for the motion. Councillors Larsen and Bell voted for the amendment.

With 5 votes in favour and 2 votes against, the motion was accordingly carried, and the Provisional Premises Licence application granted.

The Provisional Premises Licence is granted subject to Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions) Parts A and B.

The Convenor welcomed Councillor Stephen to the meeting and noted Apologies had been received from Councillors Collier and McDonald.

A.2 0528 The Boathouse at Dougarie, Dougarie Estate, Machrie, Isle of Arran

The Board considered an application for grant of a Premises Licence made by Jamie Gibbs for the above premises. The Applicant was represented by Malin Stewart, Events Co-ordinator.

The Board considered the terms of the Case Summary report.

A Representation was received from Building Standards in relation to the capacity.

Ms Stewart then addressed the Board. She confirmed that the Case Summary report had been received prior to the meeting and clarified the capacity is 60 due to the sanitary provision, however for the building the capacity could be 120. She confirmed that within their

Terms and Conditions clients must provide portable toilets if their capacity is over 60. As this is a listed building they could not add more toilets but are looking at building external toilets within the car park.

Ms Stewart clarified to Councillor Larsen that clients who hire the hall that have a capacity of 120 require to hire additional portable toilets.

Mr O'Brien referred to the capacity suggestion contained in the Case Summary report which could be added to the Operating Plan: *"60 (or whatever higher figure is from time to time temporarily approved by North Ayrshire Council's Protective Services Department, with the capacity returning to 60 after that temporary approval has ended)."*

The Convenor confirmed the application considered today was for a capacity of 60 persons. Councillor Billings, being the local member on Arran but had made no objection or representation to this application, noted that hiring additional toilets to increase a capacity was achievable on the island.

Mr O'Brien clarified to Councillor Bell that the application today is for a new Premises Licence, they are not already licensed however they have been operating under a series of Occasional Licences.

The Convenor clarified the application should be considered with a capacity of 60 however if granted then in the future a Variation could be submitted to increase this to 120.

Having considered the terms of the case summary and the submissions made, Councillor Reid proposed that the Board grant the Premises Licence application. Councillor McLean seconded the motion. There was no amendment. The Board unanimously agreed without dissent or abstention to grant.

The Premises Licence is granted subject to Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions) Parts A, C and F.

A.3 Premises Licence 0376 The Salt Cot, 7 Hamilton Street, Saltcoats

The Board considered an application for variation of a Premises Licence made by the Licence Holder, J D Wetherspoon (Scot) Limited, for the above premises. The Premises Licence Holder was represented by Archie MacIver, Solicitor, and was accompanied by Billy Thornton, Premises Manager.

The Licence Holder was requesting the following variations:

1. To allow Community Events
2. To allow Quiz Nights
3. To allow Bingo Nights
4. To allow Craft Fayres with local businesses
5. To allow psychic nights and tarot reading nights
6. To add Indoor/Outdoor Sports

The Board considered the terms of the Case Summary report.

Mr MacIver then addressed the Board. He explained that the application was a tidy up exercise to include community events which had taken place on the premises for some years, however, the LSO had recently highlighted these were not contained within the Licence. The

application seeks to regularise this position. The events are mainly charity fundraising events.

Having considered the terms of the case summary and the submissions made, Councillor Stalker proposed that the Board grant the application. Councillor Larsen seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

The Operating Plan (OP 5(f)) will have the following words added:

"The Premises may also be used:

V1 To allow Community Events

V2 To allow Quiz Nights

V3 To allow Bingo Nights

V4 To allow Craft Fayres with local businesses

V5 To allow psychic nights and tarot reading nights

In relation to V3 (Bingo):

The rules under the Gambling Act 2005 as to stakes, prizes and participants' ages will also apply and the Licence-Holder should seek advice from the Gambling Commission.

In relation to V4 (Craft Fayres):

In addition to the permission under the Alcohol Licence, the organiser of a Fayre will still need a Market Operator's Licence under the Civic Government (Scotland) Act 1982, Section 40. The Licensing Board does not grant this Licence, so the organiser will need to apply to the Licensing Committee."

A.4 Premises Licence 0220 Spar Convenience Store, 15/19 Baird Avenue, Kilwinning

The Board considered an application for variation of a Premises Licence made by the Licence Holder, C J Lang and Son Limited, for the above premises. The Premises Licence Holder was represented by Lynn Simpson, Solicitor.

The Licence Holder was requesting the following variations:

1. To add Gaming such as the National Lottery
2. To allow home delivery and make other changes

The Board considered the terms of the Case Summary report.

Ms Simpson then addressed the Board. She explained that following a tidy up of the whole C J Lang estate, licences are being updated to include Gaming for the National Lottery and to include background music both within and prior to core hours. Additionally, home deliveries and click and collect are to be added to the Operating Plan. She confirmed her client does have policies and protocols in place surrounding home deliveries of alcohol.

Ms Simpson confirmed to Councillor McClung that her client would like the ability to include alcohol in deliveries.

Having considered the terms of the case summary and the submissions made, Councillor Reid proposed that the Board grant the application. Councillor McLean seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

A.5 Premises Licence 0053 Riverside Lodge Hotel, Roseholm, 46 Annick Road, Irvine

The Board considered an application for variation of a Premises Licence made by the Licence Holder, HF Irvine Hotel Limited, for the above premises. The Premises Licence Holder was represented by Carol Brownlie, Sales and Marketing Manager.

The Licence Holder was requesting the following variation:

1. To allow craft Fayres
2. To allow outdoor drinking

The Board considered the terms of the Case Summary report.

Ms Brownlie then addressed the Board. She explained the application was to permit craft fayres as well as to permit food and drinks to be consumed in the garden area when not in use for weddings. This area would only be used between 11am and 10pm.

Having considered the terms of the case summary and the submissions made, Councillor Larsen proposed that the Board grant the application. Councillor McClung seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

The following was added to the Operating Plan (OP 5(f):

"The Premises may also be used to host Craft Fayres. In addition to the permission under the **Alcohol** Licence, the organiser of a Fayre will still need a **Market Operator's Licence** under the Civic Government (Scotland) Act 1982, Section 40. The Licensing Board does not grant this Licence, so the organiser will need to apply to the Licensing Committee."

A.6 Premises Licence 0051 Elms Bar, 21 Raise Street, Saltcoats

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Trust Pubs Limited, for the above premises. Joseph Fitzpatrick, Director of Trust Pubs Limited was present.

The Licence Holder was requesting the following variation:

1. Permit use of the Outdoor Drinking Area Monday - Friday from 1.00pm to 10.00pm

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising.

Mr Fitzpatrick then addressed the Board. He acknowledged receipt of the report and the representation submitted by Paul Brennan, Specialist Environmental Health Officer. Mr Fitzpatrick explained the Variation is to allow use of the outdoor drinking area from 1.00pm to 10.00pm Monday to Friday, currently this area is only permitted from 6.00pm to 10.00pm.

Referring to the previous Variation Application which received an objection from the neighbouring Health Centre, Councillor McClung made Mr Fitzpatrick aware that if this

application is granted any future complaints could result in being brought back to the Licensing Board. Mr Fitzpatrick confirmed that he is aware this is the case, he noted that it has now been confirmed that no consultation rooms are at the side of the outdoor area, these rooms are only used for filing. He also confirmed the area would be monitored on an ongoing basis.

Having considered the terms of the report and the submissions made, Councillor Reid proposed that the Board grant the application. Councillor Stalker seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

On granting the application, the Board amended the following wording within the Operating Plan:

"On 27 March 2023 the Board granted the variation to allow the Outdoor Drinking Area on condition that the Outdoor Drinking Area shall not operate outside these hours:

Monday to Sunday: 13.00 to 22.00,

where 'operate' means the use by patrons:

- for the consumption of any drink (alcoholic or not) or food*
 - for smoking*
 - for any other activity*
- and accordingly Condition C.5.2 of the Board's Standard Conditions does not apply.*

For the Licence-Holder's information

This is not a condition of the Licensing Board's decision: the Outdoor Drinking Area cannot be used unless that use is also consistent with the Planning Permission granted by North Ayrshire Council as the Planning Authority."

A.7 Premises Licence 0144 The Station Inn, 4/6 Main Street, Glengarnock, Beith

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Susan Williamson, for the above premises. Mrs Williamson was present and was accompanied by her husband, John Williamson.

The Licence Holder was requesting the following variation:

1. Add Outdoor Drinking Area at the rear of the building

The Board considered the terms of the Case Summary report.

Mrs Williamson then addressed the Board. She confirmed receipt of the Case Summary Report and explained local customers have asked for an outdoor drinking area, this would only be used between 12noon and 9.00pm.

Having considered the terms of the case summary and the submissions made, Councillor Stalker proposed that the Board grant the application. Councillor Reid seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

The Convenor then suggested that case 9 on the Agenda be heard before case 8 and the running order was changed accordingly.

A.9 Extended Hours Application 0243 Pitchers, 18 Bank Street, Irvine

The Board considered an application for Extended Hours (87/23) made by Signature Works (Scotland) Ltd for the above premises. The application is for an extension of core hours starting on Sunday 9 April and ending at 3.00am on Monday 10 April 2023. The Premises Licence Holder was represented by John Duncan, Director, and he was accompanied by Rachel Robertson, Premises Manager.

The Board also had regard to a report by Grace Cullen, Licensing Standards Officer.

Ms Robertson then addressed the Board. She explained that Easter Sunday was the busiest night of the year in Irvine. Due to the current economic effect on the trade, they would really appreciate having the additional hours. The Premises have benefited from the same Extended Hours in previous years.

Having considered the submissions made, Councillor Larsen moved that the application be granted. Councillor McLean seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Extended Hours application.

A.8 Premises Licence 0352 The Brodick Bar, Alma Road, Brodick, Isle of Arran

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Brodick Brasserie Limited, for the above premises. The Premises Licence Holder was represented by Graeme McKinnon, Director and he was accompanied by his wife Lily McKinnon, Director.

Five objections/representations were submitted in relation to the application from Councillor Timothy Billings, Peter and Sue Johnston, Terry Raeside, Caroline Logan and Bill Calderwood on behalf of Arran Community Council. Copies of the objections/representations were provided to Mr McKinnon prior to the Board meeting and copies were given to the Board Members. Councillor Billings, Mr Raeside and Ms Logan were present.

The Licence Holder was requesting the following variations:

1. Rebrand the Premises without amending Operating Plan
2. Vary the Operating Plan to include televised sports
3. Vary the Layout Plan to include a service kitchen

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising.

The Convenor advised that Mr McKinnon should first address the Board on his application then each objector would have an opportunity to address the Board.

Mr McKinnon then addressed the Board. He explained the background to the application, brought about by difficulties in trading over the last few years as well as the ferry crisis, with less people visiting the island. He advised that the family run business consisted of the chef, his young talented grandson, who has received prestigious awards and attracted Michelin to contact them. His wife, a retired Church of Scotland Minister, now works as a pastry chef and

himself a retired teacher in North Ayrshire and East Renfrewshire.

The Restaurant is now more upmarket, with meals still available in the bar area. Issues arose with only one kitchen therefore the proposal is to convert a store area to a service kitchen. Food is available from lunch time until 8.00pm. The name change is to confirm the identity of both parts of the business. Regarding Televised Sports, Mr McKinnon apologised for his oversight, he did show Televised Sports without this being in his licence as he did not understand that this was the case.

Referring to the complaints the application has received, Mr McKinnon explained these are not specifically in relation to what he is applying for, these are in relation to noise. He understood that recording devices had been provided by NAC and received confirmation that no noise issues were detected. He referred to one incident that the Police attended but also confirmed no excessive noise was found. He did take this seriously and indeed tried to monitor noise himself with no excessive noise found, in fact the most noise generated was from a passing van which recorded 65 decibels. He is aware that the premises do face challenges, however he deals with these accordingly.

Mr McKinnon noted his distress to the allegation of underage drinking on his premises and felt his need to address this. He believes his premises are a happy and safe environment and he himself is on the look out for spiked drinks and drugs on the premises as well as monitoring the door, he also promotes the 'Ask for Angela' campaign. At the end of the night, he reminds customers to be considerate to neighbours as they leave. The bar area is not very big, with capacity checks not exceeding 35 persons.

Referring to the previous Major Variation application when adding the outdoor drinking area 2 years ago, Mr McKinnon confirmed that no disruption or complaints have been received, he believes the objections are a personal attack on his business.

To reduce noise nuisance Mr McKinnon had planted conifers and erected fencing as well as replaced an extractor fan all at considerable expense and feels he has done everything he can to eliminate problems. He also explained that neighbours had asked him for a meeting which he agreed to however this did not go ahead. He believes the allegations are unfair as his premises are well run and managed.

The objectors present introduced themselves, Councillor Billings the local Councillor on Arran, Caroline Logan who lives next door to the Premises and Terry Raeside who lives opposite the bar end of the Premises.

Ms Logan then addressed the Board. She confirmed her house is very close to the Premises, her front door is about 2 metres from the restaurant. She has lived in the house for over 30 years and also lets out part of her home and in the process of applying for a Short Term Let Licence. In that time the Premises has always been a bar and restaurant. Over the years many functions have taken place and had never any cause for complaint. However, towards the end of 2022 there has been regular events in the bar area, a Friday karaoke night and Saturday club vibe night. Mainly on a Saturday night from around 9.30pm to 1am it is extremely noisy with the beat of the music able to be heard in her home. The Premises are not very large and customers often spill out onto the street and get noisier as the night goes on. She has witnessed bad language, excessive noise when doors open and close and empty glasses left at her kitchen window. Ms Logan expressed her concern to the showing of televised sports, she believes this could make the current issues worse. The Premises have in the past operated successfully and she hoped that the noise issues can be sorted out so as not to impact her guests.

Mr Raeside then address the Board. He confirmed that he lives directly opposite the bar. He noted the information in the Board Report and in addition to Ms Logan's submission he confirmed that on Friday and Saturday nights when events are taking place, music is very loud in the bar area with a large gathering of people in the street at 1am and beyond. This affects his ability to sleep with his wife having to sleep at the back of the house at the weekends, this being totally unacceptable. In the last 3 weekends he has had to walk past vomit on the pavement and indeed challenged Mr McKinnon at the weekend in this regard. Mr Raeside confirmed he is not a serial complainer, he has lived on the island for 20 years, 13 of which was beside another licensed Premises, the Ormidale Hotel. During this time, he did not have any complaints. In the 3 years since residing next to the Brodick Bar he had no complaints until this winter when the club/vibe nights commenced on a Saturday night. The base of the music can be felt inside his house. Mr Raeside referred to section 4.2 of the Board's Licensing Policy Statement, as licence holders should be aware of noise nuisance on neighbours, he advised the previous licence holder managed to adhere to this for over 30 years. He believes Mr McKinnon is in denial that there is an issue with noise however all immediate neighbours are having problems with the operation of the bar. Mr Raeside referred to a petition on social media which said, 'Save the Brodick Bar', he believes this to be aggressive and gives the impression that the bar faces closure. He confirmed that no-one wants to see the bar closed. He asked that the Board did not allow televised sport until the current problems are resolved.

Councillor Billings then addressed the Board. He clarified that he did not have first hand experience of the issues raised, he is representing 2 neighbours who have spoken to him of their experience. In additional to other neighbours' concerns, he raised the issue of anti-social behaviour in the street. One neighbour advised him of people urinating in the street, finding someone in their doorway as well as crowds congregating in the street at closing time. Being a licence holder in the past, Councillor Billings noted that managing clientele can be challenging but not impossible. He referred to Mr Raeside living beside the Ormidale Hotel, in the past this was a popular venue for young people and demonstrates that music and noise can be managed without issue. Councillor Billings believed that showing televised sport would attract a younger crowd which has a potential to exasperate issues. He suggested that the Licensing Board consider this not appropriate until proper investigation took place and issues addressed in order that all 5 of the Licensing Objectives are complied with, particularly the Preventing Public Nuisance and Preventing Crime and Disorder Objectives.

The Convenor asked for the LSO's comments. Ms Cullen advised that following the complaints she had contacted Sergeant Blackley on Arran for confirmation of any Police complaints of noise nuisance from the Premises. She confirmed that 4 complaints had been made to the Police regarding loud noise. On 25 September 2022 a noise complaint was received of loud music playing and persons causing disturbance on the street. On arrival, the Police established that approx. 70 people were attending a private function. Large groups of people were congregating in the street upon departure but dispersed quickly without issue. On 27 November 2022 there was an incident of loud noise, on Police arrival there was no excessive noise heard by officers. On 11 February 2023 there was a complaint of loud noise, on this occasion Police did not attend due to another incident but they called the Premises and there was no answer. On 25 February 2023 a complaint of excessive noise and persons congregating in the street was reported, Police attended and noted a private function with DJ was taking place with approx. 30 people attending and a friendly atmosphere. Mr McKinnon instructed the DJ to lower the volume of the music while Police were in attendance and advised smokers outside to keep noise to a minimum. Police called the reporter after attending the Premises who were satisfied with the Police action.

In summing up, Mr McKinnon advised his Premises are well run and a lot of the issues raised have been based on hearsay. With regards to the online petition, this was not raised on social media by himself, but by a member of staff who was concerned for their job. The petition raised over 500 messages in support of the well-run bar. Mr McKinnon explained the outdoor

area is only permitted until 10pm and he does enforce this, in the past he has removed drinks from people outside after 10pm. There have only been 2 events this year and other than that only music with no base has been played at which he himself used the noise app and no music could be detected at Ms Logan's doorway. With a capacity of 30 persons inside there would only be 5 or 6 people in the smoking area at one time. Additionally, he personally asks customers to be considerate of neighbours as they leave his Premises.

Mrs McKinnon then addressed the Board. She advised that in relation to glasses left in the street, these glasses did not come from their Premises as they do not sell these particular drinks, these must be taken from other Premises in the area. Additionally, they themselves have collected cans of drinks from the street, again they do not sell cans.

With regards to the noise app, Mr McKinnon confirmed to Councillor McClung that Environmental Health have issued the noise app to complainers and was in receipt of an email from Paul Brennan advising that there have been no issues found. Mr Raeside confirmed he also had the noise app however had been advised that the app can only be used for noise within the building and for noise in the street this should be reported to the Police, he was not prepared to call the Police every time there was an incident. Referring to incidents of fights at the Premises, Mr McKinnon advised Councillor McClung this was incorrect and did not happen.

Referring to football matches, Mr McKinnon confirmed to Councillor McLean that in the past both teams' supporters have been in the bar, on previous occasions there has never been any issues. With regards to door staff, this is difficult on Arran as door stewards require to be registered and licensed. He explained in the past he had a premises in Glasgow and is extremely alert to issues during football matches however on Arran both sets of supporters are good natured, and he happily welcomes all supporters. In the 5 years that he has ran the bar there has only been one violent incident which was in February this year. This incident involved a couple who, after a few drinks got into a taxi when the incident occurred. Police attended this incident but did not attend at the bar. With regards to the alleged fighting in the street, Mr McKinnon believed this was seriously exaggerated. Mr McKinnon confirmed to the Board he did not wish to have this type of relationship with his neighbours.

As amplified music is a key issue to the noise complaints, Mr McKinnon confirmed to Councillor Reid that he himself monitors noise levels and turns this down if he feels it is too loud and has tried to stop the base sound. Staff ensure the doors always remained closed, however it appears some sound escapes when the doors open. Regarding the capacity Mr McKinnon confirmed to Councillor Reid that on no occasion was there 35 people inside the bar and 70 outside.

To try and alleviate noises issues on neighbours, Mrs McKinnon advised Councillor Reid that since taking over the bar they have replaced a noisy extraction fan, which was there for many years prior to them taking over, at a substantial cost as well as planting conifers and erecting a thick wooden fence around the outdoor drinking area. She explained the outdoor area is mainly used by families and dog walkers and the area is well monitored. She also noted that her reputation has been harmed by the remarks from Councillor Billings, at no point did he approach them. Their family have also been accosted in the street as well as on the boat on way to this meeting.

Councillor Larsen explained the duty of a Councillor, noting that Councillor Billings had been approached by local constituents, he did not have a duty to approach the Premises. Ms Cullen clarified to Councillor Larsen that the noise incident she referred to, there were 70 persons attending a private function inside the venue with a large group of people outside.

With regards to the Facebook petition, Councillor Larsen highlighted that it was misrepresented and appeared the bar was at a risk of closure, it is Mr McKinnon's responsibility to ensure posts on social media are correct. Mr McKinnon confirmed he did not ask his staff member to remove the post on social media.

Councillor Larsen also confirmed that Mr McKinnon could have involved Councillor Billings as a Councillor's role does not allow them to take one side or another. Mr McKinnon explained the allegation of underage drinking on his premises was very distressful, almost slanderous. Councillor Larsen noted the social media post would also be distressing.

Mr Raeside clarified to Councillor McClung the main issue is people gathering outside regularly at weekends and the base sound causing issues on occasion.

Ms Logan also referred to the base sound issue, this can be heard in her home as well as in her attached neighbour's house. She had confronted Mr McKinnon previously, the noise was reduced for a few weeks but now on a Friday and Saturday night it is a major problem. Ms Logan confirmed to the Convenor that soundproofing has been made to her house over the last few years, not due to the noise issues, and is surprised that noise is still heard in her property. Mr McKinnon also confirmed both the bar and restaurant have had the roofs insulated as well as the gents' toilets which are next to Ms Logan's house.

Following Councillor Reid's suggestion of turning music down after 11pm and the possibility of having doormen controlling smokers outside, Mr McKinnon confirmed that karaoke does end at 11pm and he personally looks after the door and regularly advises customers outside to be aware of noise nuisance on neighbours.

With regards to the smoking area, Councillor Larsen queried if it was possible for smoking to take place in the rear beer garden area as this area is surrounded by trees and fencing which could eliminate noise. Mr McKinnon confirmed he had considered this however the door that leads to this area could cause noise issues for Mr Raeside.

In summarising the application request, Mr McKinnon noted the issues are distressing for everyone although the application applied for would not change noise levels, however he does wish to resolve any problems. Mr McKinnon confirmed to Mr Raeside there are currently 2 doors to enter the bar.

Councillor Billings thanked Councillor Larsen for explaining the role of a Councillor and confirmed he was ensuring the issues raised by local constituents were provided to the Licensing Board.

The Board adjourned with the Clerk and Solicitor Licensing at 12.05 pm to deliberate in private and re-convened at 12.17 pm.

Having considered the terms of the reports and the submissions made, Councillor Reid moved that the application be granted. Councillor McClung seconded the motion. There was no amendment.

The Board unanimously agreed without dissent or abstention to grant.

The Convenor confirmed the application was granted as applied for, however he advised that future noise complaints could result in the Board holding a Review Hearing.

Councillor McClung left the meeting at 12.20 pm.

4. Coronation of King Charles III on Saturday 6 May 2023 – Extended Hours and Occasional Licences

The Board considered a report by the Solicitor (Licensing) regarding Extended Hours and Occasional Licences for the Kings Coronation. Referring to the Report, Mr O'Brien explained this was a one-off Policy covering the Coronation on 6 May 2023. Questions for the Board are contained in part 8 of the report with a suggested Policy at part 9 of the report.

Mr O'Brien advised that no comment had been received from Police Scotland however the Health Board had raised some observations. He explained the Government have decided the Policy in England should covers 3 days, Friday to Sunday, however in Scotland it is up to each Local Authority to decide their Policy. The Health Board have suggested the Policy be for Saturday 6 May only, additionally Premises that open before 11am should not benefit from extra time at the end of the day. Mr O'Brien has queried this suggestion with the Health Board as Premises would be penalised for providing food with customers leaving one Premises to go to another.

Referring to the questions in Part 8 of the Report, the Board agreed that:

1. Yes - The Coronation should be treated as an exceptional event for which Extended Hours or an Occasional Licence may be sought for Coronation Day (Saturday 6 May 2023).
2. Yes - The Coronation should be treated as an exceptional event for which Extended Hours or an Occasional Licence may be requested for any periods wholly within the period Friday 5 May to Monday 8 May 2023.
3. No - Extended Hours should not be allowed to on-sales before the usual opening time.

Following discussion regarding Occasional Licences for Street Parties the Board decided to adopt a Policy, the exact wording of which would be prepared and confirmed by Mr O'Brien.

Once prepared, it was agreed that the Policy will be on the Board's web page and Communications will be asked to highlight it on the Council's social media.

Councillor Reid highlighted that any road closure for a Street Party required permission from the Roads Department.

4. Any Other Business

There was no other business to consider.

The meeting ended at 12.32 pm.