

Argyll and Bute Licensing Board

28th February 2018

VARIATION OF A PREMISES LICENCE**NAME OF PREMISES:** The Oyster Bar, Ellenabeich, Easdale, PA34 4RQ**APPLICANT:** Lyden Singleton, Taigh na Ros Bhain, Clachan Seil, by Oban, PA34 4TL**AGENT:** n/a**DESCRIPTION OF PREMISES:**

Single storey mid terrace cottage style premises comprising bar and restaurant with outside seating area providing bar lunches and suppers adjacent to the sea in the village of Ellenabeich, which is the focal point for social life in the village and surrounding area as the nearest other licensed premises on the mainland are some five miles away.

	EXISTING CORE HOURS	
	ON SALES	OFF SALES
Monday	11.00 to 23.00	10.00 to 22.00
Tuesday	11.00 to 23.00	10.00 to 22.00
Wednesday	11.00 to 23.00	10.00 to 22.00
Thursday	11.00 to 23.00	10.00 to 22.00
Friday	11.00 to 24.00	10.00 to 22.00
Saturday	11.00 to 24.00	10.00 to 22.00
Sunday	11.00 to 23.00	10.00 to 22.00

DETAILS OF VARIATIONS SOUGHT:-

The applicants wish to vary the licence as follows:-

- 1) To add gaming and televised sport as activities.
- 2) To be able to open the premises at 9.00am although no alcohol will be sold until commencement of core hours at 11.00am.
- 3) To amend the children and young persons conditions.

- 4) To increase the capacity of the premises from 45 to 90.
- 5) Addition of an outdoor area in the village square.
- 6) Change to the layout plan to incorporate the outdoor area.

CURRENT ACTIVITIES: Restaurant facilities; bar meals; receptions including weddings, funerals etc; club or other group meetings; recorded music; live performances; indoor/outdoor sports and outdoor drinking facilities.

CURRENT CHILDRENS & YOUNG PERSONS CONDITIONS:

TERMS - Children and young persons will be permitted on the premises when accompanied by an adult and taking a meal

AGES - Children under 16 years and young persons 16-17 years unaccompanied to purchase soft drinks or crisps etc. which are not for consumption on the premises.

TIMES - 11.00am to 8.00am all days of the week if accompanied by an adult for consumption of hot drinks or soft drinks.

PARTS - Lounge and restaurant area and on New Year's Night young persons aged 16-17 will be permitted on the premises as long as they are accompanied by an adult until 1.00am

PROPOSED CHILDRENS & YOUNG PERSONS CONDITIONS;

TERMS - Children and young persons will be permitted on the premises when accompanied by an adult and taking a meal. Children and young persons will be permitted to stay for the duration of a pre-booked function.

AGES - Children under 16 years and young persons 16-17 years unaccompanied to purchase soft drinks or crisps etc. which are not for consumption on the premises.

TIMES - 9.00am to 8.00pm all days of the week if accompanied by an adult for consumption of hot drinks or soft drinks. 9.00am to 10.00pm all days of the week if accompanied by an adult when having a meal. In the event of a pre-booked function, children and young persons are permitted to stay for the duration of the function.

PARTS - Lounge and restaurant area and on New Year's Night young persons aged 16-17 will be permitted on the premises as long as they are accompanied by an adult until 1.00am.

LSO: There are no LSO concerns with this application. The premises is a Single storey mid terrace cottage style premises comprising bar and restaurant with outside seating area providing bar lunches and suppers adjacent to the sea in the village of Ellenabeich, which is the focal point for social life in the village and surrounding area as the nearest other licensed premises on the mainland are some five miles away.

Operating Plan

The applicant is proposing the following amendments to the operating plan:

Question 5(c) – Yes to Gaming and Televised Sport during core licensing hours.

The box explaining activities outwith core hours should be updated;

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The premises will be open from 9:00am for the sale of teas, coffees, snacks, breakfast rolls, and non-
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alcohol refreshments

Question 6 – Children and Young Person Access – Licensing Standards advocates a standard form of wording to cover children and young person access to on-sales premises as this is the wording that will appear in the operating plan and the statutory access notice. Any standard form should take cognisance of the nature of the operating plan and the wording submitted by the applicant. The following wording, based on the submission by the applicant, is for consideration:

Terms

Children of all ages and young persons allowed access to the premises and outdoor drinking area while in the company of a responsible person aged 18 years or over for the purpose of taking a meal, refreshments or snacks, and unaccompanied to purchase soft drinks, and crisps, etc., which are not for consumption on the premises. Access also allowed for the duration of a pre-booked function.

Ages

*Children of all ages [birth to 15 years]
Young persons [16 & 17 years]*

Times

*9:00am to 8:00pm for consumption of hot or cold refreshments.
9:00am to 8:00pm for access to outdoor drinking area.
9:00am to 10:00pm for consumption of meal.*

Parts

All public parts of the premises including outdoor drinking area.

Question 7 – Capacity

Amend to 90 (which will include the outdoor seating area in the Square).

Layout Plan – Outdoor Drinking

The applicant has obtained the necessary approval from Roads to use the public square in front of the premises as an outdoor drinking area. The applicant has followed the Council's Café Culture Policy in this respect.

The applicant has been advised to submit an updated layout plan depicting the proposed outdoor drinking area, as the plan submitted did not meet the requirements of the 2005 Act. After taking advice from the LSO the applicant has agreed to submit a plan in keeping with the regulations.

The LSO has submitted photographs depicting the proposed outdoor drinking area.

EHO

No comments

POLICE COMMENTS: Police Scotland have submitted a representation letter dated 9th February 2018 . A copy of this letter is attached.

OBJECTIONS/REPRESENTATIONS: None.

POINTS FOR CONSIDERATION:-

- 1) The LSO has included photos of area to be used for outdoor drinking and copies of these are attached. The applicant is also arranging to submit new plans.
- 2) External area proposed is the public square (Harbour Square) with 6 tables and 24 chairs.
 - Need to be delineated
 - Require to cross a road (not the main road) to access the square.
- 3) Consider letter of representation from the Chief Constable.
- 4) Gaming and televised sport to be added as activities.
- 5) Bring forward the opening time of the premises from 10.30am to 9.00am.
- 6) Increase in capacity from 45 to 90.
- 7) Amendment to terms for children and young persons:-
 - Extend terminal hour from 8.00pm to 10.00pm for consumption of a meal
 - 9.00am (previously 11.00am) to 8.00pm if accompanied by an adult for consumption of hot or cold drink.
 - Children and young persons permitted to stay for the duration of a pre-booked function.