

ARGYLL AND BUTE LICENSING BOARD MEETING

TUESDAY 26th JUNE 2018

LICENSING STANDARDS REPORT

Each report below includes reference to The Argyll and Bute Licensing Board Policy document where relevant

APPLICATION FOR NEW GRANT OF PREMISES LICENCE

CARRADALES, CARRADALE, PA28 6QG

LSO

Carradales is a Bed & Breakfast primarily catering for booked guests but also providing restaurant facilities to non-guests where numbers allow. There will be no access to children and young persons. The applicant has liaised with the LSO during the application process and there are no LSO concerns with this application.

Layout Plan

The premises layout plan meets the requirements of the Premises Licence (Scotland) Regulations 2007 in that it depicts the site location, the premises, and the licensed area (indoors and out) boldly in red.

Operating Plan

Questions 2 & 3 – On & Off Sales

The premises will provide on and off sales of alcohol. Off sales will be available on a restricted basis to those taking a meal to allow the removal from the premises of any unfinished alcohol from the meal. Off sales may also be available as part of packed lunches/picnics if requested.

Question 4 – Seasonal Variation

The applicant wishes a seasonal variation in the following terms:

“The management reserves the right to close the premises for two weeks during the winter period, 1st October to 31st March, for essential maintenance and refurbishment.”

The applicant has been advised of the Board’s policy statement:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Question 5 – Activities Outwith Core Licensing Hours

The applicant has provided detailed information in relation to those activities which will be provided outwith core licensed hours, this includes breakfasts where bucks fizz and whisky may be available. The Board may wish to consider its policy on licensing hours for on sales premises when deciding on the grant of this aspect:

“Whilst each application will be considered on its merits, the following sets out the Board’s policy on licensing hours. Applications for hours at times outwith the Board’s policy will require to demonstrate that the additional requested hours are appropriate in the circumstances.”

For applications relating to premises licences including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises shall generally be no earlier than 11:00am. Applicants need to demonstrate a clear operational need for opening prior to 11.00am.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Question 5(f) – Any Other Activities

The applicant has provided the following additional activities by way of explaining the extent of the licensed area; the provision and restrictions of off sales; and the outdoor drinking statement:

“Licensed area includes guest rooms; lounge; dining room and outside garden all of which are included within the red boundary depicted on the layout plan.

Off sales of alcohol may be provided on the following restricted basis only:

When included in prepared packed lunches/picnics; and

For the removal of a partly consumed bottle of wine after a meal giving customers more control over their consumption. This would cover wine purchased with a meal only.

The terminal hour for the outdoor drinking area will be 10:00pm”.

Question 6 – Children & Young Persons Terms of Access

Children and young persons will not be allowed on the premises.

Question 7 – Capacity

The capacity will be 20.

EHO

No comments received.

THE JAM JAR, ROSELAND LODGE PARK, CANADA HILL, ROTHESAY, ISLE OF BUTE PA20 9EH

LSO

This application relates to the licensing of a new, purpose built, and modern social area incorporating reception and coffee shop/café within the grounds of Roseland Holiday Park, Canada Hill, Rothesay, Bute.

Primarily to be used by holidaymakers to the Park and also for private functions/pre-booked events, for locals and visitors alike.

The LSO and EHO were consulted early in the build and have kept in contact as the new build developed toward completion.

Operating Plan

Question 1: on and off sales;

Question 2: on sales; Monday to Sunday 11:00am to 11:00pm.

Question 3: off sales; 10:00am to 10:00pm.

Question 4: Seasonal Variations;

Proposed - Operate while Holiday Park is open only = 7th March until 7th January.

Board policy in relation to seasonal variation is as follows:

“Applicants should be aware that premises are expected to remain open for the licensed hours they apply for and which are granted by the Board. The Board recognises, however, that at certain times of the year demand may diminish to the point where it is no longer economically viable for premises to remain open, particularly on weekday evenings. The Board expects that any premises licence applicants ensure that if they anticipate being affected by this and wish to close early, for example during the winter months, that this is specifically referred to in their operating plan.

Licence holders of existing premises licences who may wish to close early or open later should make application for the appropriate variation to their operating plan. For guidance, the Board is likely to consider the following variation acceptable:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

The Board may wish to look favourably in regards to the premises’ individual requirement.

Question 5: Activities -

The applicant seeks permission for the after listed;

Conference, Restaurant, Weddings etc., club/group meetings, recorded music, live performances, dance, films, gaming, and outdoor drinking

Clarification on live performance indicates acoustic singers. No dance floor; maybe highland dance displays or similar. Gaming would involve bingo and race nights etc.

Outside drinking facilities;

Board Policy

“In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Local conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6: Children and Young Persons

Terms;

Children and Young Persons will be permitted access when accompanied by a responsible person aged 18 years or over. Young Persons (16 & 17) permitted without a responsible person aged 18 years or over if employed on the premises.

Ages;

Children (0-5 years) baby changing facilities provided and depicted on the layout plan.

Young Persons (16 & 17 years)

Times;

Permitted to remain until 10pm unless attending a function or is an employee

Parts

*All public parts of licensed area, but not in immediate vicinity of the **service counter***

(Layout plan to be adjusted to delete child access to **“service counter”**)

Question 7: Capacity

50 total; 40 inside, 10 outside

EHO

The EHO has been consulted and has issued a section 50 certificate and will work with the applicant in terms of noise management planning, particularly regards to outside use and live performance.

VICTORIA HALLS, SINCLAIR STREET, HELENSBURGH, G84 8TU

LSO

Victoria Halls is a long established community hub now operated by Live Argyll. The applicant has kept in touch with and been advised by the LSO while the application has developed.

Operating Plan

Question 1: alcohol will be sold for both on and off sales (off sales for indoor market events)

Question 2: on-sales Monday to Thursday 11:00am to midnight; Friday to Sunday 11:00am to 1:00am

Question 3: off-sales 10:00am to 10:00pm seven days (in line with national allowance)

Board Policy

“Licensed hours for on-sales premises in particular can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1 am, the Board considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of the premises:-

*Sunday to Thursday 12 midnight
Friday & Saturday 1 am”*

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

This application falls within Board policy

Question 4: no seasonal variation sought

Question 5: activities; conference, restaurant, bar meals, receptions, club/group meetings, recorded music, live performances, theatre, films, gaming, indoor sports, and televised sport.

Outdoor drinking facilities

The applicant has sought permission to utilise the front entrance area (see layout plan), in essence, the front doors, foyer, and fenced off arrival area to be used for weddings champagne and photograph sessions.

There is a no drinking by-law in force however, following the boundary as depicted on the plan would prevent this by-law being breached.

The fence and boundary wall also assists in ensuring the extent of the outside area is respected.

Board Policy

“In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Local Conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6: Children and Young Persons Proposed

Terms

This facility encourages family orientated community events. Children and Young Persons will be allowed access and will require to be accompanied by a responsible person aged 18 years or over for pre-specified events.

Ages

Children 0-15 Young Persons; 16 & 17

Times

Children and young persons will be allowed entry until 9:00pm, be permitted to remain until 11:00pm when attending a specific unlicensed youth event, and be allowed to remain for the duration of a pre- booked family event or private function when accompanied by a responsible person aged 18 years or over. .

Parts

Children and Young Persons will be allowed access to all public areas with the exception of the immediate vicinity of any permanent or temporary bar area.

Question 7: Capacity - 600

EHO

The Environmental Health Officer is working with the applicant toward section 50 certification and a noise management plan.

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

ELLIE'S CELLAR, 18 COLQUHOUN SQUARE, HELENSBURGH, G84 8AB

LSO

The applicant leases an existing off Sales in Helensburgh and is seeking to re-locate to the premises applied for. (Former Post Office building) the applicant has consulted with the LSO prior to submission of the application.

The applicant will vacate the current premises and return the Premises Licence to the current owner of the building.

The premises require refurbishment and fitting, hence the application for a provisional licence.

Operating Plan

Question 1: off sales only.

Question 3: 10:00am till 10:00pm

Question 4: no seasonal variation requested

Question (5f): additional activities -

Club group meeting; (tasting events where sample measures of alcohol are dispensed)

Question 6: Children and young persons are listed on the application but are not relevant for the purpose of this application (off sales shop)

Question 7: Capacity

This is primarily alcohol sales with linked provisions as ancillary therefore the capacity is calculated to suit the shop floor and displays therein and is given as;

Floor: 58.26 square metres

Frontage of shelving and fridges: 34.3 square metres

Total other display areas: 17.5 square metres

EHO

No issues

APPLICATION FOR VARIATION (MAJOR)

ARDLUI HOTEL, ARDLUI, ARROCHAR, G83 7EB

LSO

This is an application formed from discussion between the LSO and the Premises Owner over the last few visits. The application is a culmination of proposed changes believed to be the best options to resolve the potential difficulties of adjoining the geographical areas as depicted in the revised layout Plan.

In this respect the LSO has consulted with the applicant's agent and has suggested the following be considered, prior to date of Board meeting.

The Board may be minded to clarify the following

- Has planning permission been considered/sought/granted, for temporary Marquee within car park?
- Has planning permission been considered/sought/granted, for bar within the boat yard?
- Are the owners of the Hotel, the owners of the entire area to be incorporated into the Premises Licence?
- Is there alternative parking when temp structure in use?

Securing Public Safety

Pedestrians/patrons will make their way across the car park, into the beer garden area and walk a path, into an area primarily utilised as a boatyard and storage area, prior to reaching the new outside bar area.

Having visited the area it would appear that a physical barrier would not be practical or possible, however, a visible barrier such as pedestrian pathway (such as those painted within shopping centre car parks) marked on the grounds may assist in securing public safety.

Is the outside area and pathway, boatyard, lit for evening use?

The Board may wish to consider the dangers involving the use of glass in the proposed outside areas and pathways and may wish to impose a condition of toughened glass or plastics only.

Preventing Public Nuisance

The applicant has sought 11:00pm terminal hour for the new outside bar. Board policy suggests that the use of outside areas be restricted to 10:00pm for persons aged 18 years and over and 8:00pm for children and young persons.

The Board may wish to impose the following as a local condition.

Board Policy

"In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific

circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

Local Conditions

The Board may wish to impose the following local conditions

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

The applicant has suggested that the terminal hour for the Marquee could be as late as 2:00am in line with the main premises; this may cause issue in terms of late hours noise escape from the marquee and disturbance to residents of the hotel, Caravan Park and any neighbouring residences.

Consultation with the Environmental Health Officer and the development of an approved noise management plan is advised prior to such use.

From an administrative perspective the hours granted for the outside area and the proposed hours, if granted for the temporary structure, could be added to the notes section of the premises Licence and operating plan.

Seasonal Variation; No current variation

Proposed;

The Ardlui Hotel will close from the second Monday in January until 1st March. The Lomond Bar and the lounge bar will operate restricted hours from the second Monday in January until the 1st March namely;

*Fridays 4pm till 1am following morning;
Saturday 11a.m till 1a.m following morning*

Board Policy

“Applicants should be aware that premises are expected to remain open for the licensed hours they apply for and which are granted by the Board. The Board recognises, however, that at certain times of the year demand may diminish to the point where it is no longer economically viable for premises to remain open, particularly on weekday evenings. The Board expects that any premises licence applicants ensure that if they anticipate being affected by this and wish to close early, for example during the winter months, that this is specifically referred to in their operating plan.

Licence holders of existing premises licences who may wish to close early or open later should make application for the appropriate variation to their operating plan. For guidance, the Board is likely to consider the following variation acceptable:

‘The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.’

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

The Board may wish to look favourably in regards to the premises individual requirement.

EHO

The EHO is happy to work with management in the development and implementation of health and safety and noise risk assessments.

BEN CRUACHAN INN, LOCHAWA, PA33 1AQ

LSO

The applicant has liaised with the LSO and there are no concerns with this application.

Operating Plan

Question 2: On Sales Hours - reduce the terminal hour to 11:00pm Sunday to Thursday and to Midnight Friday and Saturday;

Question 4; Seasonal Variation - amend the current seasonal variation from 1st October – 31st March to 1st October - 31st May;

Question 5: Activities Outwith Core Hours - The applicant is also looking to include receptions; live performance; recorded music; films and dance facilities to take place within and outwith core licensing hours.

Question 5(f): Additional Activities - the applicant is looking to add quiz nights; craft fairs and community/charity events, and allow residents and guests of residents to drink outwith licensed hours in the following terms:

“At the discretion of the licensee, residents may purchase and consume alcohol with any guest after the terminal hour and until 2:00am.”

This concession is allowed for under Section 63 of the 2005 Act –

“...allow alcohol to be consumed on or taken from licensed premises outwith licensed hours if the person consuming or taking the alcohol -

- resides on the premises, or*
- is a guest of a person who resides there;*
- sell alcohol or allow alcohol to be sold on licensed premises outwith licensed hours if the alcohol is sold to a person who resides on the premises...”*

Question 6: Children and Young Persons Access - extend the terminal hour for children and young person access indoors only from 9:00pm to 10:00pm (no change to outdoor drinking curfew of 8:00pm). The premises is food led; family-friendly; spacious and open-plan.

The applicant has updated Question 6 of the operating plan to include a 10:00pm terminal hour indoors. The remainder of children and young persons' access statement remains unchanged.

EHO

No comments received.

FOOD FOR THOUGHT RESTAURANT, 10 LONGROW SOUTH, CAMPBELTOWN, PA28 6AH

LSO

The premises is a restaurant situated in Campbeltown Town Centre. It is a food led business with alcohol as ancillary to meals.

The applicant has liaised with the LSO during the application process and the LSO has no concerns with this application.

Operating Plan

Question 3: addition of off sales between 11:00am and 10:00pm daily;

Question 5(f); addition of off sales on a restricted basis and takeaway meals.

Question 6: amendment to children and young person access (including 10:00pm terminal hour) as follows:

Terms

Children and young persons allowed access while accompanied by a responsible person 18 years or over to take a meal. Unsupervised access allowed when using takeaway food facility.

Ages

Children of all ages (birth to 15 years) and young persons (16 & 17 years).

Times

Between 7:00am and 10:00pm.

Parts

All public parts of the premises.

EHO

No comments received.

LEPHINCORRACH DISTILLERY, TORRISDALE ESTATE, CARRADALE, PA28 6QT

LSO

Lephincorrach Distillery produces the Beinn An Tuirc Kintyre Gin and provides for tours and tastings and is currently licensed for on and off sales of alcohol. This application will allow the applicant to extend On Sales hours to 10:00pm and expand the business with the addition of a visitor's centre, comprising tasting room; office; easy access toilet; outdoor drinking facilities and car parking.

Access to children and young persons will be amended to birth to 17 years with baby changing facilities being available, and the premises capacity augmented.

The applicant has liaised with the LSO during the application process and the LSO has no concerns with this application.

Premises Licence - Description of Premises

If this application is granted, the description of the premises on the front of the premises should be updated to reflect the changes.

Layout Plan

The premises layout plan meets the requirements of the Premises Licence (Scotland) Regulations 2007 in that it depicts the site location, the premises, and the licensed area (indoors and out) boldly in red.

Operating Plan

Question 2: On Sales – extend terminal hour to 10:00pm daily.

Question 5(f): Any Other Activities – As per Board policy the Board may wish to consider including a statement in relation to outdoor drinking similar to –

“Outdoor drinking facilities will be available to persons aged 18 years and over until 10:00pm and to children and young persons until 8:00pm.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – “Outside Areas”

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.

Applicant's proposed wording:

Terms

Children permitted access if accompanied by adult. A member of staff will be present at all times

Ages

All children and young persons permitted. They must be accompanied by an adult. Only those over 18 will have a free sample or be allowed alcohol in any form.

Times

During standard opening times as detailed in this plan.

Parts

Tours will encompass all areas of the building (distillery) and also in the tasting room and will be accompanied by a member of staff at all times. Children and young persons will have access to the same areas.

Licensing Standards wording:

Terms

Children and young persons allowed access while accompanied by a responsible person 18 years or over. A member of staff will be present at all times.

Ages

Children of all ages (birth to 15 years) and young persons (16 & 17 years).

Times

Generally, between 11:00am and 10:00pm. Outdoor drinking area 11:00am to 8:00pm.

Parts

Tours encompass the Distillery building, tasting room and outdoor drinking facilities.

Question 7: Capacity – the capacity of the premises should be amended –
Tours – 10. Tasting Room and outdoor drinking area – 30

EHO

No comments received.

LORNE BAR, 249 ARGYLL STREET, DUNOON, PA23 7QT

LSO

This is an application for a variation to the premises licence layout plan to incorporate an additional bar outdoors and within the beer garden area and to add additional activities and amend the operating plan as follows;

Question 5(f): Any other Activities - The use of Beer garden as a market space; to be used two to four times a year:

Board Policy

"In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity.

If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m. However if any significant issues are identified the Board may decide to impose an earlier terminal hour or to require the implementation of effective management controls in the interests of public order or public safety.

The Board expects an operating plan to include or exclude the use of an outside area. If included, effective management controls, supervision and other measures to ensure that the use of the area by patrons does not have a negative impact on the vicinity should be incorporated within the operating plan.

Depending on the location, nature and size of the premises, licence holders may be required to delineate the outside area by some appropriate means such as a wall, bollards, markers e.g. to distinguish between licensed premises and public areas. Conditions as determined by the Board relating to the specific circumstances of the premises will be attached to any grant; this may include the exclusion of the use of glassware within the area after a specified time each evening."

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 15 – "Outside Areas"

Local Conditions

The Board may wish to impose the following local conditions:

In line with Board Policy, In any outside area, whether or not applicants propose to provide outside seating, tables and other facilities (covered or otherwise), regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of premises in the vicinity. If no significant issues are identified, the default terminal hour for outside areas will be 10 p.m. but for children and young persons will be 8 p.m.

No use of glass, unless toughened glass, in outside areas.

Question 6(d): children and young persons; reduce times from 10:00pm to 9:30pm.

EHO

A noise management plan is in place and has been reviewed by the EHO with regard to Market use. The applicant is also aware a separate Market Operators Licence is required.

PORT BANNATYNE INN, 44-45 MAIN ROAD, PORT BANNATYNE, ISLE OF BUTE, PA20 0LW

LSO

The owners have taken time to examine their current Operating plan and in an effort to match their developing business model they have reviewed and amended the Operating Plan to aim for a more family orientated premises.

The premises are situated in Port Bannatyne where there is currently three licensed premises, one which does not permit children, and one which is currently closed due to, long term ill health of the Licence Holder. Port Bannatyne has seen a recent resurgence in visitors with the recent addition of a large marina which the applicant states provides custom in the form of families seeking family facilities. The owners did consult with the LSO and the amendments now requested are as a result.

Question 5: Activities - Add; Conference, restaurant, dance, Delete; gaming

Question 6: Children and Young Persons:

Terms:

Current

Children and Young Persons must be permitted provided they are accompanied by a responsible person aged 18 years or over and display acceptable behaviour.

Proposed

No change sought.

Ages:

Current

Children must be over the age of 5 years.

Proposed

Children 0-15 years & Young Persons 16 & 17 years. In line with the family-friendly policy, unisex baby changing facilities are provided as indicated on the Layout Plan.

Times:

Current

Children will be permitted up to 8.00pm and Young Persons will be permitted up to 11:00pm

Proposed

Children, accompanied by a responsible person aged 18 years or over, eating a meal at the Inn will be permitted up to 10:00pm. Young Persons, accompanied by a responsible person aged 18 years or over will be permitted up to 11:00pm.

Parts

Current

Children and Young Persons will be permitted access to the hallway, lounge/dining room, garden and games room.

Proposed

Children and young persons will be permitted access to the hallway, lounge/restaurant (previously known as dining room) male and female toilets, unisex toilets with baby changing facilities, enclosed garden and games room.

Accompanied by an adult, children and young persons will be permitted access to the public bar, with the exclusion of the bar counter.

The Board may be minded to note children **are currently permitted access** to the "Games Room" which contains a pool table.

Children are not currently permitted into the bar area, notwithstanding they must pass through the bar to get to the games room.

In summary the Inn is traditional in style and layout it has bedrooms upstairs. Downstairs it has a restaurant (previously known as dining room) and corridor to toilets and bar then games room leading from the bar.

The Premises Licence holder wants to ensure that Port Bannatyne has facilities available for local and visiting families alike.

Board Policy

“The Board will not normally grant a premises licence or occasional licence where children and young persons could have unsupervised access to pool tables, darts boards or gaming machines. The parts of the premises to which children and young persons are allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide an appropriate environment. In addition, premises which have very few facilities are unlikely to comply with the Board’s requirements.”

The terminal hour for children and young persons on licensed premises will generally be 9pm provided they are accompanied by an appropriate responsible adult over the age of 18 years and they are on the premises for the purposes of taking a meal. It may be that young persons can remain on the premises beyond this hour but that will be a matter for the Board to determine on an individual basis having regard to factors such as the nature of the establishment and the type of facilities provided.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 13 – “Access by Children & Young Persons”

EHO

No issues

SINBAD'S 115/117 ARGYLL STREET, DUNOON, PA23 7DH

LSO

The Premises Licence Holder is Green King Ltd and is leased to the current Designated Premises Manager. The LSO had discussion with management with regard to changes made to upgrade the internal decoration and to a change in direction as to the current operating model to suit the current late night economy in Dunoon town centre.

Late night opening Dunoon

The table below illustrates the current late hours permitted beyond policy and those now applied for and allows a comparative with regards to other like premises throughout Dunoon's' main town centre and surrounding area:

Legend: TC = Temporarily Closed; () = Applied For; D = Dance

Premises	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
2:00am [current & applied for]							
Sinbad's (D applied for)	1:00am	1:00am	1:00am	1:00am (2:00am)	1:00am (2:00am)	1:00am (2:00am)	1:00am
Lorne Bar (D)	1:00am	1:00am	1:00am	2:00am	2:00am	2:00am	1:00am
Clansman	1:00am	1:00am	1:00am	2:00am	2:00am	2:00am	2:00am
The Brewery (Brass Monkey)	1:00am	1:00am	1:00am	2:00am	2:00am	2:00am	2:00am
The Braes (D)	11:00p m	11:00p m	11:00p m	2:00am	2:00am	2:00am	1:00am
Victoria Bar (D)	12mid	12mid	12mid	1:00am	2:00am	2:00am	12mid
MacClure's (D)	12mid	12mid	12mid	1:00am	2:00am	2:00am	1:00am

Board Policy dictates the following in terms of late night/early morning terminal hours;

“Licensed hours for on-sales premises in particular can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1 am, the Board considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of the premises :-

Sunday to Thursday - 12 midnight and Friday & Saturday – 1.00am

Applications for hours at times out with the Board's Policy will require demonstrate that the additional requested hours are appropriate in the circumstances.”

Argyll and Bute Licensing Board Statement of licensing policy 2013-2016: Section 8 – “Licensing Hours”

Operating Plan

Question 2: Core Hours On-Sales:

Currently

11:00am to 1:00am every day

Proposed

Sunday, Monday, Tuesday, Wednesday; 11:00am till 1:00am Thursday, Friday, Saturday, 11:00am till 2:00am

The premises are set within the centre of Dunoon and are in the vicinity of residential flats. There has been noise complaints in the past however none recently.

Question 5: Additional Activities

Dance; the upstairs lounge has been used in the past for private function, dance is an activity now sought.

Restaurant; there are kitchen facilities upstairs which the Current Designated Premises Manager would like to make use of for functions and events.

EHO

Due to the change in hours sought and potential noise escape the Environmental Health Officer has requested that the management work with her to develop a noise management plan. The EHO will also work with management in terms of food safety when the kitchen is refurbished and food preparation is instigated.

END OF REPORT