

Argyll and Bute Licensing Board

26th February 2019**VARIATION OF A PREMISES LICENCE****NAME OF PREMISES:** Kitchen Garden, 14 George Street, Oban, PA34 5SB**APPLICANT:** Calum MacLachlainn, Carnanarnish, Putullow Lane, Tobermory, Isle of Mull, PA75 6AF**AGENT:** MacArthur Legal, Boswell House, Argyll Square, Oban, PA34 4BD**DESCRIPTION OF PREMISES:**

Shop front premises comprising 14 George Street, Oban with retail shops either side and Solicitor's Office above, comprising on the ground floor Delicatessen with Off-Sales Licence, public toilets and a mezzanine floor - access from stairway mid way through the shop- comprising Coffee Shop with Restaurant Licence and childrens access.

	EXISTING CORE HOURS		PROPOSED CORE HOURS	
	ON SALES	OFF SALES	ON SALES	OFF SALES
Monday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Tuesday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Wednesday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Thursday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Friday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Saturday	11.00 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00
Sunday	12.30 to 18.00	10.00 to 18.00	11.00 to 24.00	10.00 to 22.00

DETAILS OF VARIATIONS SOUGHT:-

The applicant wishes to vary the licence as follows:-

- 1) The core times for on sales hours is to be amended to 11.00 to 24.00 Monday to Sunday.
- 2) The core times for off sales is to be amended to 10.00 to 22.00 Monday to Sunday.

- 3) The seasonal variation is to be amended.
- 4) Restaurant facilities, receptions, Club or other group meetings, recorded music and live performances; and televised sport to occur both within and outwith core hours.
- 5) The premises may open prior to core hours for the provision of breakfast, snacks and morning meals when recorded and possible live music will be played and televised sport may be broadcast.
- 6) Terms for children and young persons to be amended.
- 7) Change to the layout plan of the premises.
- 8) To increase the capacity from 32 to 100 persons.
- 9) To change the name of the premises to Gelatoburger.

CURRENT SEASONAL VARIATION:- Off Sales:-

January & February: Closed Sunday
Monday to Saturday 10.00am to 5.00pm

March to June :
Monday to Saturday 10.00am to 8.00pm
Sunday 12.30pm to 5.00pm

July to Mid-September:
Monday to Saturday 10.00am to 5.30pm
Sunday 12.30pm to 5.30pm

Mid September to Mid December:
Monday to Saturday 10.00am to 5.30pm
Sunday 12.30pm to 5.00pm

Mid December to 31st December:
Monday to Saturday 10.00am to 8.00pm
Sunday 12.30pm to 5.00pm.

On-Sales: January & February
Closed Sunday
Monday to Saturday 11.00am to 5.00pm

March to June:
Monday to Saturday 11.00am to 5.30pm
Sunday 12.30pm to 5.00pm

July to Mid-September:
Monday to Saturday 11.00am to 7.30pm
Sunday 12.30pm to 5.00pm

Mid-September to Mid December:
Monday to Saturday 11.00am to 5.30pm
Sunday 12.30pm to 5.00pm

Mid December to 31st December:
Monday to Saturday 11.00am to 5.30pm
Sunday 12.30pm to 5.00pm.

ITEM 5(c)

The applicant would like to cater for functions until 11.00pm such as Burns night, Valentines evenings, St Patricks Day, Private Shopping evenings pre-booked, Demonstrations of produce, taster/sample evenings with wine tasting and art display evenings when food will be served. This will be in addition to catering for Weddings, Funerals, Birthday parties, retirements etc. Club or other group meetings and live performances. On all these occasions alcohol will be served with food until 11.00pm and patrons will require to vacate the premises by 11.30pm.

The applicant reserves the right to close the on sales/restaurant premises up to one hour earlier than core times stated depending upon demand.

PROPOSED SEASONAL VARIATION:- From October to April the premises may open one hour after the commencement of core hours and close one hour before the terminal hour.

CURRENT ACTIVITIES:- There are currently no activities listed on the licence.

PROPOSED ACTIVITIES:- Restaurant facilities; receptions; club or other group meetings; recorded music and live performances; and televised sport to occur both within and outwith core hours.

CURRENT CHILDREN AND YOUNG PERSONS CONDITIONS:-

Terms - Any child under 14 must be accompanied by an adult in the coffee/shop unless collecting a takeaway order. 14 to 17 year olds may be in the premises unaccompanied and able to order food and non-alcoholic beverages. 16 and 17 year olds if accompanied by adults may consume wine, cider or beer to be consumed with food.

AGES - Any children of any age under 14 is accompanied by an adult including children under 5 years of age. Any child over 14 and young persons 16 and 17 allowed unaccompanied.

TIMES - During core hours as stated and as varied in terms of the seasonal variations as noted until 7.30pm. Young persons will be allowed on the premises after core hours if attending a pre-booked private function and accompanied by a parent or responsible adult.

PARTS - Ground floor toilet area. Mezzanine floor coffee shop/restaurant area. No access to staff private area unless children of staff who are supervised by their parent.

PROPOSED CHILDREN AND YOUNG PERSON CONDITIONS:-

TERMS - Children and young persons will be permitted entry to the premises at all times when they are open. After 8pm children and young persons under the age of 14 shall require to be accompanied by a person over 18.

AGES – 0-17 years.

TIMES - Prior to and during core hours as stated and as varied in terms of the seasonal variations.

PARTS - Children and young persons will be permitted to enter all parts of the premises to which the public are admitted.

LSO:- The premises will operate as a restaurant offering on and off sales of alcohol. This major variation proposes various updates –

Premises Name

To change from Kitchen Garden to 'Gelatoburger'

Operating Plan

Question 2

Amend On-Sales hours from 1100-1800 (Mon-Sat) and 1230-1800 (Sun) to 1100-2400 (Mon-Sun).

Question 3

Amend Off-Sales hours from 1000-1800 (Mon-Sun) to 1000-2200 (Mon-Sun)

Question 4

Seasonal Variation is in keeping with Board policy –

“From October to April the premises may open one hour after the commencement of core hours and close one hour before the terminal hour.”

Question 5

Add – restaurant; receptions (including weddings, funerals, birthdays, retirements, etc.); club or other group meetings; record music; live performance; and televised sport.

Outwith core hours statement –

“The premises may open prior to the commencement of core hours for the provision of breakfasts, snacks and morning meals when recorded and possible live music will be played and televised sport may be broadcast.”

Question 6

Children and Young Persons statement proposed amended wording –

Terms

Children and young persons will be permitted entry to the premises at all times when they are open. After 1800 children and young persons under the age of fourteen will be required to be accompanied by a person over eighteen years.”

Ages

“The ages of children and young persons to be allowed entry shall be from 0-17 years”

Times

“Prior to and during core hours as stated and as varied in terms of the seasonal variation.”

Parts

N.B. The Board may wish to consider that no terminal hour has been provided meaning children and young persons may remain beyond the Board’s preferred 9:00pm curfew.

As the information supplied at Question 6 will be transposed on to the Statutory Children and Young Person Access Notice which will be displayed at the entrance to the premises it is best that the information provided is in the form of a statement. The statement should also reflect Board policy. Therefore the Board may consider amending each statement as follows in line with Board policy –

Terms

Children and young persons will be permitted entry to the premises until 9:00pm. After 6:00pm children, 14 years and under, must accompanied by a person 18 years or over."

Ages

0-17 years.

Times

Children and young persons will be permitted entry to the premises until 9:00pm.

Parts

"All public parts of the premises"

EHO

No comments received.

POLICE COMMENTS: No Police objections

OBJECTIONS/REPRESENTATIONS: NONE

POINTS FOR CONSIDERATION:-

- 1) Premises are changing from a shop on the ground floor with a restaurant on the first floor to a restaurant on both floors.
- 2) Increase in the terminal hour for on-sales from 6pm to midnight.
- 3) Increase in terminal hour for off-sales from 6pm to 10pm.
- 4) Addition of various activities – restaurant facilities, receptions, club or other group meetings, recorded music, live performances, and televised sport. Nature of live performances?
- 5) Change of name to Gelatoburger.
- 6) Increase in on-sales capacity from 32 to 100 persons.
- 7) Children and young persons to be permitted entry at all times when the premises are open. After 8pm children under the age of 14 must be accompanied by a person over 18 years. What about over 15 year olds and young persons? Are they to be permitted entry unaccompanied?