

Argyll and Bute Licensing Board

25th June 2019

VARIATION OF A PREMISES LICENCE

NAME OF PREMISES: The Lorne, Stevenson Street, Oban, PA34 5NA

APPLICANT: Lorne Freehold Limited, Address as above

AGENT: MacArthur Legal, Boswell House, Argyll Square, Oban, PA34 4BD

DESCRIPTION OF PREMISES:

The premises are attached to other commercial premises in a primarily commercial area with some residential housing nearby

	EXISTING CORE HOURS	
	ON SALES	OFF SALES
Monday	11.00 to 01.00	11.00 to 22.00
Tuesday	11.00 to 01.00	11.00 to 22.00
Wednesday	11.00 to 01.00	11.00 to 22.00
Thursday	11.00 to 02.00	11.00 to 22.00
Friday	11.00 to 02.00	11.00 to 22.00
Saturday	11.00 to 02.00	11.00 to 22.00
Sunday	12.30 to 02.00	12.30 to 22.00

DETAILS OF VARIATIONS SOUGHT:-

The applicant wishes to vary the licence as follows:-

- 1) A seasonal variation is to be added restricting opening hours during the period between 1st October and 1st April.
- 2) The capacity figure shall be amended to 150 persons.

PROPOSED SEASONAL VARIATION:- The premises may open one hour after the commencement of core hours Monday to Sunday and may close one hour before the terminal hour on Monday, Tuesday and Wednesday between 1st October and 1st April.

Current Capacity: On Sales – 78 persons

Proposed Capacity: On Sales – 150 persons

LSO:- This application is to add a Seasonal Variation at Question 4 of the premises licence operating plan and augment the capacity of the premises at Question 7.

Question 4 - Seasonal Variation

“The premises may open one hour after the commencement of core hours, Monday to Sunday, and may close one hour before the terminal hour on Monday, Tuesday, and Wednesday, between 1st October and 1st April.”

Question 7 – Capacity

Amend from 78 persons to 150 persons.

The applicant has provided an e-mail from DPD Fire and Safety Consultants alluding to a Fire Risk Assessment of the premises carried out by this company advising that capacity could be raised from the current 78 persons to 150 persons. At the time of submitting this report there has been no report from Building Standards or Scottish Fire and Rescue.

Scottish Government guidance to licensing boards is clear that the capacity of licensed premises providing on sales of alcohol is recorded on the premises licence operating solely as an indication in calculating overprovision of premises in the area in which the premises is located:

“...61. The recommendation of the National Licensing Forum, agreed by Ministers, is that, for the purposes of the overprovision assessment, the operating capacity of licensed premises should be determined by local authority building standards officers. Any operating capacity figure that is determined should only be used for the purposes of overprovision under the Licensing (Scotland) Act 2005 and for no other purposes. The definition of operating capacity for on-sales and off-sales is set out in section 147 of the Act. Based on these definitions the proposed methodology for calculating capacity for on-sales and off-sales is set out below.

Off-sales

- the maximum linear measurement, in metres, of the frontage used to display alcohol, including the areas utilised for off-shelf seasonal or any other promotional displays.

On-sales

- The Buildings (Scotland) Regulations 2004 assessment methods set out in the Technical Handbooks issued in support of these regulations.”

If the Board is minded to grant this aspect of the application the LSO recommends confirmation of suitability from Building Standards.

EHO

Environmental Health has been made aware of this application and no comments have been received.

POLICE COMMENTS: No Police objections

OBJECTIONS/REPRESENTATIONS: None

POINTS FOR CONSIDERATION:-

- (1) Seasonal variation.
- (2) Increase in capacity from 78 persons to 150 persons.