

**CADILLAC KUSTOMZ HOTEL (FORMERLY BUTE PIPER), 23 MARINE PLACE, ROTHESAY, ISLE OF BUTE, PA20 0LF**

**LSO**

An application for a major variation to change the seasonal variation, include outdoor drinking facilities during core hours and amend on sales capacity internal and external. A proposed new layout plan and operating plan have been submitted.

There is also a request to change the name of the premises from Bute Piper to Cadillac Kustomz Hotel.

**Background information**

In relation to the use of the existing outside parking area as a beer garden.

There is a history of objection to this being so used from next door neighbours either side of the property. Due to these objections, the Board previously refused a similar application. There remains a history of mutual complaint to various authorities in relation a number of other matters.

I am aware the licensing section have sent notification of the variation application to the neighbours' concerned. A neighbour has made contact with the LSO and has intimated a letter of objection/representation may well be forthcoming.

During the summer of 2020 the Board received and granted permission, despite objection, via Occasional licences. When possible, and in line with Covid19 restrictions, the outside area was utilised as a beer garden. The use was limited due to Covid closures. Notwithstanding the area was used and to my knowledge without complaint. I note a number of local conditions were applied to the use of the area under the terms of the Occasional Licence:

**Local Conditions**

1. The licensee shall ensure that persons under 18 years of age are admitted in the company of a parent/guardian only and remain supervised by that person for the duration of the event.
2. The licensed premises shall only be used where permitted by, and in accordance with, the current legislation, regulations, directions and guidance from the UK and Scottish Governments
3. The licence holder shall produce, on request, a copy of the risk assessment carried out in relation to the premises to a relevant authorised person or constable
4. Bona fide residents of the hotel may sit in the designated outdoor area (4 tables to accommodate a maximum of 16 people) and are permitted to consume alcohol only between the hours of 12pm to 5pm
5. Residents that wish to use the outdoor area from 5pm to 9pm must also be having a meal.
6. Non-residents of the hotel may only use the outdoor area to consume alcohol, provided they are also having a meal between the hours of 12pm to 9pm
7. Any person using the outdoor area must be seated at a table.
8. The use of the outdoor area must cease by no later than 9pm and the tables and chairs must be removed and stored away by 9.30pm at the latest.
9. No forms of entertainment including amplified, acoustic or recorded music are permitted in the outdoor area.
10. The current noise management plan is to be revised to take account of the foregoing conditions and submitted for approval by Environmental Health Services.
11. The licensee will ensure that all the controls in the noise management plan are strictly complied with when the outdoor area is in use including the use of CCTV.

Board policy suggests 8pm for children and young persons and 10pm for adults in terms of outside areas, the Board restricted this to 9pm when utilised via an Occasional licence

### **Layout Plan**

An updated layout plan including the external area has been submitted, the capacity for outdoors has been requested in the form of 6 tables each with 4 chairs, a total of 24 persons.

The Occasional Licence restricted this to 4 tables each with 4 chairs a total of 16 persons.

### **Operating Plan**

Question 4 seasonal variation

Add; Festive season extensions and other occasional extensions as authorised by board policy from time to time

Question 5 activities

Add; 5 (d) outside drinking facilities

Question 7 Capacity

Current; Internal 80 and External 0

Proposed; Internal 132 and External 24

**The Board may wish to refer to any response from Building Standards in relation to the proposed increase in capacity.**

### **EHO**

The premises licence holder has in the past, worked closely with the Environmental Health officer to ensure he could comply the conditions imposed. I am informed the EHO will review the Covid risk assessment and noise management plan with the applicant, to ensure it remains up to date and relevant.

The Board may wish to refer to the EHO for report –