

## Argyll and Bute Licensing Board

28<sup>th</sup> June 2022

### VARIATION OF A PREMISES LICENCE

**NAME OF PREMISES:** The Gallery, 37 Main Street, Tobermory, Isle of Mull, PA75 6NT

**APPLICANT:** As above

**AGENT:** N/A

**DESCRIPTION OF PREMISES:**

The premises are located on the Main Street, Tobermory and comprise a shop including off-sales area, restaurant and outside drinking area.

|           | EXISTING CORE HOURS |                | PROPOSED CORE HOURS |                |
|-----------|---------------------|----------------|---------------------|----------------|
|           | ON SALES            | OFF SALES      | ON SALES            | OFF SALES      |
| Monday    | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Tuesday   | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Wednesday | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Thursday  | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Friday    | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Saturday  | 11.00 to 22.00      | 11.00 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |
| Sunday    | 12.30 to 22.00      | 12.30 to 22.00 | 11.00 to 23.00      | 11.00 to 22.00 |

**DETAILS OF VARIATIONS SOUGHT:-**

The applicant wishes to vary the licence as follows:-

- 1) To increase the terminal hour for on-sales to 23.00 on all days.
- 2) To change the Sunday opening time to 11.00 for on and off-sales.
- 3) To add receptions, funerals and live music as activities on the licence.

**CURRENT ACTIVITIES:** Restaurant; Recorded music and outdoor drinking

**LSO:** This is an application to vary the premises licence as follows –

Operating Plan

Question 2 (On-Sales) – amend start time of licensed hours to 1100 daily and the terminal hour to 2300 daily.

Question 3 (Off-Sales) – amend the start time of licensed hours to 1100 daily.

Question 5 – include Receptions and Live Performance.

In relation to the on-sales terminal hour being extended to 2300, it is Board policy that children and young persons are not allowed on restaurant premises any later than 2200 hours. The Board may wish to require this curfew or allow access to 2300 hours. It is also Board policy that the operation of outdoor areas cease by 2200 for persons aged 18 years and over and 2000 for children and young persons. If the Board is minded to require this curfew, the box at Question 5(f) should be updated with a statement to this effect, and Question 6(d) (*Times*) should be similarly updated.

**EHO**

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

**POLICE COMMENTS:** No Police objections.

**OBJECTIONS/REPRESENTATIONS:** There have been two objections from the general public, as follows:-

- 1) Kathleen Russell, Wee Barra Cottage, Main Street, Isle of Mull, PA75 6NU received by e-mail on 1<sup>st</sup> June -
- 2) Robert Macleod, The Tobermory Hotel, Main Street, Tobermory, Isle of Mull, PA75 6NT received by e-mail on 7<sup>th</sup> June

Copies of both of these objections are attached.

**POINTS FOR CONSIDERATION:**

- (1) Extend the terminal hour for on-sales from 10p.m. to 11p.m. Monday to Sunday
- (2) If minded to grant the foregoing, then consider whether there should be a terminal hour in respect of children and young persons being on the premises (see the comments from the LSO above). The current licence does not have any restriction.

## **ITEM 6(f)**

- (3) Extend the commencement hour for on-sales and off-sales from 12.30p.m. to 11a.m. on a Sunday
- (4) To add receptions, funerals and live music as activities. Clarification of the nature of live music.
- (5) Consider the two objections that have been received