

## Argyll and Bute Licensing Board

25<sup>th</sup> April 2023

### VARIATION OF A PREMISES LICENCE

**NAME OF PREMISES:** The Olive Garden, Unit 2, Waterfront Centre, Railway Pier, Oban, PA34 4LW

**APPLICANT:** Joan Felgate, 53 MacPherson Road, Dunbeg, by Oban, PA37 1AR

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

#### DESCRIPTION OF PREMISES:

Ground floor, single storey restaurant premises in Unit situated on Railway Pier, Oban with entrance on to the Pier and also facing the Railway Station, providing a full range of meals to include a la carte, pizza and snacks and light meals throughout the stated core hours. The premises include an outdoor drinking area shown outlined in red and shaded blue on the plan.

	EXISTING LICENSED HOURS	
	ON SALES	OFF SALES
<b>Monday</b>	11.00 to 23.00	N/A
<b>Tuesday</b>	11.00 to 23.00	N/A
<b>Wednesday</b>	11.00 to 23.00	N/A
<b>Thursday</b>	11.00 to 23.00	N/A
<b>Friday</b>	11.00 to 01.00	N/A
<b>Saturday</b>	11.00 to 01.00	N/A
<b>Sunday</b>	11.00 to 23.00	N/A

#### DETAILS OF VARIATIONS SOUGHT:-

The applicant wishes to vary the licence as follows:-

- 1) To amend the seasonal variation.
- 2) To add the sale of take away food and hot and cold non-alcoholic beverages from 08.00 to 20.00 daily.

3) To amend the on-sales capacity to 138.

**CURRENT ACTIVITIES:** Conference facilities; Restaurant facilities; Celebrations; Funerals; Club or other group meetings; Recorded music; Live performances; Dance facilities; Televised sport and outdoor drinking

**CURRENT SEASONAL VARIATION:** 1. The outdoor area shown outlined in red and coloured blue will be open from April to September, dependent on the weather conditions and the terminal hour will be 10pm.

2. The outdoor area shown coloured green shall open throughout the year and

3. The Management reserves the right, dependent on trade, to open the premises later or close earlier on any day of the week or close on certain days of the week or at certain times of the year, notably between 30 September and 1 April.

**PROPOSED SEASONAL VARIATION:** 1. The outdoor area shown shaded green within the area outlined in red shall be open throughout the year.

2. The Management reserves the right, dependent on trade, to open the premises later or close earlier on any day of the week or close on certain days of the week or at certain times of the year, notably between 30 September and 1 April.

**CURRENT ON-SALES CAPACITY – 199 persons**

**PROPOSED ON-SALES CAPACITY – 138 persons**

The change to capacity and update to the wording in the seasonal variation has come about because there used to be two outside areas. One of these areas was removed by a minor variation in 2013 but the capacity and wording in the seasonal variation were never changed. This is to put right the wording in the licence.

**LSO COMMENTS:** Ground floor, single storey restaurant premises in Unit situated on Railway Pier, Oban, with entrance on to the Pier and also facing the Railway Station, providing a full range of meals to include a la carte, pizza and snacks and light meals throughout the stated core hours. The premises include an outdoor drinking area shown outlined in red and shaded blue on the plan. This variation application comprises –

#### Operating Plan

#### Question 4: Seasonal Variation –

#### Current

*“1. The outdoor area shown outlined in red and coloured blue will be open from April to September, dependent on the weather conditions and the terminal hour will be 10pm.*

*2. The outdoor area shown coloured green shall open throughout the year and*

## ITEM 5(I)

3. The management reserves the right, dependent on trade, to open the premises later or close earlier on any day of the week or close on certain days of the week or at certain times of the year, notably between 30 September and 1 April.”

### Proposed

“1. The outdoor area shown shaded within the red lines on the plan shall open throughout the year.  
2. The management reserves the right, dependent on trade, to open the premises later or close earlier on any day of the week or close on certain days of the week or at certain times of the year, notably between 30<sup>th</sup> September and 1<sup>st</sup> April.”

### Question 5(f): Any Other Activities – add -

“The premises will be permitted to sell takeaway food and hot and cold non-alcoholic beverages from 8:00 to 20:00 daily.”

### Question 7: Capacity

#### Current

On sales - 199

Capacity breakdown - inside area - 108

Outside area - 91

#### Proposed

On sales - 138

Capacity breakdown - inside area - 108

Outside area - 30

#### **EHO**

Environmental Health aware of this application.

**POLICE COMMENTS:** No Police objections

**OBJECTIONS/REPRESENTATIONS:** None

#### **POINTS FOR CONSIDERATION:-**

(1)Amendment of the seasonal variation

(2)Addition of takeaway food together with hot and cold non-alcoholic beverages as an activity from 8a.m. to 8p.m. daily

(3)Reduction in the on-sales capacity figure from 199 persons to 138 persons which is due to there being only one outside area)

