

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	8.3
Report No	HLB/050/13

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

The Thurso Cinema, Ormlie Road, Thurso

Report by Clerk of the Licensing Board

Summary

This Report relates to an application for a provisional premises Licence for the Thurso Cinema, Ormlie Road, Thurso, KW14 7QU.

1.0 Background

- 1.1 The Thurso Cinema is a two screen cinema complex forming part of the former Viking Bowl and All Star Factory, which held a premises licence under the above Act until the premises closed in 2010.
- 1.2 On 14 February 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from The Thurso Cinema Limited.
- 1.3 The application was publicised during the period 18 March to 8 April 2013.
- 1.4 In accordance with standard procedure, Northern Constabulary, Highlands and Islands Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards were consulted on the application.

Notification was also sent to NHS Highland.

No objections or representations have been received from these agencies.

- 1.5 The applicant has been invited to attend the Hearing.

2.0 Legislation

- 2.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; having regard to;

(i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location character and condition of the premises, and (iii) the persons likely to frequent the premises, if the Board considers the premises are unsuitable for the sale of alcohol.

3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

The applicant seeks the following **on-sale** hours:-

Monday to Saturday: 1100 hrs to 0100 hrs
Sunday: 1200 hrs to 2400 hrs

The applicant seeks the following **off-sale** hours

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1200 hrs to 2200 hrs

4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Strategy

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

The applicant seeks a provisional licence to sell alcohol within an existing cinema complex with associated bar/restaurant and decked area.

The premises former operators held a premises licence until 2010 when the licence ceased to have effect following liquidation.

The application is for hours within policy and all activities and services referred to in the operating plan are reasonable and appropriate for this type of operation.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

(a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises when not in the bar areas.

(c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

(e) Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

(g) After 2100 hrs alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

Recommendation

The Board is invited to determine the above application and the proposed local conditions detailed in paragraph 6.2 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1657

Date: 29 April 2013

Background Papers: The Licensing (Scotland) Act 2005 / Application Form

Appendix: None