

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.4
Report No	HLB/045/14

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Ross County Football Club, The Global Energy Stadium, Victoria Park, Dingwall, IV15 9QZ.

Report by the Clerk to the Licensing Board

Summary

REF: HC/RSL/1044

This Report relates to an application for a major variation of Premises Licence.

Premises: Ross County Football Club, The Global Energy Stadium, Victoria Park, Dingwall.IV15 9QZ.

Applicant: Ross County Football Club, The Global Energy Stadium, Victoria Park, Dingwall.IV15 9QZ.

1 Description of Premises

The Premises are a Scottish Premier Division Football Ground, incorporated within the infrastructure of which are a number of hospitality suites with bar facilities ostensibly used to provided corporate match day hospitality packages which form an important part of the Club's business profile.

1.1 Existing Core Operating Hours

On Sales:

Monday to Friday 1700 hrs to 2300 hrs
Saturday 1200 to 2000 hrs.
Sunday 1230 to 2000 hrs.

Off Sales:

No current provision.

2 Summary of Variation Application

2.1 Variation Sought

1. Variation to increase on-sales opening hours on Saturday and Sunday to 1100 hrs
2. Variation to operating and layout plan to increase capacity from 320 to 370

3. Variation to the wording of seasonal variation, children's policy and activities provided out with core hours.
4. Variation to activities in operating plan to include bar meals, music, live performances and televised sport.

3 Background

- 3.1 On 22 January 2014 the Licensing Board received an application for a major variation of a premises licence from Ranald Gilbert, Commercial Manager of Ross County Football Club acting as agent for the licence holders, Ross County Football Club, The Global Energy Stadium, Victoria Park, Dingwall.IV15 9QZ
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (23 January 2014 to 17 February 2014), confirmation of display of site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland. No Community Council is currently formed for the area.
- 3.4 Notice of the application has been sent to and all the people listed under S21 (1) of the Act.
- 3.5 A letter of objection was received from Mr A MacKenzie which is attached as Appendix 1.

4 Legislation

- 4.1 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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
2. that having regard to; (i) the nature of the activities carried on or 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 use for the sale of alcohol in accordance with the proposed variation;
3. that having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are

situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

- 4.2 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.

5 Licensing Standards Officer's Comments

Application has been made by the Premises Licence Holders to increase the current core hours of the Premises in line with recent changes to the Policy Hours of the Highland Licensing Board.

On-sales hours are requested to increase hours on Saturday and Sunday's to allow alcohol sales from 1100 hrs. This is to facilitate occasions when the kick off times for football matches is advanced from the traditional 1500 hrs start time. As such the provision of hospitality packages comprising of meals with ancillary drink provision will require to commence at an earlier time.

The Club have a long tradition of providing such match day hospitality and on no occasion has it attracted adverse comment from either the Police or general public. On prior occasions before the change in Board Policy Hours the Club required to apply for Extended Hours Licences for such match timings, now if granted this will simply be accommodated within approved policy.

Within the application is an extension to the Ross Hospitality Suite by giving access to an upper floor area of a Modular Unit thereby increasing capacity of the overall Suite area to 370. The Applicants have supplied the necessary lay out plans.

A new form of words has been added into the Seasonal Variation section of the operating plan simply explaining how the sales of alcohol will be discharged under the terms of the Licence.

The range of approved activities within Section 5 of the Operating Plan is requested to be expanded to also cover "Bar Meals, Music, Live Performances and Televised Sport ". This is to more accurately cover the range of ancillary activities which can, depending on the occasion, be offered at the venue.

Lastly the Children's Policy has been simplified to ensure that Children and Young Persons are required to be accompanied by a responsible adult within the Hospitality Area's. This meets the requirements of the Fifth Licensing Objective.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

7.0 Conditions

7.1 Mandatory Conditions

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

7.2 Local Conditions

- a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours 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.
- c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

Licensing Objective 5 for all the above.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1044

Date: 11 March 2014

Author: AHM/CM

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

Licensing Board Policy Statement from 1 December 2013 to November 2016

Appendix 1: Ross County Football club - objection from Mr A MacKenzie

REF-CM/HC/RSL/1044

GRIANAIN,
JUBILEE PARK ROAD,
DINGWALL, IV15, 9RZ
14.2.14

DEAR SIR(S),

I AM IN RECEIPT OF YOUR RECENT COMMUNICATION, REGARDING THE ABOVE MENTION APPLICATION BY ROSS COUNTY FOOTBALL CLUB.
IT APPEARS TO ME THAT THE LICENSING AUTHORITY ARE PROPOSING TO GIVE THE FOOTBALL CLUB CARTE BLANCHE TO EXPAND ROSS COUNTY STADIUM PREMISES, WITH NO REGARD FOR RESIDENTS SUCH AS MYSELF
MY PROPERTY IS ADJACENT TO THE FOOTBALL GROUND, AND MY QUALITY OF LIFE WILL BE BADLY AFFECTED BY THE OPEN ENDED LICENSING PERMISSION WHICH THEY SEEM LIKELY TO HAVE GRANTED TO THEM
THIS IS A FAIRLY QUIET AREA WHICH COULD BE TOTALLY CHANGED IN THE NEAR FUTURE BY THE GRANTING OF A SEVEN DAY A WEEK LICENSE, INCLUDING UNRESTRICTED LICENSING THROUGHOUT THE WEEKEND
I SUGGEST THAT THE LICENSING FACILITIES IN THIS AREA ARE PERFECTLY ADEQUATE ALREADY, AND THERE IS LITTLE NEED FOR THIS OPEN ENDED PROVISION
YOURS TRULY,

