

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.9
Report No	HLB/050/14

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

Ormlie Lodge Club, The Cottage, Brownhill Road, Thurso, KW14 7NL

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a Premises Licence for Ormlie Lodge Club, The Cottage, Brownhill Road, Thurso, KW14 7NL.

1.0 Description of Premises

1.1 The solely occupied premises are located on the outskirts of the town centre in a detached building with separate function hut adjacent. It is a members club.

1.2 The premises tendered a conversion application under the transitional provisions in 2009.

1.3 Current Core Operating Hours

On Sales:

Monday to Thursday 1900 hrs to 2400 hrs
Friday 1900 hrs to 0100 hrs
Saturday 1230 hrs to 0100 hrs
Sunday 1230 hrs to 2300 hrs

Off Sales:

Monday to Friday 1900 hrs to 2200 hrs
Saturday and Sunday 1230 hrs to 2200 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (1) Variation to on sales hours: Monday to Sunday 1100 hrs to 0100 hrs
- (2) Variation to off sales hours: Monday to Sunday 1100 hrs to 2200 hrs
- (3) Amendment to children and young persons' ages of entry
- (4) Addition of seasonal variation to take advantage of any extended hours offered by the Board over the festive period

- (5) Amendment of activities and services to permit club meetings, music, indoor/outdoor sports and televised sport outwith core hours for members guests, outside organisations and voluntary groups.
- (6) Addition of charity and fundraising events and use of premises by outside organisations and voluntary groups to list of other activities during and outwith core hours.

3.0 Background

- 3.1 On 27 January 2014 the Licensing Board received an application for a major variation of premises licence from Ormlie Lodge Club.
- 3.2 The application was publicised during the period 3 to 24 February 2014 and confirmation that the site notice was displayed 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 were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.4 No objections or representations have been received in respect of the application.

4.0 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. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. 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. 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 only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

4.3 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The addition of a seasonal variation for the festive period is in line with Board policy and subject to additional conditions.

5.3 The proposed changes to licensed hours are in accordance with Board policy.

5.4 The premises currently permit the specified activities during core hours but now wish to have them available outwith core hours to enable full appropriate use to be made of the premises.

5.5 The premises now have baby changing facilities accessible by either gender and entry for children under 5 years of age is no longer restricted.

5.6 I have no objections nor wish to make representations in respect of this application.

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

Existing local conditions and addition of local condition (q):-

(q) The Licence Holder shall submit to the Board and to Police Scotland prior to 1 December each year notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Festive Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Late Opening Local Conditions

In accordance with current Board policy it would be appropriate to impose the under-noted Late Opening Local Conditions which shall apply on any occasion that the Premises are open after 0100 hrs.

1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-

- (a) the time at which the premises next close, and
- (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application and the proposed local conditions and late opening local condition(s) detailed at para(s). 7.2 and 7.3 above noting that the application for variation is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1 December 2013 to 30 November 2016.

Designation: Clerk to the Licensing Board

Reference: HC/CSER/1475

Date: 7 March 2014

Author: Iona Cook

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

Appendix: None