

The Highland Licensing Board

Meeting – 4 November 2014

Agenda Item	6.2
Report No	HLB/137/14

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

Caithness Rugby Football Club Clubhouse, Millbank Road, Thurso

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for the grant of a Provisional Premises Licence in respect of Caithness Rugby Football Club Clubhouse, Millbank Road, Thurso.

1.0 Background

- 1.1 The applicant organisation is a long-standing rugby club which has recently invested heavily in a purpose-built clubhouse with associated facilities adjacent to the rugby pitch at Millbank Road, Thurso. The premises comprise of the clubhouse with an outdoor drinking area including a defined area bordering all sides of the rugby pitch
- 1.2 On 18 September 2014 the Licensing Board received an application for the grant of a Provisional Premises Licence from Caithness Rugby Football Club.
- 1.3 The application was accompanied by the necessary section 50 Certification in terms of Planning.
- 1.4 The application was publicised during the period 26 September to 17 October 2014 and confirmation that the site notice has been displayed has been received.
- 1.5 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards Sections were consulted on the application.
- 1.6 Notification of the application was also sent to NHS Highland and to the local Community Council.
- 1.7 No objections or representations have been received in respect of the application.

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 Sunday From 1100 hrs to 0100 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
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The applicant organisation is a long-standing rugby club which has recently invested heavily in a purpose-built clubhouse with associated facilities adjacent to the rugby pitch at Millbank Road, Thurso. Thurso swimming pool is located close by and there are private houses near to the playing field's boundary on the north west side of the relevant area.

- 5.3 The premises comprise of the purpose-built clubhouse with an outdoor drinking area including a defined area bordering all sides of the rugby pitch. The ground is not a designated sports ground in terms of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995 and the sale of alcohol to spectators in both the clubhouse and the outdoor drinking area is permitted.
- 5.4 Although the applicant is a members club and will operate in accordance with its constitution they do not wish to take advantage of any benefits afforded to members clubs in terms of the Licensing (Scotland) Act 2005 and non-members will be permitted to buy alcohol without restriction.
- 5.5 It is not considered necessary to impose any restriction on the hours during which use may be made of the outdoor drinking area including pitch-side.
- 5.6 The application is for licensed hours within policy and the activities and services referred to in the operating plan are 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.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- h. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

- l. The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

- 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 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.

6.3 **Additional Conditions**

The following shall apply on any occasion that the Premises are open after 0100 hrs.

6.4 **Late Opening Premises Conditions**

The following 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 hours (on any day on which 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.

Recommendation

The Board is invited to determine the above.
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Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1711

Date: 21 October 2014

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005