

The Highland Licensing Board

Meeting – 29 March 2016

Agenda Item	7.5
Report No	HLB/025/16

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

Thurso Football Club, the Old Pavilion, Sir Georges Park, Sir Archibald Road, Thurso

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a premises licence in respect of Thurso Football Club, the Old Pavilion, Sir Georges Park, Sir Archibald Road, Thurso.

1.0 Description of Premises

1.1 The premises are a single storey detached pavilion containing a lounge, kitchen and servery with a capacity for 70 persons. A covered spectator area is located at the front of the pavilion and it has been designated as an outdoor drinking area.

2.0 Operating Hours

2.1 The applicant seeks the following **on-sales** hours:

On sales:

Thursday to Sunday: 1100 hrs to 0100 hrs the following day

3.0 Background

3.1 On 5 January 2016 the Licensing Board received an application for the grant of a premises licence from Thurso Football Club.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.3 The application was publicised during the period 22 January to 12 February 2016 and confirmation is awaited that the public notice was displayed by the applicant at the premises during this time.

3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-

- 5.2 The applicant organisation is a long-standing football club and a member of the Scottish Amateur Football Association. They have, for many years, had use of the Old Pavilion which adjoins the football pitch and is used as a clubhouse for members and for entertaining guests. A covered area to the front of the pavilion is used as a spectator area. 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 could be permitted.
- 5.3 Following a programme of improvements to the premises, occasional licences have been sought and granted to permit the sale of alcohol to club members, guests and spectators and also for fundraising and other events.
- 5.4 Due to the vagaries of football fixture lists it was not always possible to make a timeous application for an occasional licence. The club made the decision to apply for a premises licence but not to operate as a club satisfying the requirements of the Licensing (Clubs) (Scotland) Regulations 2007 so as to be able to supply alcohol to persons other than club members and their guests without any of the restrictions imposed on qualifying Clubs.
- 5.5 The premises are a single storey detached pavilion containing a lounge, kitchen and servery with a capacity for 70 persons. A covered spectator area is located at the front of the pavilion and it has been designated as an outdoor drinking area.
- 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. Whilst there are no residential properties in close proximity to the premises it may, never-the-less, be appropriate to restrict the hour during which alcohol may be consumed in the outdoor drinking area to 2200 hrs.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

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 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.
- e. After 2200 hrs alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- 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.

Specific Conditions

- 1. All alcoholic and non-alcoholic drinks for consumption in the outdoor drinking area shall only be sold and served in cans or in plastic or polycarbonate containers.
- 2. During the period commencing 30 minutes before the commencement of any football match or other activity taking place on the football pitch until 30 minutes after the conclusion of the match or activity a steward must be present in the outdoor drinking area at all times.

7.3 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 application.

Reference: HC/CSER/1757

Date: 3 March 2016

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