

## The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.5
Report No	HLB/061/18

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

Royal British Legion Scotland Thurso Branch Club Function Hall, Riverside 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 Royal British Legion Scotland Thurso Branch Club Function Hall, Riverside Road, Thurso.

### 1.0 Description of premises

1.1 The proposed premises consist of a function hall with associated facilities within the Royal British Legion Scotland Thurso Branch Club which was granted a premises licence at transition on 1 September 2009. It will operate separately from the Club. The premises are located within Thurso town centre.

### 2.0 Operating hours

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

#### On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

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

#### Off sales:

Monday to Sunday: 1100 hrs to 2200 hrs

### 3.0 Background

3.1 On 11 May 2018 the Licensing Board received an application for the grant of a premises licence from Royal British Legion Scotland Thurso Branch Club Function Hall.

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

- 3.2 The application was publicised during the period 18 May until 8 June 2018 and confirmation that the site notice was displayed is awaited.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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.
- 4.2 Relevant grounds of refusal are: -
  1. that the premises are excluded premises;
  2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. 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
  5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

4.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.4 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:-

Royal British Legion Scotland Thurso Branch Club is a members' club operating from premises comprising a lounge bar with associated facilities and a large function suite which can be operated independently.

The function room has become an increasingly popular venue for functions and events in respect of which applications for occasional licences are often required.

As there is a limit on the number of occasional licences which may be applied for by a members club, the applicant has decided to apply for a separate premises licence for the function room and has made a separate application to remove references to the function room from the club's existing premises licence. The effect will be that the function room will no longer be a part of the members club and will operate independently with no restrictions on entry by members of the public at the discretion of the committee.

The application is for both on and off-sales with off-sales hours commencing at 1000 hrs and terminating at 2200 hrs daily. There is a bar counter on the premises but no separate off-sales alcohol display and no conflict with the Board's policy on overprovision in respect of off-sales premises.

The function room is well equipped and able to accommodate a wide range of activities and the proposed activities and services are reasonable and appropriate for this type of operation.

The premises are sometimes used for events for children and young persons during which occasions bar services will not be available.

I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the grant of a premises licence.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of 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.
- 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.

### 7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

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
3. During any period when the activities or services to be provided are primarily for the benefit of children and young persons sales of alcohol for consumption on the premises or off the premises shall not be permitted.

#### **Recommendation**

The Board is invited to determine the above application and, if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 7.3 above.

If the Board is minded to refuse 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.

Reference: HC/CSR/1863

Date: 12 June 2018

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