

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	10.5
Report No	HLB/101/18

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

Royal British Legion Scotland Thurso Branch Club, Riverside Road, Thurso

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Royal British Legion Scotland Thurso Branch Sports and Social Club.

1.0 Description of premises

1.1 The RBL Scotland Thurso Branch Club is a members club operating from a single storey detached building in Thurso town centre. The premises was granted a premises licence, on transition, on 1 September 2009. The adjoining function hall operates independently and was granted a separate premises licence by the Board on 26 June 2018.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Thursday: 1100 hrs to 2400 hrs
Friday and Saturday: 1100 hrs to 0100 hrs the following day
Sunday: 1230 hrs to 2345 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Remove references to the function room from the layout plan and premises description
- (2) Increase on-sales licensed hours Sunday to Thursday to terminate at 0100 hrs the following day.
- (3) Increase on and off-sales hours on a Sunday to commence at 1100 hrs.
- (4) Remove seasonal variation to permit year round operations.
- (5) To the list of activities and services to be provided outwith core hours add bar meals, receptions, club or other group meetings, music, indoor/outdoor sports and televised sport.
- (6) Reduce capacity to 125 persons.
- (7) Amend policy for children and young persons in accordance with Board policy.

4.0 Background

- 4.1 On 13 August 2018 the Licensing Board received an application for a major variation of a premises licence from Royal British Legion Scotland Thurso Branch Sports and Social Club.
- 4.2 The application was publicised during the period 20 August to 10 September 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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.

5.1 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, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. 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.

5.3 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.

5.4 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

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

6.0 Licensing Standards Officer

6.1 (1) Following a review of the operation of the club and use of its facilities the committee applied for and was granted a separate alcohol licence for the function suite referred to in the current premises licence. The function suite will not operate as a members club in terms of the Licensing (Scotland) Act 2005

(2) As a result of the reorganisation of the layout some amendments to the current licence are required and, in particular, to remove references to the function suite from both the description of the premises and the layout plan.

(3) The smaller premises will continue to operate as a members club and still has the facilities to cater for small functions and other activities for their members and guests and the applicant has now taken the opportunity to make amendments to the licensed hours and activities and services available during and outwith core hours. The reduction in the overall size of the premises also results in a reduction in capacity to 125 persons.

- (4) The increase in licensed hours does not conflict with Board policy and the alterations to the policy for children and young persons are to primarily take account of the alterations to the layout
- (5) The additional activities and services listed in this application are reasonable and appropriate for this type of premises and operation. The wording of the current terms of entry for children and young persons is amended for clarity and remains in accordance with Board policy.
- (6) I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of the application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/1427
Date: 18 September 2018
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