

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.12
Report No	HLB/056/20

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

The Thurso Cinema, Ormlie 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 Merlin Cinemas Limited in respect of The Thurso Cinema, Ormlie Road, Thurso.

1.0 Description of premises

1.1 These premises comprise of a two cinema complex over two floors with a bar/restaurant, located on the outskirts of Thurso. The premises were granted a premises licence on 30 July 2013.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Saturday: 1100 hrs to 0100 hrs
Sunday: 1200 hrs to 2400 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1200 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) Amend the layout plan to extend the licensed area to include three additional cinema auditoria and an additional multi-purpose function room resulting in the capacity increasing from 416 to 636.
- 2) Amend the premises description to incorporate these changes.
- 3) Amend premises name to Merlin Cinema Thurso.

4.0 Background

- 4.1 On 15 June 2020 the Licensing Board received an application for a major variation of a premises licence from Merlin Cinema Limited.
- 4.2 The application was publicised during the period 22 June to 13 July 2020 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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.
- 5.2 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 The LSO has provided the following comments:-

- a) These premises are a stand-alone structure situated on the outskirts of Thurso in a partially residential partially commercial area of the town.
- b) The full details of the variation applied for are contained within the application.
- c) This application is to change the name of the cinema, extend the size of the licensed area within the cinema as per attached plans and amend the premises description to reflect this.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The layout plans submitted comply with the required specifications.
- f) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- g) Following period of consultation there have been no objections to this application.
- h) I have no reason to object to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

No change to current local conditions.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/1657

Date: 21 July 2020

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