

The Highland Licensing Board

Meeting – 6 September 2022

Agenda Item	6.1
Report No	HLB/079/22

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

St Ninian Bowling Club, Viewfield Drive, Nairn, IV12 4EE

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 St Ninian Bowling Club, Viewfield Drive, Nairn, IV12 4EE.

1.0 Description of premises

1.1 The St Ninian Bowling Club is situated in the heart of Nairn next to the museum just a short walk from the town centre and consists of a detached building with lounge area, bar, kitchen and office.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 23:59 hours

3.0 Background

3.1 On 8 July 2022 the Licensing Board received an application for the grant of a premises licence from St Ninian Bowling Club.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 25 July until 15 August 2022 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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 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.

- 4.2 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.

- 4.3 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:-

(i) A premises licence application has been submitted for the St Ninian Bowling Club, Nairn. The premises are a bespoke club house with small outside drinking area, coterminous with a bowling green.

(ii) The club has relied on the grant of occasional licence provision for a number of years to allow for hospitality provision for visiting bowling teams and club functions. The Club has now taken the decision to move to a full premises licence under the specific category of Registered Club.

(iii) Assistance has been provided by the LSO in the compilation of an operating plan which complies with Board policy hours and meets the criteria of the 5 licensing objectives.

(iv) The necessary section 50 certificates relating to planning, building control and food hygiene have accompanied the application as has a disability access statement.

(v) An outside drinking area has been incorporated within the licensed footprint and is likely to be used regularly during the summer months. It is suggested that a closure time for consumption of alcohol should be set at 23.00 hrs to prevent any noise nuisance to neighbouring residential property.

(vi) During the public consultation phase of this application, no objections or representations have been received by the Highland Licensing Board.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 condition(s) from the schedule of local

conditions:

(m) After 2300 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(1) No live music or recorded music shall be played in any outdoor drinking area.

7.3 **Special conditions**

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at para. 7.2 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/INBS/674
Date: 19 August 2022
Author: Marjory Bain