

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.11
Report No	HLB/094/15

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

Ross County Football Club, Global Energy Stadium, Victoria Park, Dingwall, IV15 9QZ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Ross County Football Club, Global Energy Stadium, Victoria Park, Dingwall, IV15 9QZ

1.0 Description of premises

1.1 The premises consist of a football stadium with various suites for corporate entertainment.

2.0 Current operating hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Friday: 1700 hrs to 2300 hrs

Saturday and Sunday: 1100 hrs to 2000 hrs

3.0 Summary of variation application

3.1 Variation sought

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

(1) Variation to layout plan to provide a new family Sports Bar to accommodate up to an additional 200 patrons.

(2) Variation to operating plan to include off-sales from 1100 hrs to 2200 hrs Monday to Sunday.

(3) Variation to increase on-sales hours Monday to Saturday from 1100 hrs to 0100 hrs and 1100 hrs to 2300 hrs on Sunday.

(4) Variation to other activities to include gaming and dance facilities during and outwith core licensed hours and bar meals outwith core licensed hours.

(5) Other activities may be offered by the Club to outside customers outwith core licensed hours and match days.

(6) Removal of seasonal variation.

(7) Variation to children and young person's policy to allow access to all licensed areas of the stadium when alcohol is being sold providing they are accompanied by an adult.

(8) Increase premises capacity in sports bar from 370 to 570 persons.

4.0 Background

4.1 On 8 June 2015 the Licensing Board received an application for a major variation of a premises licence from applicant Ross County Football Club, Global Energy Stadium, Victoria Park, Dingwall, IV15 9QZ.

4.2 The application was publicised during the period 11 June until 2 July 2015 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council, Dingwall.

4.5 Further to this publication and consultation process, the following timeous notice(s) of objection/representation have been received and appended:
Mr A. Mackenzie (Objection) – Appendix 1
Police Scotland (Representation) – Appendix 2

4.6 The applicant and the objectors have been invited to attend the hearing. All have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

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

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.

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. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, 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 that description in the locality.

5.2 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.

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:-

Application has been received from David O'Connor (Premises Manager and Club Safety Officer) on behalf of Ross County Football Club to vary the current Premises Licence. The operating history of the premises is extremely sound and inspections have shown good levels of compliance with all the requirements of the Licensing (Scotland) Act 2005.

In the main the club provides bar and corporate entertainment packages at Premier League football fixtures and a professional stewarding operation is in place for all match days and good liaison is maintained with Police Scotland. Apart from match day activities the club lounges and suites are utilised for ancillary business for private and corporate bookings at which alcohol may or may not be supplied depending on the times during which activities take place.

Variation has been requested in order to broaden the core on-sales hours to allow on-sales to take place between 1100 hrs and 0100 hrs Monday to Saturday and between 1100 hrs and 2300 hrs on a Sunday. These hours which are within policy hours of the Highland Licensing Board will allow the Club to transact all its business whether football related or not within the terms of the Licence and remove the need to apply for extended hours.

Off-sales are requested from Monday to Sunday 1100 hrs to 2200 hrs to sell souvenir bottlings of malt whisky and specific bottlings endorsing the Football Club. Sales will solely be made from the club shop and not through any of the bars. Purchases made on match days will not be delivered into the customers care until after the conclusion of the match so as to prevent prohibited containers being taken into a designated sports ground.

The main amendment to the premise licence is the introduction of a family sports bar to allow an additional 200 patrons to enjoy the facilities which will be located below the main stand. A similar model has operated successfully at the Tulloch Stadium in Inverness for some 3 years. The venue will be family orientated, with televised sports entertainment available, provision of food and non-alcoholic beverages for sale. Specific stewards will be allocated to this venue. Entrance will be permitted during regulated football matches to bona fide home season tickets or home match day tickets. In addition away fans may also be permitted entry at particular games providing the decision concerning the admission of fans of that particular away club have been risk assessed in advance by the premises licence holder's Safety Officer using intelligence from the away club and police prior to the relevant match and with the decision concerning admission being taken by the premises licence holder in conjunction with Police Scotland as part of the pre match planning.

The current wording of the existing seasonal variation is to be removed.

The range of activities within section 5 of the operating plan is extended to allow gaming and dance facilities during and outwith core hours and the provision of bar meals to be provided outwith licensed hours.

Overall the capacity total in the sports bar is to be amended from 370 to 570 persons.

Children and young person's policy is to be amended to reflect that children and young persons will be allowed access to all licensed areas of the stadium provided that they are in the care of a supervising adult.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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.

8.3 Specific conditions

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

Applicable to Global Energy Stadium:-

“on each occasion when a regulated football match takes place at the Global Energy Stadium a personal licence holder shall be on site at the stadium throughout the licensed hours of all licensed areas to oversee the alcohol operation.

On dates when regulated football matches are to be played any off-sales purchased at the club shop will only be supplied to holders of match day tickets after the conclusion of the football match when all permitted access to the “designated ground” has ceased”.

Applicable to family sports bar during regulated football matches:-

“during the period of operation alcoholic and non-alcoholic drinks shall be sold in plastic or polycarbonate glasses.

During regulated football matches the premises licence holder shall ensure there is adequate stewarding at all relevant entrances and egresses to the family sports bar.

Entrance will be permitted during regulated football matches to bona fide holders of home season ticket or home match day ticket holders. In addition, away fans may also be permitted entry at particular games providing the decision concerning the admission of fans of that particular away club has been risk assessed in advance by the premises licence holder’s Safety Officer using intelligence from the away club and the police prior to the relevant match, with the decision concerning admission being taken by the premises licence holder in conjunction with Police Scotland as part of the pre match planning”.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed mandatory/local/specific condition(s) detailed at para(s). 8.1, 8.2 and 8.3 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/RSL/1044

Date: 8 July 2015

Author: Catherine MacLennan

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

Appendix 1: Objection from Mr A Mackenzie dated 01 July 2015

Appendix 2: Representation from Police Scotland dated 03 July 2015

REF-EM/HO/RS/1044

BRIANAIN.

130 BILCO PARK ROAD/
DUNDEWALL, NUIS, 9RZ

1/7/85.

DEAR SIR (S),

REGARDING THE ABOVE
MENTIONED APPLICATION, I WISH TO
PLACE ON RECORD MY OWN OBJECTIONS
I WOULD QUESTION WHETHER A
NEW ALCOHOL SALES BAR IS NECESS-
-ARY IN THIS AREA.

THERE ARE ALREADY FIVE LICENSED
PREMISES WITHIN A FEW MINUTES
WALK OF THIS AREA, AND THERE
WILL BE A SIXTH WHEN THE INDIAN

RESTAURANT BELOW THE ROYAL HOTEL IS REFURBISHED.

AS THE RECENTLY PASSED LEGISLATION HAS MADE IT ALMOST IMPOSSIBLE TO DRINK ALCOHOL AT ALL IF ONE IS A CAR DRIVER, A LICENSED PREMISES AT THE GLOBAL STADIUM WILL CHANGE THE WHOLE CHARACTER OF THIS AREA. EG, TAXIS PASSING BY MY OWN PROPERTY AT ALL HOURS OF DAY AND NIGHT - REF-APPLICATION STATES I AM ON DUTY, AND 11 PM ON SUNDAYS, AND OF COURSE THERE IS THE POTENTIAL FOR HEAVY PEDESTRIAN TRAFFIC AS WELL, DUE TO THE

VERY TIGHTLY DRAWN DRINK/
DRIVING LEGISLATION.

I SUGGEST THAT THIS AREA IS
NOT SUITABLE FOR SUCH A BUSINESS,
NOR IS IT NECESSARY DUE TO THE
PLETHORA OF LICENSES ALREADY
MENTIONED WITHIN WALKING
DISTANCE OF JUBILEE PARK ROAD.
IT SEEMS OBVIOUS TO ME THAT
THE WHOLE PURPOSE OF THIS
APPLICATION IS SIMPLY TO
MAXIMIZE THE PROFIT POTENTIAL,
WITH LITTLE ^{THOUGHT} GIVEN TO LOCAL
PEOPLE WHO WILL BE SERIOUSLY
AFFECTED BY THE NOISE, AND
DISTURBANCE OF TRAFFIC.

I WOULD FURTHER SUGGEST THAT THE ROAD LAYOUT IN THIS AREA IS NOT CAPABLE OF TAKING ALL THE POTENTIAL TRAFFIC WHICH WOULD BE GENERATED. EG A RIGHT TURN AT THE ENTRANCE TO TOBILEE PARK ROAD, A BLIND SUMMIT - ALL THE WAY, AND A BOTTLE NECK AT THE ENTRANCE TO FERRY ROAD, WHERE THREE ROADS MEET.

YOURS TRULY,

A. MACKENZIE.

3 July 2015

Your Ref: HC/RSL/1044
Our Ref: NE10999/15



The Highland Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN

Highlands & Islands Policing Division
Divisional Co-ordination Unit
Divisional Headquarters
Old Perth Road
INVERNESS
IV2 3SY

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highlandislandlicensing @scotland.pnn.police.uk

Dear Sir

**HIGHLAND LICENSING BOARD – ROSS, SKYE & LOCHABER
APPLICATION: PREMISES VARIATION
APPLICANT: ROSS COUNTY FOOTBALL CLUB per DAVID O'CONNOR
(PREMISES MANAGER)
PREMISES: ROSS COUNTY FOOTBALL CLUB, GLOBAL ENERGY
STADIUM, VICTORIA PARK, DINGWALL IV15 9QZ**

I refer to correspondence of 16 June 2015 and the Chief Constable intimates that in terms of the Licensing (Scotland) Act 2005 Section 22 (1) (b) (ii) & (iii) The Police Service of Scotland makes representation in relation to this application in particular to the licensing objective of securing public safety.

To the application in this case for the variation to operating and layout plan to provide a new family Sports Bar, variation of hours and activities The Police Service of Scotland have no objections, however make the following representation:

Representation

Within the layout of the family Sports Bar there is situated a fire exit giving direct access/egress to and from the West Stand of the football stadium.

It has been intimated by the applicant that it is the club intention that during the period of 15 minutes before kick off when alcohol has stopped being served this fire exit would be opened and fans holding tickets for this section of the West Stand would be permitted direct access to the stadium from the bar area.

It is the opinion of The Police Service of Scotland that in the interests of securing public safety and the safe management of spectators this door should

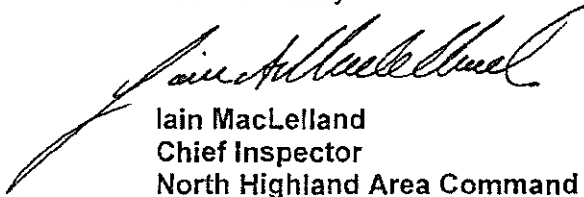
be used solely as an emergency exit, not to set a precedent and to keep in line with other football grounds in Scotland where all fans enter the ground through the main turnstiles. This allows for easier scrutiny of fans and ensures all those entering the ground are treated in a fair and equal manner in relation to security checks.

This facility is not being offered as part of a hospitality package and in essence is a family friendly pub. Fans attending the ground having attended other similar type premises have to enter the ground through the main turnstiles.

To conclude, in terms of the Licensing (Scotland) Act 2005

- 1) Section 22 (1)(b)(ii), The Police Service of Scotland make representation to modify the operating plan in this instance to delete reference to allowing fans direct access to the West Stand from the family Sports Bar,
- 2) Section 22 (1)(b)(iii), The Police Service of Scotland considers that a condition should be imposed intimating that all fans attending the family Sports Bar should enter the Stadium through the main turnstiles only.

Yours sincerely



Iain MacLelland
Chief Inspector
North Highland Area Command