

## The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	<b>6.2</b>
Report No	<b>HLB/041/19</b>

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

Rosebank Bowling Club, Cliff Road, Wick

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 Rosebank Bowling Club, Cliff Road, Wick.

#### 1.0 Description of premises

1.1 Rosebank Bowling Club operates from a bowling pavilion and bowling green at Cliff Road, Wick. Use of the pavilion is shared with Wick Youth Club.

#### 2.0 Operating hours

The applicant seeks the following **on sales** hours:

##### On sales:

Monday to Sunday: 1100 hrs to 0100 hrs the following day

#### 3.0 Background

3.1 On 19 March 2019 the Licensing Board received an application for the grant of a premises licence from Rosebank Bowling Club.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 25 March to 15 April 2019 and confirmation that the site notice was displayed is awaited.

3.4 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.

3.5 Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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:-

- a) The applicant organisation is a long-standing bowling club which operates from a bowling pavilion and bowling green within a fenced area at Cliff Road, Wick. Occupancy of the pavilion is shared with a youth club. At any time the bowling club is exercising, exclusive use of the facilities bar services may be available for members, their guests and other customers under the authorisation of the bowling club. The bar counter and stock will be secured when the Club does not have exclusive use.
- b) Although the applicant is a members club and will operate in accordance with its constitution they do not wish to take advantage of any benefits afforded to members clubs in terms of the Licensing (Scotland) Act 2005 and non members will be permitted to buy alcohol without restriction when on the premises with the permission of the Club.
- c) The premises are a single storey pavilion comprising of one large public room, an office and kitchen facilities along with a locker room and toilet facilities. The licensed area will include the bowling green when the club is making use of the facilities
- d) The club formerly obtained occasional licences to sell alcohol but there are restrictions on the number of occasional licences which can be obtained in any one year and sufficient notice must be given for applications to allow for consultation and publication of the application.
- e) In order to maximise the use of the facilities the Club has decided to make an application for a premises licence and has listed a full range of activities and services which may, from time to time, be provided on the premises. It is unlikely that such facilities and services will be provided on a regular basis.
- f) It is not considered necessary to impose any restriction on the hours during which use may be made of the outdoor drinking area including the bowling green.
- g) The applicant is aware of the sensitivity of the premise being shared with a youth organisation and I am content that their application has been made having given due consideration to the licensing objectives. The application is for hours within policy and the activities and services referred to in the operating plan are appropriate for this type of operation.

## **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 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.
- c. Notwithstanding condition (a) and special conditions 1 and 2 children must not sit at or remain at the bar counter at anytime
- h. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- k. 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 conditions:

- 1. On any day when alcohol is being sold on the premises and licensed hours are being operated, subject to special condition 2 all children must be accompanied by an appropriate responsible adult.
- 2. On any day when alcohol is being sold on the premises and licensed hours are being operated, unaccompanied children aged 9 to 15 years may be permitted on the premises only when participating in or spectating at a bowling competition or other activity carried out in accordance with the objectives of the Rosebank Bowling Club.
- 3. No sale of alcohol shall be permitted on the premises during any times when any event or activity intended primarily for children or young persons is taking place.

The following shall apply on any occasion that the Premises are open after 0100 hrs.

4. 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; and
  
5. 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; and

### **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 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/1900  
Date: 30 April 2019  
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