

## The Highland Licensing Board

Meeting – 18 February 2020

Agenda Item	7.1
Report No	HLB/010/20

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

Thurso Bowling Club, Millbank, Thurso

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Thurso Bowling Club in respect of Thurso Bowling Club, Millbank, Thurso.

#### 1.0 Description of premises

1.1 The bowling club is a single storey building comprising of a bar/kitchen area and changing facilities with outdoor area. The premises was granted a premises licence, on transition, on 1 September 2009.

#### 2.0 Current operating hours

2.1 The premises currently has the following operating hours:

##### On sales:

Monday to Thursday: 1100 hrs to 2300 hrs  
Friday: 1100 hrs to 0100 hrs  
Saturday: 1100 hrs to 2345 hrs  
Sunday: 1230 hrs to 2300 hrs

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- 1) extend opening hours on Saturdays to terminate at 0100 hrs the following day and on Sundays to open at 1100 hrs;

## **4.0 Background**

- 4.1 On 20 November 2019 the Licensing Board received an application for a major variation of a premises licence from Thurso Bowling Club.
- 4.2 The application was publicised during the period 30 December 2019 to 20 January 2020 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.
- 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](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.
- 5.2 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) This application by Thurso Bowling Club, Millbank, Thurso, Caithness, refers to an extension of existing licensing hours on a Saturday and Sunday.
- b) This premises is a single storey building purpose built to accommodate members and guests of Thurso Bowling Club.
- c) The premises are situated in the Millbank area of Thurso, Caithness with neighbouring properties being in the main large retail or commercial type premises, but with a few residential properties.
- d) The applicant seeks to extend licensing hours at the premises as detailed, to meet member demands.
- e) The proposed changes do not conflict with Board policy. 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 this variation 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

Existing local conditions will continue to apply and it is recommended that the following additional local condition be attached:

- m. After 2100 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local condition detailed at para 8.2 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/CSR/1439  
Date: 30 January 2020  
Author: G Sutherland