

## The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.10
Report No	HLB/135/13

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

The Ross-Shire Club, Stafford House, High Street, Dingwall, IV15 9SS

#### Report by the Clerk to the Licensing Board

##### Summary

REF: HC/RSL/1435

This report relates to an application for a major variation of premises licence.

**Premises:** The Ross-Shire Club, Stafford House, High Street, Dingwall, IV15 9SS

**Applicant:** The Ross-Shire Club, High Street, Dingwall, IV15 9SS

## 1 Description of Premises

The premises are a private members club situated on the High Street in Dingwall. The club has an excellent operating history both under the 1976 Licensing (Scotland) Act and the new legislation. The Premises comprise three floors. The ground floor has a bar, dance floor area and seating for members and guests. The first floor has a bar, small kitchen and seating area. The second floor comprises of an office and storage area.

Hours currently operated:

#### On Sales:

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

#### Off Sales:

Monday to Saturday 1100 hrs to 2200 hrs  
Sunday 1200 to 2200 hrs

## 2 Summary of Variation Application

### 2.1 Variation sought:

1. Variation to on-sales and off-sales hours on Sundays to commence at 1100 hrs.

### **3 Background**

- 3.1 On 16 September 2013 the Licensing Board received an application for a major variation of a premises licence on behalf of the applicant, Ross Shire Club, Stafford House, High Street, Dingwall.
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the notice on site for the same period 23 September 2013 to 14 October 2013.  
Confirmation of display of the site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health) and Planning and Building Standards were consulted on the application.  
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections have been received in respect of the application.

### **4 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 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, if 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 (i) 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 over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

## **5 Licensing Standards Officer's Comments**

The Ross Shire Club has enjoyed a trouble free operating history under both the 1976 and 2005 Licensing Acts. Compliance checks carried out by the LSO have shown a high degree of compliance and a sound knowledge of the licensing legislation by the Club Officers.

Application is being made by the Club in line with a proposed change in Highland Licensing Board Policy for Sunday opening to allow the Premises to commence trading as from 1100 hrs. The Club in the past has sought a number of extensions of hours to open early on Sundays in order to allow members to recreate prior to early football match kick offs. These extensions have passed without incident.

The Club has a full time manager (Mr Joseph McNamara) and it is well run. The extension to off-sales hours is simply to match the on- sales hours and to provide an additional facility to members.

The LSO is of the opinion that should the Board be minded to grant this application there would be no adverse effect in respect of the Licensing objectives.

## **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

## **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

Existing conditions are viewed by the LSO as sufficient to meet the Licensing Objectives.

### **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1435

Date: 22 October 2013

Author: Catherine Maclennan/Ian Cox

Background Papers: The Licensing (Scotland) Act 2005