

**The Highland Licensing Board**

**Meeting – 05 November 2013**

Agenda Item	<b>11.11</b>
Report No	<b>HLB/136/13</b>

**Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005**

**The Legion Dingwall Club, High Street, Dingwall, IV15 9SN**

**Report by the Clerk to the Licensing Board**

**Summary**

REF: HC/RSL/1470

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

**Premises:** The Legion Dingwall Club, High Street, Dingwall, IV15 9SN.

**Applicant:** The Legion Dingwall Club, High Street, Dingwall, IV15 9SN

**1 Description of Premises**

The premises is a private members club situated on the High Street in Dingwall and the Club has an excellent operating history both under the 1976 Licensing (Scotland) Act and the new legislation.

The premises are a detached stone built 2 storey building situated next to Spain Sun restaurant which is covered by a separate licence. The premises comprise of a members bar on the ground floor and office accommodation on the second floor.

Hours currently operated:

**On Sales:**

Monday to Thursday 1100 hrs to 2400 hrs  
Friday and Saturday 1100 hrs to 0100 hrs  
Sunday 1200 hrs to 2300 hrs.

**Off Sales – N/A**

## **2 Summary of Variation Application**

### **2.1 Variation Sought**

1. On sales hours on Sundays to commence 1100 hrs
2. Amendment to children's policy to allow children and young person's access from 1100 hrs on Sunday providing they are in the care of an adult.
3. Operate extended hours as granted by the Boards festive policy statement.

## **3 Background**

3.1 On the 05 September 2013 the Licensing Board received an application for a major variation of a premises Licence on behalf of the applicant Legion Dingwall Club, 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 displayed 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 Legion Dingwall 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 Sunday's in order to allow members to recreate prior to early football match kick offs. These extensions have passed without incident. The Children's Policy within the current operating plan requires minor amendment to its terms to allow supervised children and young person's access from 1100 hrs.

The Club has a full time manager (Mrs Margaret Reid) and it is well run. The application also seeks to allow the Club to take advantage of general extensions offered by the Highland Board such as the Festive Policy without the need for yearly applications. The Club officials will accept the local condition requiring Board and Police Notification of dates.

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. With the addition of the following;

#### **Specific Condition**

“The Licence Holder shall submit to the Board and to Police Scotland prior to 1st 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 Festive 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. (Prevention of Crime and Disorder).

#### **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1470

Date: 22 October 2013

Author: Catherine Maclennan/Ian Cox

Background Papers: The Licensing (Scotland) Act 2005