

The Highland Licensing Board

Meeting – 4 February 2014

Agenda Item	11.4
Report No	HLB/017/14

Application for a Major Variation of Premises Licence under the Licensing (Scotland) Act 2005

Inverness Caledonian Thistle Football Club Social Club, 28 Grieg Street,
Inverness IV3 5PX

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/484

This Report relates to an application for a Major Variation of Premises Licence.

Premises: Inverness Caledonian Thistle Football Club Social Club, 28 Greig Street, Inverness IV3 5PX

Applicant: Inverness Caledonian Thistle Football Club Social Club, per Anderson Shaw and Gilbert, 20 Church Street, Inverness.

1 Description of Premises

This is a Social Club associated to the Inverness Caledonian Thistle Football Club open to members and their guests. The premises accommodate 170 people downstairs in the lounge and 150 people upstairs in the public bar where there is also a games area.

1.1 Previous Core Operating Hours

On Sales:

Monday to Friday 11.00 hrs to 01.00 hrs

Saturday 11.00 hrs to 12.30 hrs

Sunday 12.30 hrs to 23.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

Variation to On Sales hours on Sunday: from 11.00 hrs to 23.00 hrs

3 Background

3.1 On 20 December 2013 the Licensing Board received an application for a Major Variation of a Premises Licence on behalf of the applicant's agent, Anderson Shaw and Gilbert, 20 Church Street, Inverness.

- 3.2 The Board has advertised the application on the Council's website for a period of 21 days from 30 December 2013 to 20 January 2014 and the applicant has displayed the Notice on site from 9 January 2014 to 30 January 2014. The late posting of the Site Notice was due to the intervention of the Christmas and New Year holiday period.
- 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 the local Community Council for the area.
- 3.4 Notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections had been received in respect of the application by 16 January 2013 and the Clerk will give a verbal update to the Board on 4 February 2014 as to any objections subsequently received.

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. that 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 (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

This premises is a Private Members Club which operates in the Greig Street area of Inverness and is associated with the local football team of the same name.

In line with recent changes in Highland Licensing Board's Policy the Club now wish to be able to trade from 11.00 hrs on Sundays. This will assist the Club in providing a base for football supporters for early kick-off's which often occur on a Sunday. Frequently the Club extends hospitality for visiting supporters' buses and again, such hours would supplement these arrangements.

The Club has a very satisfactory history in terms of licensing compliance and is well managed and stewarded.

Although situated in a mixed commercial and residential district, it is the view of the LSO that as the Club has operated successfully and without public complaint from 11.00 hrs on Saturdays for years. Should the Board be minded to grant this variation it is envisaged there would be no adverse effect on 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

a).Children under the age of 16 are excluded from any room where there is a bar counter after 22.00hrs 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. (Licensing Objective 5).

b).Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the Licence Holder or children who are resident on the premises. (Licensing Objective 5).

c).Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time. (Licensing Objective 5)

h).Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer (Licensing Objective 2 and 5).

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/484

Date: 06 January 2014

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

Licensing Board Policy Statement from 1 December 2013 to 30 November 2016