

The Highland Licensing Board

Meeting – 11 December 2014

Agenda Item	9.5
Report No	HLB/154/14

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

Dudgeon Park Community Centre Club, Dudgeon Park Road, Brora, KW9 6QH

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Dudgeon Park Community Centre Club.

1.0 Description of Premises

1.1 The premises are a club premises situated on the outskirts of the village of Brora. It is a detached property with two rooms (a) a lounge bar, and (b) function room, full toilet facilities and kitchen. It is a community facility used by members and local fund raising groups for functions, fund raising events and family celebrations.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2300 hours
Friday: 1100 hours to 0100 hours the following day
Saturday: 1100 hours to 2400 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Amend description of premises to show that the club will not operate as a club in terms of the Licensing (Scotland) Act 2005.

(2) Amend on-sales operating hours as follows:

Monday to Thursday:	1200 hours to 2400 hours
Friday:	1200 hours to 0100 hours the following day
Saturday:	1100 hours to 0100 hours the following day
Sunday:	1200 hours to 2300 hours

- (3) Add a seasonal variation to take advantage of any period of extended hours granted by the Licensing Board over the festive period.
- (4) To list of activities during and outwith core hours: add conference facilities, bar meals, receptions, club or other group meetings, music, live performances, dance facilities, televised sport, and delete reference to restaurant facilities.
- (5) To existing other activities add “use of the premises on match days by Brora Rangers Football Club for hospitality and to cater for football supporters. Outside caterers may be employed from time to time”.

4.0 Background

- 4.1 On 29 October 2014 the Licensing Board received an application for a major variation of a Premises Licence from Dudgeon Park Community Centre Club.
- 4.2 The application was publicised during the period 31 October 2014 until 21 November 2014 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://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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.

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. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.

5.2 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.

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:-

6.2 Dudgeon Park Community Centre Club is a long established members club operating from a relatively modern clubhouse adjoining Dudgeon Park, Brora, the home of Brora Rangers Football Club, which has no direct links to the applicant premises.

6.3 In order to maximise the opportunities for use of the premises the Club wishes to cease to operate as a club in terms of the Licensing (Scotland) Act 2005 and to permit members of the general public to be able to consume alcohol on the premises otherwise than as a guest of a member when availing themselves of the services and activities available on the premises. The principal use will, however, remain as a community centre club operated in accordance with its constitution for the benefit of its members.

- 6.4 If the premises cease to be a members club in terms of the Act they will cease to be exempt from any overprovision assessment, must provide information as to the premises manager and must pay any increased fees for the appropriate premises category. In addition the premises would not qualify to operate a Club Gaming Machine in terms of the Gambling Act 2005 although lower category machines are permitted as for other like licensed premises. They will also no longer require to apply for an occasional licence to sell alcohol at events which are open to non-members.
- 6.5 The opportunity is also being taken to amend the operating plan for the premises including increasing licensed hours within Board policy and adding services and activities appropriate to the use of the premises.
- 6.6 The proposed variations are in accordance with Board policy, are reasonable and appropriate for these premises and should not be in conflict with any of the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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 and special conditions be attached:

q. 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.

8.3 Special Conditions

Late Opening Premises.

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

1. 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

2. A designated person who is the holder of a personal licence must be present on the premises from 2100 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.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 8.2 and 8.3 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/CSER/1335

Date: 25 November 2014

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