

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.10
Report No	HLB/093/15

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

The Club, 5 Gordon Terrace, Inverness IV2 3HD

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Alexander John Craib, Chairperson, for Inverness Masonic Club, 5 Gordon Terrace, Inverness IV2 3HD

1.0 Description of premises

1.1 Members Club. Two storey detached building with own car park. A lounge bar and kitchen are located on lower floor as well as ladies and gents toilets. Upper floor is boardroom and office space. On sales.

2.0 The premises currently enjoys the following operating hours:

On Sales:

Monday to Thursday: 1700 hours to 2400 hours

Friday: 1700 hours to 0100 hours

Saturday: 1100 hours to 2400 hours

Sunday: Closed

3.0 Summary of variation application

3.1 Variation sought

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

1. Amend opening hours to commence at 11.00 hrs Monday to Sunday.
2. Amend core hours to terminate at 24.00 hrs. Monday to Thursday and Sunday.
3. Amend core hours to terminate 0100 hrs. Friday and Saturday.
4. Add seasonal variation to read: "The Club will seek to operate under any period of extended hours offered by the Highland Licensing Board, such as the Festive Extensions.
5. Amend premises name to: The Club.
6. Amend layout plan: Existing conservatory demolished. The floor area now remains as an outside drinking area.

4.0 Background

- 4.1 On 1 June 2015 the Licensing Board received an application for a major variation of a Premises Licence from Alexander John Craib, Chairperson, for Inverness Masonic Club, 5 Gordon Terrace, Inverness IV2 3HD.
- 4.2 The application was publicised during the period 15 June until 6 July 2015 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 (Crown).
- 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:-

The application principally concerns an extension of the core hours to allow more flexible trading to accommodate club contingencies and members requirements as well as visiting masonic lodge members. Trading hours are altered for on sales to commence from 11.00hrs Monday to Sunday. Saturday trading will now conclude at 01.00hrs and Sunday trading will conclude at 24.00hrs. Such variation is within the policy hours of the Highland Licensing Board.

Inverness Masonic Club is a well run private members club. The premises have been inspected on several occasions by the LSO and have been found to be well operated according to the terms of their operating plan. No public complaint has been forthcoming to the LSO or the Police concerning the running of the Club.

Variation is sought to Section 4 of the current operating plan in relation to seasonal variations to allow the premises to trade according to general extensions of permitted hours allowed for under policies of the Highland Licensing Board without submitting an individual extended hours' application. The good operational record of the premises evidences there would be no threat to the licensing objectives if this were to be granted.

Alterations to the outside drinking area have been incorporated within revised layout plans which have seen the former conservatory removed, leaving solely the base as the outside drinking area with no alteration of the licensing footprint. As the club is situated within a highly populated residential area the LSO recommends the addition of local condition (E) to mitigate noise issues.

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 with the addition of E and Q.:

(e) After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

(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

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and the Local Conditions at Item 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/INBS/325

Date: 15 July 2015

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Background Papers:

- The Licensing (Scotland) Act 2005/Application Form.