

**The Highland Licensing Board**

**Meeting – 10 May 2016**

Agenda Item	<b>7.2</b>
Report No	<b>HLB/036/16</b>

**Application for the grant of a premises licence under the Licensing (Scotland) Act 2005**

**Avoch Sports Pavilion Members Club, Factory Lane, Avoch, IV9 8QE**

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

**Summary**

This report relates to an application for the grant of a premises licence in respect of Avoch Sports Pavilion Members Club, Factory Lane, Avoch, IV9 8QE

**1.0 Description of premises**

1.1 Avoch Sports Pavilion Members Club consists of a brick building with access at to the front with one main room, hall area, male and female toilets, bar area and a kitchen.

**2.0 Operating Hours**

2.1 The applicant seeks the following **on-sale** hours:

**On sales:**

Monday to Sunday: 1100 hrs to 0100 hrs

The applicant seeks the following **off-sale** hours:

**Off sales:**

Monday to Sunday: 1000 hrs to 2200 hrs

**3.0 Background**

3.1 On 17 March 2016 the Licensing Board received an application for the grant of a premises licence from the Avoch Sports Pavilion Members Club.

The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 30 March to 20 April 2016 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **4.0 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 are: -

1. that the premises are excluded premises;
2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
3. that having regard to;
  - (i) the nature of the activities 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, or
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

The premises concerned are the old Bowling Club Pavilion within the centre of the Village of Avoch.

The premises comprise of a single story building with veranda which adjoins the grassed area of the former bowling green which is requested to be a licensed outside drinking area associated with the Club. The Club has arisen out of the perceived social need to provide a venue for local people to meet following the loss of the local hotel bar to non-diners and residents.

The Club will be run under the umbrella body of the Avoch Communities Association and will assist in generating funds for the progression of community facilities and activities.

During the application process the premises were visited by the LSO and they are suitable for the sale of alcohol and the hours requested are within the hours of the policy of the Highland Licensing Board.

Section 50 certificates pertaining to Planning, Building Standards and Food Hygiene have been obtained and layout plans of an acceptable standard have been submitted with the application and the relevant category (1) fee for a private members club.

The location of the premises is situated very near to a substantial number of residential properties. As such conditions relating to the use of the external drinking area have been proposed by the LSO.

From the proposed operating plan which has been submitted the LSO is of the opinion that should this licence be granted there will be no adverse conflict with the licensing objectives.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

## 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 years are excluded from any room where there is a bar counter after 2200 hrs 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.
- 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.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- e. After 2230 hrs alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

### 7.3 Special conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application.

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/RSL/1765

Date: 21 April 2016

Author: Catherine MacLennan

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