

The Highland Licensing Board

Meeting – 4 October 2016

Agenda Item	10.3
Report No	HLB/091/16

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

Clachnacuddin FC Football Club, 1 Wyvis Place, Inverness, IV3 8DR

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Clachnacuddin Football Club, 1 Wyvis Place, Inverness, IV3 8DR.

1.0 Description of premises

1.1 Clachnacuddin FC premises comprises of small boardroom with bar facilities and a members' lounge also with bar facilities. Each bar area has a single public entrance.

3.0 Summary of variation application

3.1 Variation sought

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

(1) Addition of a new members' lounge to the licensing footprint of Clachnacuddin Football Club.

(2) Capacity to increase from 50 to 70 persons.

(3) Description to be amended to read: 'Clachnacuddin Football Club premises comprises of a small boardroom with bar facilities. Each bar area has a single public entrance. Toilet and kitchen facilities are also provided on site.'

4.0 Background

4.1 On 22 August 2016 the Licensing Board received an application for a major variation of a premises licence from Clachnacuddin Football Club.

4.2 The application was publicised during the period 25 August until 15 September 2016 and confirmation that the site notice was displayed has been received.

- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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:-

(i) Clachnacuddin FC Football Club has a private members club lounge situated within the confines of their football ground at Wyvis Place, Inverness.

(ii) The club has been well run and inspections by the Licensing Standards Officer have shown good levels of compliance with the requirements of the Licensing (Scotland) Act 2005.

(iii) An application has been received from the club to extend the licensing footprint of the premises by including a permanently sited portacabin adjacent to the existing lounge as part of the licensed premises, comprising of a small bar area with anti-room which provides capacity for another 20 persons.

(iv) The premises have been inspected by the LSO and in his opinion, are suitable for the sale of alcohol. As is the case with the existing bar area, the bar will close prior to kick off on match days and will not re-open until the match has fully concluded. The bar area will be stewarded by club personnel.

(v) The description of the premises within the licence has been suitably amended to reflect this addition.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 no additional local conditions are considered necessary.

8.3 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/INBS/275

Date: 20 September 2016

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