

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	8.2
Report No	HLB/044/18

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

Highland Rugby Football Club, Bught Lane, Inverness, IV3 5SS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Canal Park Sports Club 2017, Bught Lane, Inverness, IV3 5SS.

1.0 Description of premises

1.1 The premises are a purpose built rugby football club house with a bar and club room. The club formerly operated as a private members club, but now seeks to operate under a general alcohol premises licence whereby members of the public can be admitted without being members of the club.

2.0 Summary of variation application

2.1 Variation sought

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

(1) The applicants wish to set aside the status of a private members club and trade under a general alcohol premises licence, whereby members of the public can access the premises without the requirement for membership.

(2) The description of premises changed to read: 'The premises are a purpose built rugby football club house with a bar and club room on the first floor. Included within the building are sporting changing rooms, office space and a cellar room. The premises operate under a general alcohol premises licence whereby, members of the public can be admitted without being members. This accurately reflects usage of the premises on occasions, by High Life Highland, who will run public events such as, weddings, conferences and other functions where alcohol may be sold.'

3.0 Background

- 3.1 On 27 February 2018 the Licensing Board received an application for a major variation of a premises licence from Canal Park Sports Club 2017.
- 3.2 The application was publicised during the period 5 March until 26 March 2018 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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://highland.gov.uk/hlb_hearings

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 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. that 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 the same or similar description as the subject premises, in the locality.
- 4.2 For the purposes of the Act, the licensing objectives are-
 - (a) preventing crime and disorder,
 - (b) securing public safety,

- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) Highland rugby club has formerly operated as a private members club, with a trouble free operating history.

(ii) The club have recently moved into new purpose built facilities, as a result of their former site being developed, as part of the west link roads project. As a consequence, the new premises are operated under a shared basis with High Life Highland, who have access to the facilities to host events. As such, the former status of the club as a private members club is no longer tenable, as access to licensed premises will in prospect, need to be granted to non-club members. As such, a variation has been lodged to change the status of the premises to a general alcohol premises licence.

(iii) The change has been reflected in an updated description of the premises and is also reflected in section 5(f) of the operating plan.

(iv) The LSO has spoken to club officials and representatives of High Life Highland and is confident that arrangements to ensure compliance with the licensing legislation are robust.

(v) As such the Club have also engaged a premises manager who holds a Scottish personal licence, now that their former exemption has lapsed.

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

7.3 Special conditions

Existing special conditions will continue to apply and no additional 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/611
Date: 28 March 2018
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