

The Highland Licensing Board

Meeting – 30 November 2021

Agenda Item	10.2
Report No	HLB/101/21

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

Ross Sutherland Rugby Club, Naval Grounds, Castle Avenue, Invergordon

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Ross Sutherland Rugby Club in respect of Ross Sutherland Rugby Club, Naval Grounds, Castle Avenue, Invergordon.

1.0 Description of premises

1.1 The premises are a members club consisting of two pitches and detached double storey clubhouse. The premises were granted a premises licence on 29 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Saturday: 1100 hrs to 2300 hrs
Sunday: 1230 hrs to 2300 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- a) the club will cease to be a members club;
- b) increase size of licensed clubhouse premises footprint due to extension of hospitality area on first floor and include new balcony area to premises;
- c) amend premises description on licence;

- d) increase on sales hours on Friday and Saturday to terminate at 0100 hrs and increase on and off sales on Sunday to commence at 1100 hrs;
- e) increase on sales capacity and remove off sales' capacity;
- f) include restaurant facilities, bar meals and live performances during core hours, gaming during and outwith core hours, and televised sport and outdoor drinking outwith core hours;
- g) add seasonal variation for festive policy hours;
- h) amend wording for children and young persons policy for times and parts.

4.0 Background

- 4.1 On 8 October 2021 the Licensing Board received an application for a major variation of a premises licence from Ross Sutherland Rugby Club.
- 4.2 The application was publicised during the period 22 October to 12 November 2021 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The property known as Ross Sutherland Rugby Clubhouse is a purpose built, two storey detached property, which has been built in the centre five acres of the "Naval Grounds" rugby pitches, near the centre of Invergordon, Easter Ross. The premises have been undergoing renovation and extension, which now allows the provision of increased activities as detailed elsewhere in this report. The application is also to allow for the change of type of licence from Members Club to fully licensed premises.
- b) The property is on two floors with the ground floor primarily made up of changing facilities and the second floor will be the main hospitality and bar area. There is also an outdoor viewing platform area, which will be included in the licensed footprint.
- c) The premises have operated for many years as a Members Club without adverse comment.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) I have no objection to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1422
Date: 16 November 2021
Author: G Sutherland

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