

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.6
Report No	HLB/120/23

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

Invergordon Social and Recreational Club, Castle Road, Invergordon

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Invergordon Social Club Ltd in respect of Invergordon Social and Recreational Club, Castle Road, Invergordon.

1.0 Description of premises

1.1 These are club premises open only to members and their guests comprising a lounge, bar and kitchen facilities. The premises licence was granted on conversion on 29 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Thursday:	1100 hrs to 2300 hrs
Friday:	1100 hrs to 0030 hrs
Saturday:	1100 hrs to 2400 hrs
Sunday:	1230 hrs to 2300 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) open the building to the public and combine the premises licences that cover the Club and the Hall;
- 2) amend the layout plan to take account of this and amend the premises description on the licence;
- 3) increase the on sales hours to 1100 hrs to 0100 hrs daily;
- 4) increase the off sales hours to 1000 hrs to 2200 hrs daily;
- 5) add seasonal variation to take advantage of the Board's festive and other public holiday policy;

- 6) add theatre and outdoor drinking to activities/services provided during and outwith core hours and remove conference facilities and live performance from being provided outwith core hours;
- 7) amend the children and young persons policy;

4.0 Background

- 4.1 On 21 August 2023 the Licensing Board received an application for a major variation of a premises licence from Invergordon Social Club Ltd.
- 4.2 The application was publicised during the period 8 to 29 September 2023 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 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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 Invergordon Social and Recreation Club is a long-established, purpose-built facility, within its own grounds near the centre of Invergordon, Easter Ross.
- b) The site offers different On Sales and Off Sales areas, which previously had existed under two separate licences one relating purely to the Members Club area, the other to the separate function suite which was fully licensed for the public. This application seeks to include the whole site onto one full licence, which will allow access to the public throughout.
- c) This application also seeks to extend the provision to patrons which are fully detailed elsewhere in this report. The two premises have operated over many years 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 and Young Persons policy is appropriate.
- 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 conditions to apply and should the Board grant the application as applied for, the Board may wish to consider attaching the following additional condition from the schedule of local conditions:

- m. After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 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/CSR/1483
Date: 3 October 2023
Author: G Sutherland

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