

The Highland Licensing Board

Meeting – 2 February 2016

Agenda Item	8.3
Report No	HLB/014/16

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

The British Legion Club (Inverness) Ltd, 10 Huntly Street, Inverness, IV3 5PR

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by The British Legion Club (Inverness) Ltd, 10 Huntly Street, Inverness IV3 5PR per Jim Angus

1.0 Description of Premises

1.1 The British Legion Club (Inverness) Ltd was previously situated on 3 storeys. The facilities within the club premises are for the exclusive use of members of the British Legion Club (Inverness) Ltd and invited guests. On and off sales are available.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2300 hours
Thursday: 1100 hours to 2400 hours
Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1200 hours to 2300 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1200 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

(1) Operating Plan

Increase terminal hour for on sales on Thursdays, Saturdays and Sundays to 0100 hours.

(2) Commence Sunday on and off sales from 1100 hours.

(3) Layout Plan

Reduce size of licensed area.

(4) Premises Licence

Amend description: 'British Legion (Inverness) Ltd is situated on 2 storeys. The Club is accessed from King Street. On the ground floor is a public bar and a separate function suite. On the second floor there are administrative offices and a snooker room.

4.0 Background

4.1 On 09 December 2015 the Licensing Board received an application for a major variation of a premises licence from The British Legion Club (Inverness) Ltd, per Jim Angus.

4.2 The application was publicised during the period 14 December 2015 until 04 January 2016 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, Park.

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:-

The British Legion Private Members Club has operated successfully in the centre of Inverness for decades. It has a trouble free licensing history and compliance visits by the LSO have shown it to be well run.

Recently the Club has shrunk its estate and sold off part of the premises. This new layout has led to a revision of the description of the club in the premises licence and new sets of layout plans.

The Club has also sought to modernise its licence by extending its hours to 0100 hours termination on Thursday, Saturday and Sunday. In addition alcohol sales may commence from 1100 hours on Sundays. Such changes are allowed for within the current policy of Highland Licensing Board on permitted hours.

The LSO is of the opinion that this will not impact adversely on any of the Licensing Objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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: HCINBS/295

Date: 8 January 2016

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