

**The Highland Licensing Board**

**Meeting – 9 June 2017**

Agenda Item	<b>12.3</b>
Report No	<b>HLB/061/17</b>

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

**Inverness Ice Centre, Bught Drive, Inverness, IV3 5SR**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of premises licence by Inverness Ice Centre Ltd, Bught Drive, Inverness, IV3 5SR.

**1.0 Description of premises**

1.1 Inverness Ice Centre is situated adjacent to Bught Park and offers ice facilities for curling, skating and ice hockey with café/restaurant, lounge/viewing bar, entertainment venue (Downtown USA), fitness rooms and associated accommodation with ample customer car parking.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 0030 hours  
Sunday: 1200 hours to 2400 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) On sales on Saturdays to terminate at 0100 hours.

(2) On sales on Sundays to commence at 1100 hours and terminate at 0100 hours.

(3) Off sales on Sundays to commence at 1100 hours.

(4) Seasonal variations to be amended: "The premises will operate policy hours granted by the board in relation to festive and other extensions."

(5) Amend children's access to allow children to remain in curlers bar unaccompanied by an adult until 2200 hours.

(6) Under any other activities, add concerts, cabaret shows, comedy acts, magicians, practice sessions, tuition, dance classes, charity events, exhibitions, product launches, trade fairs, fetes, sporting events, sport and fitness classes and similar.

#### **4.0 Background**

4.1 On 25 April 2017 the Licensing Board received an application for a major variation of a Premises Licence from Inverness Ice Centre Ltd.

4.2 The application was publicised during the period 27 April until 18 May 2017 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:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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) Inverness Ice centre has been a licensed premises for several years. It has a trouble free operating history.

(ii) Application has been made to vary the operating plan of the premises:

The core hours are requested to now terminate at 0100 hours on Saturdays into Sunday mornings. On sales hours are requested to commence at 1100 hours and terminate at 0100 hours on Sundays. Sunday off sales hours are requested to commence from 1100 hours. All these changes are within the policy hours of the highland licensing board. In the opinion of the LSO, none of the changes will affect the licensing objectives in any adverse way.

(iii) Seasonal variations have been amended to allow automatic claim of any periods of extended hours offered by the Highland Licensing Board. The applicants are accepting of the associated local condition requiring notification of operating dates to the Highland Licensing Board and Police Scotland.

(iv) Request is also made for children to be allowed to remain in the curlers bar unaccompanied until 2200 hours, as the venue is very much a curling rink patronised by juniors as well as adults. This is seen as reasonable and in keeping with the fifth licensing objective. Section 5(f) of the operating plan has been populated with a range of other activities which may be offered and facilitated by the venue dependent on customer demand.

## **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 it is recommended that the following additional local conditions be attached:

(q) The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hours stated for that category of premises in the Board's policy statement. The premises may remain open until the festive period terminal hours only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

### **8.3 Special conditions**

The Board may wish to consider attaching the following special conditions:

- (1) A person trained to the satisfaction of the licensing board in administering first aid must be present on the premises from 0100 hours. (mandatory conditions).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (local condition)(licensing objectives 1 and 2).

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 8.2 and 8.3 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/INBS/31

Date: 19 May 2017

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