

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.5
Report No	HLB/063/17

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

**Carlton Bingo, Beechwood Park North, Inverness, IV2 3ED**

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of premises licence by Carlton Clubs plc, PO Box 21, 23/25 Huntly Street, Inverness, IV1 1LA per Hill Brown Licensing.

#### 1.0 Description of premises

1.1 The premises are a bingo hall licensed under the Gambling Act 2005. The building is a single storey detached building designed specifically as a bingo hall with the main bingo auditorium, catering and bar facilities on the ground floor. The building is located adjacent to the Inshes roundabout on a site with dedicated parking. The site is part of a business park in a district centre which consists of a mix of office accommodation, retail, hotel & leisure and public buildings.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Saturday: 1100 hours to 2300 hours

Sunday: 1230 hours to 2300 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Sunday on sales commencing at 1100 hours rather than 1230 hours.
- (2) Q5 of operating plan: amend outdoor drinking facilities to: yes, yes, yes.

(3) Further details box, to add the following:

“The outdoor area will be available during the hours of gaming, which are 0900 hours until 2400 hours. No alcohol will be sold outwith the core hours without there being the grant of an extended hours licence.”

(4) The addition of a smoking shelter and a change to exit doors to access the area. Copies of the proposed layout plan are attached. (Plan No. JKS12-1478-402).

#### **4.0 Background**

4.1 On 10 April 2017 the Licensing Board received an application for a major variation of a premises licence from Carlton Clubs plc.

4.2 The application was publicised during the period 17 April until 8 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) Carlton bingo is a licensed bingo club situated at Beechwood Park North, Raigmore, Inverness. The premises hold an alcohol premises licence in order to provide alcohol, as an ancillary service to customers. The track record of the premises has been entirely trouble free and compliance visits carried out by the LSO have shown strong diligence.

(ii) Application has been made by the licence holder to vary the core hours of the premises, in order for alcohol to be sold from 1100 hours on Sundays. This is within the Board policy hours. In view of the type of premises and the customer profile, it is the opinion of the LSO that this will have no adverse effect on the licensing objectives.

(iii) A small outside drinking area has been added to the licensed area, with a smoking shelter. New layout plans depicting this change have been submitted with the application. The activities at section 5 of the operating plan have been changed, to allow use of the outside drinking area both within and outwith licensed hours. As the premises are situated within a business park, it is not seen as necessary to impose a condition on the usage.

(iv) The site notice has been displayed for the required period of 21 days. No objections have been received via the statutory consultation process.

(v) The LSO is of the opinion that should the Board be minded to grant this application, there will be no adverse impact in respect 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 2013-18
- (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**

There are no existing local conditions and it is not considered necessary to attach any.

### **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: HC/INBS/245

Date: 10 May 2017

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