

## The Highland Licensing Board

Meeting – 2 August 2017

Agenda Item	8.1
Report No	HLB/087/17

### Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Highland Rugby Football Club, Bught Lane, Inverness, IV3 5SS

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

##### Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Highland Rugby Football Club, Bught Lane, Inverness, IV3 5SS.

#### 1.0 Description of premises

1.1 The Highland Rugby Football Club is situated at Bught Lane, Inverness and consists of a two storey building; ground floor comprising eight changing rooms and the first floor comprising of bar area and club room. It is a members club, although entry not restricted to members only.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

**On sales:**

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 12 June 2017 the Licensing Board received an application for the provisional grant of a premises licence from Canal Park Sports Club 2017.

The application was accompanied by the necessary section 50 certification in terms of Planning.

- 3.2 The application was publicised during the period 19 June until 10 July and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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)

#### **4.0 Legislation**

- 4.1 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 are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
  - (i) the nature of the activities 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, or
5. 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.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

(1) The applicant organisation is a long-standing rugby club. The club currently operates from existing premises, but following redevelopment of the site the construction of a new road, are required to move to new custom-built premises.

(ii) The premises are on 2 floors but only the upper storey and the outdoor area will be licensed by the club.

(iii) The premises comprise the purpose-built clubhouse and changing rooms with an outdoor drinking area including a defined area bordering all sides of the rugby pitch. The ground is not a designated sports ground in terms of Part II of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) and the sale of alcohol to spectators, in both the clubhouse and the outdoor drinking area is permitted.

(iv) Although the applicant is a members club and will operate in accordance with its constitution, they do not wish to take advantage of any benefits afforded to members clubs in terms of the Licensing (Scotland) Act 2005 and non-members will be permitted to buy alcohol without restriction.

(v) The premises may be made available for other groups and organisations and are suitable for a variety of uses. The applicant has included a wide range of services and activities to be provided on the premises during and outwith core hours which are, for on-sales 1100 hrs to 0100 hrs the following day on each day and, for off-sales, 1100 hrs to 2200 hrs daily.

(vi) In respect of children, restrictions will only apply when alcohol is on sale. On such occasions children must be accompanied by a suitable responsible adult. At the discretion of the management, unaccompanied young persons may be permitted on the premises when alcohol is on sale, failing which they too must be accompanied by a suitable responsible adult.

(vii) It is not considered necessary to impose any restriction on the hours during which use may be made of the outdoor drinking area, including pitch-side.

(viii) The application is for licensed hours within policy, and the activities and services referred to in the operating plan, are appropriate for this type of operation. I am satisfied that the applicant has given due consideration to the licensing objectives and have no cause to object to the grant of a premises licence.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

## **7.0 Conditions**

### **7.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **7.2 Local conditions**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- (a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- (c) Notwithstanding conditions (a) and special condition (1) children must not sit or remain at the bar counter at any time.
- (h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- (l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.
- (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 hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour 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.

### **7.3 Special conditions**

The Board may wish to consider attaching the following special condition(s):

- (1) At any time when alcohol is available for sale on the premises and whilst in any room with a bar counter, all children must be in the company of, or supervised by an appropriate responsible adult.

- (2) All alcoholic and non-alcoholic drinks for consumption within the outdoor area shall only be sold and served in cans or in plastic or polycarbonate containers.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras. 7.2 and 7.3 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/611

Date: 11 July 2017

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