

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.4
Report No	HLB/024/18

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

Wick and District Seaforth Highlander Club, 60 Dempster Street, Wick

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Wick and District Seaforth Highlander Club.

1.0 Description of premises

1.1 The premises are a two storey members club with bar and associated facilities on the ground floor and a lounge bar and function room on the first floor.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend the description of the premises to show that the Club will not operate as a club in terms of the Licensing (Clubs) (Scotland) Regulations 2007.
- (2) Appoint a premises manager

3.0 Background

- 3.1 On 12 February 2018 the Licensing Board received an application for a major variation of a premises licence from Wick and District Seaforth Highlander Club.
- 3.2 The application was publicised during the period 16 February to 9 March 2018 and confirmation that the site notice was displayed is awaited.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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

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 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.
- 4.2 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.
 - 4.3 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.
 - 4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (1) Wick and District Seaforth Highland Club is a long-established, members club.
- (2) In order to maximise the opportunities for use of the premises the Club wishes to cease to operate as a club in terms of the Licensing (Scotland) Act 2005 and the Licensing (Clubs) (Scotland) Regulations 2007 so as to permit members of the general public to be able to consume alcohol on the premises otherwise than as a guest of a member when availing themselves of the services and activities available on the premises. The principal use of the premises will, however, remain as a members club operated in accordance with its constitution for the benefit of its members.
- (3) If the premises cease to be a members club in terms of the Act they will cease to be exempt from any overprovision assessment, must provide information as to the premises manager and must pay any increased fees for the appropriate premises category. In addition the premises would not qualify to operate a Club Gaming Machine in terms of the Gambling Act 2005 although lower category machines are permitted as for other like licensed premises.
- (4) The proposed variation should not conflict with any of the licensing objectives and I have no cause to object to the grant of the variation.

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

Existing local conditions will continue to apply and no additional local 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/CSR/1443
Date: 13 March 2018
Author: G Sutherland