

The Highland Licensing Board

Meeting – 11 June 2013

Agenda Item	8.1
Report No	HLB/071/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Dragon's Tooth Golf Club, Glenachulish, Ballachulish, PH49 4JX

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence in respect of the Dragons Tooth Golf Club, Glenachulish, Ballachulish, PH49 4JX.

1.0 Description of Premises

The Dragon's Tooth Golf Club is situated within the grounds of a nine-hole Golf Course located on the loch-side at Ballachulish, south of Fort William. The premises consists of a lounge area referred to as the Ivy Room which contains a bar counter. Customer toilets and reception area are located at the entrance to the premises.

1.1 Current Core Operating Hours

The premises currently enjoys the following operating hours:

On-Sale:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1230 hours to 2300 hours

2.0 Summary of Variation Application

2.1 Variation Sought

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

1. Increase terminal hour Monday to Saturday from 2300 hours to 0100 hours and Sunday from 2300 hours to 2400 hours;
2. Increase opening hour on Sunday from 1230 hours to 1200 hours;
3. Additional activities within Operating Plan to include conference facilities; films and outdoor drinking facilities;
4. Additional activities within Operating Plan, prior to core opening hours, to include receptions, club or other group meetings, music and live performances;

5. To update children's policy;
6. To increase capacity from 24 persons to 30 persons due to conservative figure initially applied for;
7. Updated layout plan to reflect alterations within premises and outdoor drinking area.

3.0 Background

- 3.1 On 30 April 2013 the Licensing Board received an application for a major variation of a Premises Licence from Ossian Developments Limited.
- 3.2 The application was publicised during the period 8 May 2013 until 29 May 2013 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Northern Constabulary, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning, Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.4 No objections or representations have been received in respect of the application.

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, if 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 (i) 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 over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses 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.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- the increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- the premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- the children's policy is considered suitable for the operation of the premises;
- the layout plan submitted complies with the required specifications;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) 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

It is recommended that the following additional local condition(s) be attached:

- E: Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

Recommendation

The Board is invited to determine the above application and give consideration to:

- (i) If the Board are minded to grant the application as outlined at para. 2.1, in addition to the Mandatory Conditions, consideration be given to attaching an additional Local Condition referred to at para. 7.2.
- (ii) If the Board are 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.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0332

Date: 29 May 2013

Author: AHM/JT

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