

The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.5
Report No	HLB/130/13

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

**Torvean Golf Club, Glenurquhart Road, Inverness IV3 8JN
Report by the Clerk to the Licensing Board**

Summary

REF: HC/INBS/289

This Report relates to an application for a Major Variation of Premises Licence.

Premises: Torvean Golf Club, Glenurquhart Road, Inverness IV3 8JN

Applicant: Torvean Golf Club, Glenurquhart Road, Inverness IV3 8JN per James Spence, agent.

1.0 Description of Premises

The premises are the Club House of Torvean Golf Club. It comprises changing facilities, a small office, Restaurant and Bar Area which lead to an external decking area. The restaurant accommodates 50 seated diners or 80 standing. A bar menu is available at certain times through the day. There is a small external decking area which is generally used as a smoking area.

1.1 Current Core Operating Hours

On Sales:

Mon – Sat 11.00 to 23.00 hrs

Sunday 12.00 to 23.00 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

1. Extended core hours for on sales Monday to Sunday to 01.00hrs.
2. On sales opening Sunday from 11.00 hrs
3. Addition of Off Sales Monday to Sunday 10.00 hrs to 22.00 hrs
4. Removal of the current seasonal variation from licence.

3.0 Background

- 3.1 On 17 September 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant, Torvean Golf Club, Glenurquhart Road, Inverness.

3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (23 September to 14 October 2013). Confirmation of site notice has been received.

3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

A notice of the application has been sent to and all the people listed under S21(1) of the Act.

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

4 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 power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

5.0 Licensing Standards Officer's Comments

Torvean Golf Club has enjoyed a trouble free operating history under both the 1976 and 2005 Licensing Acts. Compliance checks carried out by the LSO have shown a high degree of compliance and a sound knowledge of the Licensing legislation by the Club Officers.

For some years the Premises have operated fairly conservative evening hours, applying for extended hours Licences when Club functions and occasions require. This has become a fairly widely used practice with costs now outweighing the costs involved in applying for a variation.

Previous Extended Hours Licences have all been discharged without any complaint or incident.

The hours applied for are within the Board's new policy adopted by the Board on 1 October, 2013.

The Club has asked for a differential in the times between On and Off Sales which is to facilitate the purchase of miniatures bearing the Clubs name which are popular with visitors and guests.

The LSO is of the opinion that should the Board be minded to grant this application there would be no adverse effect in respect of 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 combined Equality Scheme

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 conditions are viewed by the LSO as sufficient to meet the Licensing Objectives.

Recommendation

The Board is invited to determine the above application, noting that the application is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1/12/13 to 30/11/2016.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/289

Date: 20 September, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form. Licensing Board Policy Statement from 1 October 2013 to 30 November 2016.