

The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.6
Report No	HLB/131/13

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

Fairways

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/ 301

This Report relates to an application for a major variation of Premises Licence.

Premises: Fairways, Castle Heather, Inverness, IV26 6AA

Applicant: Fairways Leisure Group Ltd, Castle Heather, Inverness, IV2 6AA per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ

1.0 Description of Premises

The premises are licensed as a Restaurant, Lounge Bar, Sports Bar, Conference/Function Suite with a Children's Play Area, Outside Drinking Area, Driving Range, Practice Area, Golf Shop, 18 Hole Golf Course, 9 Hole Golf Course, Petanque Piste, Customer Car Park.

1.1 Current Core Operating Hours

On Sales:

Mon – Sat 11.00 hrs to 01.00 hrs

Sunday 12.00 hrs to 24.00 hrs

Off Sales:

Mon – Sat 11.00 hrs to 22.00 hrs

Sunday 12.00 hrs to 22.00 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

1. Variation to On Sales Hours: Sunday 11.00 hrs to 01.00 hrs

2. Variation to Off Sales Hours: Sunday from 11.00 hrs.

3. Amend seasonal variations wording to include reference to other periods of extended hours which may be offered by the Board.

3.0 Background

3.1 On 23 September 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Lorna Murray, Solicitor, 45 Culduthel 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 (30 September 2013 to 21 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.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections 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 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

The Premises have a trouble free Operating history.

The Premises are very much a Club House for a local golf course with a busy restaurant. The Premises are situated in a small estate of business premises and no threat would be posed to the Licensing objectives in the opinion of the LSO should the Board be minded to approve the grant.

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

The Applicant also seeks to include a Seasonal Variation within the Operating Plan to allow extended hours in periods allowed by the Board such as festive extensions without the need for individual applications. This is a popular and much used feature in many similar Operating Plans. The Applicant is accepting of the local condition requiring notification of the days on which the extended hours are to be utilised.

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 to apply.

7.3 Specific Condition

The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1st 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 Festive 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.

Recommendation

The Board is invited to determine the above application. The Board is invited to determine the above application, noting that the application for variation 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.

Signature:

Designation: Clerk to the Licensing Board

Reference: HC/INBS/301

Date: 20 September, 2013

Author: Wendy Grosvenor

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