

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.14
Report No	HLB/106/14

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

Wick Golf Club, Reiss Links, Wick

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence for Wick Golf Club, Reiss Links, Wick.

1.0 Description of Premises

1.1 Wick Golf Club is a members club and was granted a premises licence, on transition, on 1 September 2009.

1.2 Current Core Operating Hours

On Sales:

Wednesday	1200 hrs to 2300 hrs
Thursday	1100 hrs to 2200 hrs
Friday	1100 hrs to 0100 hrs
Saturday	1000 hrs to 2345 hrs
Sunday	1000 hrs to 2300 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (a) Add on-sales hours on Monday and Tuesday 1200 hrs to 2200 hrs
- (b) Extend on-sales on a Thursday to terminate at 2300 hrs
- (c) Extend on-sales hours on a Saturday to terminate at 0100 hrs the following day
- (d) Add off-sales as a service with hours, Monday to Sunday 1000 hrs to 2200 hrs.
- (e) To the list of services and activities to be carried on outwith core hours add bar meals, club meetings, music and live performances
- (f) Add gaming as an activity during core hours

- (g) Remove local condition (e) restricting use of the outdoor drinking area after 2100 hrs.

3.0 Background

- 3.1 On 17 June 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, Wick Golf Club.
- 3.2 The application was publicised during the period 30 June to 21 July 2014.
- 3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards were consulted on the application.
- 3.4 Notification and a copy of the application were also sent to NHS Highland and to the local Community Council.
- 3.5 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 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.
 - 4.3 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 objection in question.

5.0 Licensing Standards Officer's Comments

- 5.1** Following a review of its operating plan the Club now wishes to extend its licensed hours and amend the list of activities to be carried out during and outwith its core hours.
- 5.2** The licensed hours applied for are wholly within Board policy other than on a Saturday when the licensed hours would cover a continuous period of 15 hours as a consequence of its historical 1000 hrs commencement of licensed hours on that day.
- 5.3** Board policy refers explicitly to a presumption against granting on-sales licensed hours for a continuous period of more than 14 hours in respect of food-led and late opening premises. While this Club does not fall within either category it should also be noted that only rarely would it operate for its full complement of hours which are very much dependant on seasonal and weather-related demand.
- 5.4** The addition of the various services and activities to the operating plan are reasonable and appropriate for these premises.
- 5.5** There are no neighbouring residential properties and removal of the restriction on the use of the outdoor drinking area would not have an adverse effect on any of the licensing objectives.
- 5.6** Off-sales hours from 1000 hrs daily are also sought in response to some demand from golfers. Such sales can only take place when appropriate staff member is on the premises. Off-sales will be dispensed from the stock room and no capacity is specified.

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

Remove condition (e) relating to the outdoor drinking area but retain existing conditions (a), (b) and (c).

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board
Reference: HC/CSER/1444
Date: 29 July 2014
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005