

**The Highland Licensing Board**

**Meeting – 11 December 2014**

Agenda Item	<b>9.4</b>
Report No	<b>HLB/153/14</b>

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

**Golspie Golf Club, Ferry Road, Golspie, KW10 6ST**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of Premises Licence by Golspie Golf Club.

**1.0 Description of Premises**

1.1 Golspie Golf Club House is situated on Golspie Links and Golf Course at Ferry Road. The club house contains shop premises, ladies and gents locker rooms each with a toilet and shower facilities all on the lower floor. Staircases to the upper floor afford access to lounge, lounge bar, restaurant area and kitchen together with additional ladies, gents and disabled toilet accommodation.

**2.0 Current Operating Hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Thursday: 1100 hours to 2300 hours  
Friday: 1100 hours to 0100 hours the following day  
Saturday: 1100 hours to 2345 hours  
Sunday: 1200 hours to 2300 hours

**Off sales:**

Monday to Saturday: 1000 hours to 2200 hours  
Sunday: 1230 hours to 2200 hours

### **3.0 Summary of Variation Application**

#### **3.1 Variation Sought**

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

- (1) Remove local condition (e) – restriction on use of outdoor drinking area.
- (2) Increase on-sales licensed hours Monday to Thursday, Saturday and Sunday to terminate at 0100 hours the following day. Increase on and off sales hours on a Sunday to commence at 1100 hours.
- (3) Add seasonal variation to take advantage of any period of extended hours granted by the Board over the festive period.
- (4) To list of activities and services to be provided, add gaming, charity and fundraising events, race nights, cookery demonstrations and tastings, service of drinks to golfers on the course and that from time to time a marquee may be erected for functions and competitions.
- (5) Amend times of entry for children to read “at all times subject to terms of entry” and amend parts of the premises to read “Children and young persons are welcome in all public parts of the premises but not sit at or remain in the vicinity of the bar counter”.
- (6) Increase the licensed area to include the golf course.
- (7) Amend description of premises to show that the Club will not operate as a club in terms of the Licensing (Scotland) Act 2005.

#### **4.0 Background**

- 4.1 On 29 October 2014 the Licensing Board received an application for a major variation of a Premises Licence from Golspie Golf Club.
- 4.2 The application was publicised during the period 31 October 2014 until 21 November 2014 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council’s Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

- 4.6 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://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

## **5.0 Legislation**

- 5.1 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. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.
- 5.2 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.

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.

## **6.0 Licensing Standards Officer**

- 6.1 The LSO has provided the following comments:-
- 6.2 Golspie Golf Club is a long established members club operating from a relatively modern clubhouse with excellent facilities.

- 6.3 In order to maximise the opportunities for use of the premises the Club wish to cease to operate as a Club in terms of the Licensing (Scotland) Act 2005 and 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 will, however, remain as a golf club operated in accordance with its constitution for the benefit of its members.
- 6.4 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. They will also no longer require to apply for an occasional licence to sell alcohol at events open to non-members.
- 6.5 The opportunity is also being taken to amend the operating plan for the premises including increasing licensed hours within Board policy, adding services and activities appropriate to the use of the premises and enlarging the licensed area to include the Golf Course itself to allow for services to be provided to golfers as and when required.
- 6.6 A condition on the current licence places a restriction on the use of the outdoor drinking area. There are no nearby residential properties and removal of that condition should not conflict with any licensing objective.
- 6.7 The current terms of entry for children and young persons is to be amended to allow entry to unaccompanied children and young persons to all public parts of the premises other than to the vicinity of the bar counter.
- 6.8 The proposed variations are in accordance with Board policy, are reasonable and appropriate for these premises and should not be in conflict with any of the licensing objectives.

## **7.0 HLB Local Policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory Conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

## 8.2 Local Conditions

Subject to approval of this variation, remove conditions (e) and (g) relating to the outdoor drinking area, retain remaining local conditions and it is recommended that the following additional local and special conditions be attached:

q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 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 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.

## 8.3 Special Conditions

Late Opening Premises.

The following shall apply on any occasion that the premises are open after 0100 hrs.

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs; and

2. A designated person who is the holder of a personal licence must be present on the premises from 2100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s) 8.2 and 8.3 above.

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/CSER/1298

Date: 25 November 2014

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