

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	10.1
Report No	HLB/115/16

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Alness Golf Club, Ardross Road, Alness

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a premises licence by Alness Golf Club.

1.0 Description of premises

1.1 The premises are a members club but propose to no longer wish to operate as such. The premises is a single storey detached building containing a function suite and lounge bar, professional shop and associated facilities.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday:	1100 hrs to 2400 hrs
Friday	1100 hrs to 0100 hrs
Saturday:	1100 hrs to 2400 hrs
Sunday:	1000 hrs to 2300 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Increase on-sales licensed hours Monday to Thursday and Saturday and Sunday to terminate at 0100 hrs the following day and, on a Saturday to commence at 1000 hrs.
- (2) Add off-sales with hours of 1100 hrs to 2200 hrs Monday to Friday and 1000 hrs to 2200 hrs on Saturday and Sunday.
- (3) Add a seasonal variation to take advantage of any extended hours approved by the Board over the festive period.

- (4) To the list of activities and services to be provided during and outwith core hours add restaurant facilities, receptions, music and dance and that the premises may be open prior to commencement of licensed hours and remove gaming outwith core hours.
- (5) To other activities and services during and outwith core hours add charity and fundraising events and fitness training.
- (6) Amend children and young persons' policy in accordance with Board policy.
- (7) Amend the description of the 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 24 October 2016 the Licensing Board received an application for a major variation of a premises licence from Alness Golf Club.
- 4.2 The application was publicised during the period 28 October until 18 November 2016 and confirmation that the site notice was displayed is awaited.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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://highland.gov.uk/hlb_hearings

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 Alness Golf Club is a long established members club operating from a relatively modern clubhouse situated adjacent to the golf course on the outskirts of Alness.

6.3 In order to maximise the opportunities for use of the premises the Club wishes 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 members 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. In addition the premises would not qualify to operate a Club Gaming Machine in terms of the Gambling Act 2005 although lower category machines are permitted as for other like licensed premises. They would also no longer require to make application for an occasional licence to sell alcohol at events which are 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 and adding services and activities appropriate to the use of the premises.

- 6.6 The club currently has on-sales licensed hours on a Sunday commencing at 1000 hrs to accommodate early tee times during, particularly, the busy summer months and for competitions. Such an opening time was agreed by the former Caithness, Sutherland and Easter Ross Divisional Licensing Board in accordance with their policy for golf clubs.
- 6.7 The Club now seeks an on-sales commencement hour of 1000 hrs on a Saturday for similar reasons. Such an increase in both commencement and terminal hours on a Saturday and the increase of hours on a Sunday to terminate at 0100 hrs the following day would result in sales of alcohol being permitted for a period of 15 hours.
- 6.8 Board policy for food-led operations will permit early opening provided that on any one day the terminal hour is such that the continuous period during which alcohol may be sold does not exceed 14 hours. There has previously been discussion by The Board on continuous periods exceeding 14 hours and the policy has not been applied in respect of so-called hybrid premises.
- 6.9 At least 2 other golf clubs in the former CSER Board area have unconditioned earlier opening at weekends but none is open for in excess of 14 hours on those days.
- 6.10 Food would be available on the premises prior to 1100 hrs at least on the days when earlier opening is sought. If the Board was minded to grant the earlier opening hour on a Saturday a special local condition may be imposed and it may then be appropriate to impose a similar condition on any Sunday.
- 6.11 In respect of the amended terms of entry for children and young persons it will now be club policy that unaccompanied children and young persons may be permitted on the premises until 2000 hrs but only accompanied children will be permitted within lounge bar/function suite at any time. Children will not be permitted on the premises after 2200 hrs unless accompanied by an adult and having a meal, or attending a function or viewing live entertainment.
- 6.12 The premises are not required to state a capacity for off-sales but all off-sales will be sourced from stock behind the bar counter.
- 6.13 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 2013-18
- (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

8.3 Existing local conditions will apply and it is recommended that the following additional local conditions be attached together with the special conditions identified at paragraph 8.4 below:-

If the Board is minded to grant opening hours from 1000 hrs on a Saturday it may be appropriate to impose the following condition which would also apply in respect of the existing licensed hours on a Sunday.

f(1). Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises

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.

8.4 Special Conditions

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 and special conditions detailed at para 8.3 and 8.4 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/CSR/1408

Date: 22 November 2016

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