

The Highland Licensing Board

Meeting – 6 January 2016

Agenda Item	9.1
Report No	HLB/008/17

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

Grantown-on-Spey Golf Club, The Clubhouse, Golf Course Road, Grantown-on-Spey

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Grantown on Spey Golf Club, Golf Course Road, Grantown-on-Spey, PH26 2HY.

1.0 Description of premises

1.1 Grantown on Spey Golf Club is a single storey building, comprising a lounge area with bar, dining area and ladies and gents locker rooms. The entire course is included in the licensed area which is situated on the outskirts of the town of Grantown on Spey.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Amend description to allow members of the public access to read:

“Grantown on Spey Golf Club is a single storey building comprising a lounge area and ladies and gentlemen locker rooms with toilet facilities. Ostensibly the premises operate as a members club but the premises can be made available for use by the public and not operate as a members club and in particular, alcohol may be supplied otherwise than to club members and their guests. The entire course is included in the licensed area, as to allow flexibility for alcohol trailers to sponsor events of particular holes. A tee hut facility is situated at the 7th tee and may on occasions, be used to dispense refreshments inclusive of alcohol”.

(2) Include the entirety of the golf course within the licensed area to allow temporary bar facilities for competitions and the like for players.

(3) Amend seasonal variations to allow ability to operate festive extensions.

(4) Add 'take away' meals to section 5(f).

(5) Add the activity of 'gaming' to section 5 of the operating plan to all charity 'race' or 'casino nights'.

(6) Add outdoor drinking facilities.

(7) Amend capacity of club house to 120.

(8) Change the text of Children's Policy to read:

"6(b) Children will be permitted within the licensed area of the club house unaccompanied until 2100 hrs after which, they will require to be accompanied by an adult. Young persons will be entitled to be within the licensed area without the need for adult supervision throughout core hours.

6(c) Children of any age will be welcome in the club premises. Very young children will require to be supervised by an adult. Children and young persons who are junior members will be permitted under the terms stated at 6(b) above.

6(d) Children and young persons will be permitted access throughout core hours under the terms stated at 6(b) above.

6(e) Children and young persons will be permitted to be in all public areas of the club, except the staff areas and store rooms. They will not be permitted to remain at the bar counter following service."

3.0 Background

3.1 On 31 October 2016 the Licensing Board received an application for a major variation of a Premises Licence from Grantown on Spey Golf Club.

3.2 The application was publicised during the period 7 November until 28 November 2016 and confirmation that the site notice was displayed has been received.

3.3 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.

3.4 Notification of the application was also sent to NHS Highland and the local Community Council.

3.5 Further to this publication and consultation process, no timeous objections or representations have been received.

- 3.6 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

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, 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.
- 4.2 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.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-

(i) Grantown on Spey Golf Club is currently a licensed private members club which has operated successfully under the Licensing (Scotland) Acts of 1976 and latterly 2005.

(ii) Several inspection visits have been carried out by the LSO, which have shown the club to be well run and fully compliant with its licensing requirements.

(iii) Due to falling revenues and declining membership advice has been sought from the LSO in respect of altering the traditional status of the club, to enable it to seek and generate more business while at the same time, preserving its sound operating history.

(iv) As such, a major variation application has been submitted, which will see the club ostensibly remain as a club primarily for its membership, but will also allow members of the public to be admitted, without having to be sponsored by a member or under the authority of an occasional licence. Previous examples of this have already been licensed in this manner within the Highland Licensing Board's area and are operating successfully. The club's description in the context of the licence, has been altered to reflect this change.

(v) The actual licensed foot print of the premises is also requested to be changed, in order to include the entirety of the golf course. This will allow the club the facility to get competitions sponsored by drinks suppliers at certain holes, and also allow the tea hut at the 7th green, to stock a small range of alcohol for dispensing to players.

(vi) A seasonal variation has been built into the operating plan, allowing the premises to take advantage of any periods of extended hours operated by the Highland Licensing Board such as the festive season.

(vii) The activity section of the operating plan has been amended, to now include "gaming" which will cover the operation of charity bingo evenings and "race nights." Take away meals have been included as an additional item at section 5(f). This is a popular feature of the existing catering operation and is regularly used by non-members.

(viii) Lastly, the capacity of the premises has been amended to 120.

(ix) No objections or representations have been received following the public consultation phase of this application. It is the view of the LSO that the variation proposed is in keeping with the principles of the five licensing objectives.

(x) Existing local conditions will continue to apply.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) 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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

- (1) 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. (Licensing Objective 2).
- (2) On any occasions when the premises are permitted to open after 0100 hours the following conditions shall apply:
 - (i) A person trained to the satisfaction of the licensing board in administering first aid must be present on the premises from 0100 hours. (mandatory condition).
 - (ii) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (local condition) (licensing objectives 1 and 2).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para 7.3 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/INBS/304

Date: 30 November 2016

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