

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.1
Report No	HLB/059/17

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

Royal Dornoch Golf Club, Golf Road, Dornoch, IV25 3LW

Report by the Clerk to the Licensing Board

Summary

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

1.0 Description of premises

1.1 The premises are a members club designed for the purpose of providing golf members and invited guests with a family friendly environment in which alcohol, other refreshments and food items may be purchased and consumed during core licensed hours.

The Halfway House will provide golf members and invited guests the opportunity to purchase alcohol, other refreshments and food items during core licensed hours whilst playing golf on the championship course.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hrs to 0100 hrs
Sunday: 1200 hrs to 2400 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1200 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Amend on sales licensed hours on Monday to Sunday to commence at 1000 hrs and terminate at 2400 hrs.
- (2) Amend off sales licensed hours on Monday to Sunday to commence at 1000 hrs.

4.0 Background

- 4.1 On 30 March 2017 the Licensing Board received an application for a major variation of a premises licence from Royal Dornoch Golf Club.
- 4.2 The application was publicised during the period 7 April until 28 April 2017 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

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 Royal Dornoch Golf Club is the holder of a premises licence and operates in accordance with the terms of the Licensing (Clubs) (Scotland) Regulations 2007.
- 6.3 The club currently operates on-sales licensed hours of 1100 to 0100 hrs the following day Monday to Saturday and from 1200 hrs to 2400 hrs on a Sunday. Off-sales hours commence at 1100 hrs Monday to Saturday and from 1200 hrs on a Sunday terminating at 2200 hrs on each day.
- 6.4 Following a review of trading opportunities and demand for earlier tee times the applicant now seeks on and off-sales hours commencing earlier at 1000 hrs and, in respect of on-sales, to reduce the terminal hour to 2400 hrs on any day so as to remain aligned with Board policy that a continuous period during which alcohol may be sold does not exceed 14 hrs.
- 6.5 In order to accommodate early tee times the premises are open from early in the morning and restaurant facilities are available, subject to demand, prior to 1100 hrs daily and, in respect of the half-way house, food and other refreshments are also available prior to 1100 hrs.
- 6.6 Some other licensed golf clubs operate with a similar commencement time. While the premises do not operate primarily as food-led premises the sale of alcohol is ancillary to its operation as a club house for members and a commencement hour of 1000 hrs would not appear to prejudice any of the licensing objectives.

6.7 I have no cause to object to the grant of this variation application subject to the undernoted additional condition.

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
- (3) Highland Licensing Board Policy Hours

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

Retain existing local condition and add the following:-

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.
(Licensing Objective 4 – Protecting and improving public health)

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local condition detailed at paragraph 8.2 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/1088

Date: 2 May 2017

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