

**The Highland Licensing Board**

**Meeting – 5 December 2017**

Agenda Item	<b>10.1</b>
Report No	<b>HLB/135/17</b>

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

**Inverness Golf Club, Culcabock Road, Inverness, IV2 3XQ**

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

**Summary**

This report relates to an application for a major variation of premises licence by Inverness Golf Club, Culcabock Road, Inverness, IV2 3XQ.

**1.0 Description of premises**

1.1 Members' Golf Club. A non-profit making body dedicated to the supply of sporting facilities/services for playing the game of golf and other recreational facilities. Modern clubhouse with two bar areas.

**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  
Saturday: 1100 hours to 2345 hours  
Sunday: 1100 hours to 2300 hours

**Off sales:**

Monday to Saturday: 1100 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) On sales terminal hour on Saturday to be increased to 0100 hours rather than 2345 hours.

(2) On sales terminal hour on Sunday to be increased to 0100 hours rather than 2300 hours.

#### **4.0 Background**

- 4.1 On 26 September 2017 the Licensing Board received an application for a major variation of a premises licence from Inverness Golf Club, Culcabock Road, Inverness, IV2 3XQ.
- 4.2 The application was publicised during the period 2 October until 23 October 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://highland.gov.uk/hlb\\_hearings](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. that 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 the same or similar description as the subject premises, 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:-

(i) The premises concerned are a private members club situated in the Culcabock area of Inverness. The premises have a sound operating history and licensing compliance checks carried out by the LSO have shown the premises to be well run and diligent in ensuring compliance with the Licensing (Scotland) Act 2005.

(ii) An application has been lodged in order to extend the terminal hour for on sales at the premises until 0100 hrs on Saturday's and Sunday's. Such an extension of hours is permitted under the current policy hours of the Highland Licensing Board.

(iii) Whilst the premises are within a residential area of Inverness, they do have a detached building within their own grounds. The track record of operation is that there have never been any complaints of noise or other forms of antisocial behaviour.

(iv) The LSO is of the opinion, that should the Board be minded to grant the application, there will be no adverse effect on the licensing objectives.

(v) The existing local licensing conditions are regarded as adequate by the LSO in order to support 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

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

## 8.3 Special conditions

No special conditions are considered necessary.

### **Recommendation**

The Board is invited to determine the above application.

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/430

Date: 2 November 2017

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