

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.13
Report No	HLB/033/18

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

Boat of Garten Golf and Tennis Club, Nethybridge Road, Boat of Garten, PH24 3BQ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Boat of Garten Golf and Tennis Club, Nethybridge Road, Boat of Garten, PH24 3BQ.

1.0 Description of premises

1.1 The Golf and Tennis Club is situated on the edge of Boat of Garten village and comprises an 18-hole golf course and 2 tennis courts. The licence is to be changed from a private members club to an open licence to permit members of the public entry to the restaurant and bar.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to 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. The licence is to be changed from a Private Members Club to an Open Licence. This is to permit members of the public to use the clubhouse restaurant and bar facilities. In addition we are looking to change the Licence

operating area from its existing clubhouse and patio area to include the whole of the golf course. This will allow a refreshment unit at the 10th green (currently used for tea and coffee) where alcohol may be sold to golfers during a round.

2. To bring the entire golf course within the Licensing footprint of the Club.

3. Extend terminal on sales hour on Friday and Saturday to 0100 hours.

4. Off Sales to commence at 11.00 hours on Sunday.

5. Additional detail for description to read: "A refreshment unit at the 10th green is to be licensed to provide refreshment which may include the provision of alcohol.

The entire course is to be licensed so as to allow corporate sponsorship of holes during competition by alcohol providers."

6. Amendment to Section 6(d) of Children and Young Persons Policy to read: "Children aged 12 and above will be permitted in the Clubhouse unaccompanied until 2100 hours after which, they will require to be accompanied by an adult.

Children under 12 require to be supervised within the Clubhouse 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 allowed 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 staff areas and store rooms. They will not be permitted to remain at the bar counter after service."

4.0 Background

4.1 On 13 February 2018 the Licensing Board received an application for a major variation of a premises licence from Boat of Garten Golf and Tennis Club.

4.2 The application was publicised during the period 16 February until 9 March 2018 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

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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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) At present Boat of Garten Golf Club is a long established golf club in the Spey valley, which has operated successfully under the authority of a private members club. The licensing history of the premises is without complaint and compliance visits carried out by the LSO, have shown strong levels of compliance.

(ii) Application has been made by the club to broaden their ability to sell alcohol to the public, in line with several other private members clubs who are struggling in the current economic climate to exist solely on on-sales to dwindling memberships.

(iii) The application seeks to set aside the status of a private members club to allow general access to the public to use the extensive bar and restaurant facilities. The venue is popular among local residents and holiday makers as a lunch venue, and this change will allow such persons to be able to enjoy alcohol with their meals. In addition, extension has been made to the existing footprint of the premises licence, to bring the entirety of the golf course under the premises licence. This will allow a refreshment unit, staffed seasonally at the 10th green, to offer the golfers the facility of purchasing an alcoholic drink in addition to foodstuffs and non-alcoholic beverages. It will also allow corporate sponsorship of various holes, by local drinks retailers such as distilleries, under the authority of the premises licence.

(iv) The hours of sales within the licence are requested to be extended to 0100 hrs on Friday and Saturday evenings. Off sales will be allowed to be purchased from 1100 hrs on Sundays to be commensurate with on sales. These times are within the policy hours of the Highland Licensing Board and the LSO envisages no threat to the licensing objectives if the Board found favour with the application.

(v) Lastly, amendment has been made to the children's policy to create a suitable threshold at 12 years, where unaccompanied children may enter the clubhouse for food and soft beverages unaccompanied until 2100 hrs.

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 it is recommended that the following additional local condition(s) be attached:

- (a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of

taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises, being a part to or from which, there is no other convenient means of access or egress.

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 local condition detailed at para. 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/INBS/405
Date: 12 March 2018
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