

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	8.10
Report No	HLB/052/18

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

Ullapool Golf Club, North Road, Ullapool

Report by the Clerk to the Licensing Board

Summary

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

1.0 Description of premises

1.1 Ullapool Golf Club is situated in a single storey building on the outskirts of Ullapool. It is a long established members club and was granted a premises licence at transition on 1 September 2009.

2.0 Summary of variation application

2.1 Variation sought

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

1. 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 and Licensing (Clubs) (Scotland) Regulations 2007
2. Increase on-sales licensed hours on Wednesday, Friday, Saturday and Sunday to commence at 1000 hrs
3. Add off-sales licensed hours on Monday, Tuesday and Thursday to commence at 1100 hrs and on Wednesday, Friday, Saturday and Sunday to commence at 1000 hrs
4. To the list of activities and services to be provided during and outwith core hours add conferences, bar meals, club meetings, music, live performances, dance, indoor and outdoor sports and outdoor drinking area.
5. To list of additional activities during and outwith core hours add charity and fundraising events.
6. Amend policy for children and young persons in accordance with Board policy.
7. Appoint premises manager.

3.0 Background

- 3.1 On 8 March 2018 the Licensing Board received an application for a major variation of a premises licence from Ullapool Golf Club.
- 3.2 The application was publicised during the period 29 March to 19 April 2018 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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.
- 4.2 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.

4.3 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.

4.4 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.

4.5 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:-

Ullapool Golf Club is a long-established, members' golf club.

In order to maximise the opportunities for use of the premises the club has leased out operation of the catering and refreshment facilities to a third party and wishes to cease to operate as a club in terms of the Licensing (Scotland) Act 2005 and the Licensing (Clubs) (Scotland) Regulations 2007. Members of the general public will 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 of the premises will, however, remain as a members club operated in accordance with its constitution for the benefit of its members.

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.

The applicant has identified a demand for early tee times on certain days of the week and early on-sales licensed hours commencing at 1000 hrs Wednesday, Friday, Saturday and Sunday are sought. Alcohol for on-consumption between 1000 and 1100 hrs will only be sold or supplied to persons having food on the premises and mainly to golfers having completed an early round of golf.

The applicant has also noted a demand from some golfers for off-sales to allow them to take refreshments onto the course and permission for off-sales has been requested.

The additional activities and services listed in this application are reasonable and appropriate for this type of premises and operation. The wording of the current terms of entry for children and young persons is amended for clarity and remains in accordance with Board policy.

I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of the application.

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

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

Recommendation

The Board is invited to determine the above application and if minded to grant the application and agree the proposed additional local detailed at para 7.2 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/CSR/0718

Date: 1 May 2018

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