

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.6
Report No	HLB/068/18

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

Fort Augustus Golf Club, Market Hill, Fort Augustus, PH32 4DS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Fort Augustus Golf Club, Market Hill, Fort Augustus, PH32 4DS.

1.0 Description of premises

1.1 Fort Augustus golf club house is a single storey building, situated on the golf course within the village of Fort Augustus.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Terminal hour on Friday and Saturday to be amended to 0100 hrs rather than 2400 hrs.

(2) Sunday on sales to commence at 1100 hrs.

(3) Off sales applied from Monday to Sunday 1100 hours to 2200 hours.

(4) Section 6(d) of children's policy to read: "Children and young persons will be allowed access to the premises at all times they are open, under terms of Section 6(b).

4.0 Background

- 4.1 On 11 May 2018 the Licensing Board received an application for a major variation of a premises licence from Fort Augustus Golf Club.
- 4.2 The application was publicised during the period 18 May until 8 June 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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) Fort Augustus Golf Club is situated on land at the southern end of Fort Augustus village. It comprises of a small club house with lounge and servery area, the status of the club is a private members club.

The club offers membership both to adults and to juniors.

(ii) The club has held an alcohol licence since transition in 2009 and has had a trouble free operating history. Checks made by the LSO, have shown the club to be diligent in respect of their alcohol licensing compliance.

(iii) Application has now been made in order to modernise the club's licence and allow for more pro-active use of the club's facilities. The terminal hour on a Friday and Saturday night is requested to be extended to 0100 hours. This will allow capacity for fundraising functions and also the club's ability to use its quota of occasional licences for outside functions, to generate income. Sunday on sales are requested to commence from 1100 hours.

(iv) The club also request the facility to provide off sales from Monday to Sunday on an 1100 hours to 2200 hours basis. Such sales will be small, and can cover souvenir whisky miniatures, etc.

(v) The children's policy is requested to be expanded allowing children and young persons to be on the premises at all times, provided either they are a member of the club or are under the supervision of a club member at all times the premises are open. As the club has a number of junior members, the LSO finds this change in accordance with the fifth licensing objective.

(vi) The club is situated on land well removed from nearby property. It is the opinion of the LSO that, the variation application is in keeping with the licensing objectives.

(vii) Following the public consultation phase of this application no objections or representations have been received.

(viii) No local licensing conditions are recommended.

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

There are no existing local conditions and it is not considered necessary to attach any.

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/467

Date: 12 June 2018

Author: Marjory Bain