

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	7.2
Report No	HLB/043/19

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Kings Golf Club, General Booth Road, Inverness, IV3 8JH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Kings Golf Club, General Booth Road, Inverness, IV3 8JH.

1.0 Description of premises

1.1 The Kings Golf Club is situated on the outskirts of the city adjacent to the former Torvean Golf Club and consists of a purpose built single storey building with pro-shop, office, changing facilities, restaurant/bar and separate junior golf room.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 20 March 2019 the Licensing Board received an application for the provisional grant of a premises licence from Kings Golf Club Inverness.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 1 April until 22 April 2019 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.

Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities 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, or
5. 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.

4.2 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.

4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) As a result of the development of the West Link road at Torvean, Inverness, the former Torvean Golf Club which had club house facilities with bar/lounge has had to move location to a new site adjacent to General Booth Road, Inverness. This will result in a new purpose built club house which will include bar/function and restaurant facilities.

(ii) A provisional premises licence has been submitted by the Club, which meets the principles of the 5 licensing objectives. The application is in line with the policy of the Highland Licensing Board.

The Club will continue to operate as a private members club. An outside drinking area is included within the licensed footprint of the premises, however, no conditions are attached relating to its use as the Club is sufficiently removed from other nearby residential property.

(iii) The necessary section 50 certificate relating to planning has accompanied the application.

(iv) The site notice has been displayed for the required period of 21 days. No objections or observations have been received.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

No local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (1) Where the Club revises its constitution or rules in the future, the Club must submit a copy of the revised constitution or rules to the Clerk of the Board within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.
- (2) Where there are any changes to the list of connected persons in relation to the Club, the Club must submit details of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons to the Clerk of the Board within 28 days of the changes to connected persons being approved by the Club's governing body.
- (3) Up to 5 visitors per member shall be permitted in the Club premises provided they are signed into the Club by that member into a book kept for that purpose by the Club. Such visitors must be bona fide guests of the member signing them in.
- (4) All promotional materials, including the use of social media must specify that events are open to members and guests only, unless an occasional licence is in force.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para. 7.3 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/640
Date: 29 April 2019
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