

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.8
Report No	HLB/040/21

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

Fortrose and Rosemarkie Golf Club, Ness Road East, Fortrose

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Fortrose and Rosemarkie Golf Club in respect of Fortrose and Rosemarkie Golf Club, Ness Road East, Fortrose.

1.0 Description of premises

1.1 The premises comprise the Clubhouse which has a bar, catering/restaurant facilities, changing facilities, shower facilities and golf. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently have the following operating hours:

On sales:

Monday to Sunday: 1100 hrs to 2400 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) amend the layout plan to include within the licensed area an outdoor drinking area, new building which incorporates art swing studio and other facilities, and off-sales display in the new building;
- 2) change premises description to take account of these changes;
- 3) redefine the children and young person's policy;

- 4) increase off sales hours on Sunday morning;
- 5) to activities provided add conference facilities during and outwith core hours and bar meals and club meetings outwith core hours, redefine paragraph relating to activities provided outwith core hours and detail other activities provided at the premises;
- 6) increase the on sales capacity from 100 to 180 and add off-sales capacity of 0.70m².

4.0 Background

- 4.1 On 24 March 2021 the Licensing Board received an application for a major variation of premises licence from Fortrose and Rosemarkie Golf Club.
- 4.2 The application was publicised during the period 29 March to 19 April 2021 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to attend a virtual hearing and/or submit a written representation to state their case.

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- a) Fortrose and Rosemarkie Golf Club is a Members Club situated on the coast of the Black Isle, this is a long established and well-run Club.
- b) The variation application is to vary the Operating Plan, Layout Plan and Description of Premises following extension of the premises and associated development of the Club facilities.
- c) The full description and detail of the variation is included in the application.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) I have no objection to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- m. After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 8.2.

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/1430

Date: 27 April 2021

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