

The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	8.4
Report No	HLB/071/21

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

Fort William Golf Club Clubhouse, Torlundy, Fort William, PH33 6SN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Fort William Golf Club, Torlundy, Fort William, PH33 6SN.

1.0 Description of premises

1.1 The Fort William Golf Club Clubhouse is located at Torlundy on the outskirts of Fort William adjacent to the A82 trunk road. The premises currently hold a premises licence which operates under the status of a private members club.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2300 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 2345 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:-

- Increase on-sale hours on as follows:
Sunday: 1100 to 0100 hours (previously 1230 to 2345 hours)
- Increase off-sale opening hours as follows:
Sunday: 1100 hours (previously 1230 hours)

- Add seasonal variation : “The premises may take advantage of any period of extended hours offered by the Highland Licensing Board during the festive and new year periods”.
- At Q.5 of the operating plan add the following activities outwith core hours: music and outdoor drinking.
- At Q. 5(f) add provision of take-away meals service.
- Change of name of premises from ‘Fort William Golf Club Clubhouse’ to ‘North Face Bar and Bistro’.
- Update description of premises to reflect change in operation of premises from a ‘Members only club’ to that of a Bar/Bistro, permitting entry to club members and also to the general public as follows:

“The North Face Bar and Bistro is a single storey building located adjacent to the Fort William Golf Course at Torlundy, Fort William. The premises consists of locker rooms, a lounge area (which accommodates a bar counter), kitchen and toilets. There is an outdoor decking area at the front of the premises.

During the day, the premises will principally operate as a licensed bistro/cafe for golf club members, locals and passing trade. The premises will also take occasional bookings for functions including parties/weddings/ceilidhs etc.

The bar counter within the lounge area of the premises will operate as such and be open to the members of the public as well as golf club members.

The premises offers off-sales and may on occasion offer the delivery of a takeaway meal service which may include the delivery of alcohol.”

- Appoint a new premises manager.

4.0 Background

- 4.1 On 28 June 2021 the Licensing Board received an application for a major variation of a premises licence from Fort William Golf Club.
- 4.2 The application was publicised during the period 28 June 2021 until 19 July 2021 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 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, both the applicant and the objector have been invited to 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.

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:-

- (1) Fort William Golf Club currently have an alcohol premises licence which operates under the status of a Private Members Club. The Licence has been in place since 2009. The operating history of the Club has been entirely satisfactory.
- (2) Due to current financial pressures an application is now lodged in order to vary the Premises Licence, by allowing non-members to access the premises to enjoy the full range of hospitality. The Club seeks to take advantage of its position just outside Fort William on the A82 to attract passing trade.
- (3) In addition, the Club is seeking to expand its operating hours to allow Sunday on sales from 1100 hrs until 0100 hrs, and Sunday off sales to commence from 1100 hrs.
- (4) Seasonal variations to allow extended festive hours are requested. Activities will now also cover the provision of music. The operating plan will also cover the provision of takeaway meals.
- (5) It is the view of the LSO that none of these additions will threaten the licensing objectives, all of which comply with the current policy of the Highland Licensing Board.
- (6) During the statutory consultation period in respect of this application no objections or representations have been received by the Board.

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

Existing local conditions will continue to apply and it is recommended that the following additional local condition(s) be attached:

- The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

8.3 Specific conditions

The Board may wish to consider attaching the following specific conditions:

1. During any period where the premises are permitted to remain open after 0100hrs a person who is the holder of a Scottish Personal Licence shall be on the premises from 0100hrs.
2. During any period where the premises are permitted to remain open after 0100hrs a person who is the holder of a First Aid Qualification shall be on the premises from 01.00hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 8.2 and 8.3 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/RSL/1460
Date: 20 July 2021
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