

The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	9.1
Report No	HLB035/22

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

Kings Golf Club, Balphadrig Road, Inverness, IV1 8AX

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Kings Golf Club, Balphadrig Road, Inverness, IV1 8AX.

1.0 Description of premises

1.1 The Kings Golf Course opened in 2019 (replacing the former Torvean Golf Course). It is a new 18 hole Championship Golf Course situated on the outskirts of Inverness, easily accessible via the A82 Fort William Road. The Golf Club also benefits from a clubhouse and restaurant facilities.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Extend footprint of licensed premises at front of clubhouse to include additional outdoor seating area for bar/restaurant.

(2) Increase capacity from 135 to 200 persons.

(3) Slight change to childrens policy to allow them access to extended area and children to be supervised by an adult.

3.0 Background

3.1 On 22 February 2022 the Licensing Board received an application for a major variation of a premises licence from King Golf Club, Inverness.

3.2 The application was publicised during the period 22 March until 12 April 2022 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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 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.

- 4.2 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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) The Kings Golf Club is a new golf course with clubhouse facilities at the Charleston area of Inverness. The premises are well managed and have been inspected by the LSO.

(ii) An application for a major variation has been submitted to extend the patio/outside drinking/dining area of the Club to create extra capacity; appropriately updated layout plans have accompanied the application.

(iii) It is the opinion of the LSO that this variation will not adversely affect the licensing objectives.

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

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

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

7.3 Special conditions

Existing special conditions will continue to apply and no additional 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/640

Date: 13 April 2022

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