

The Highland Licensing Board

Meeting – 20 June 2022

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| Agenda Item | 12.5 |
| Report No | HLB/059/22 |

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

Muir of Ord Golf Club, Great North Road, Muir of Ord

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Muir of Ord Golf Club in respect of Muir of Ord Golf Club, Great North Road, Muir of Ord.

1.0 Description of premises

1.1 A premises licence is held for the single storey golf clubhouse adjoining the golf course at the south end of Muir of Ord. The premises licence was granted on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

| | |
|----------------------|----------------------|
| Monday to Wednesday: | 1100 hrs to 2300 hrs |
| Thursday: | 1100 hrs to 2400 hrs |
| Friday: | 1100 hrs to 0100 hrs |
| Saturday: | 1100 hrs to 2300 hrs |
| Sunday: | 1100 hrs to 2300 hrs |

Off sales:

| | |
|---------------------|----------------------|
| Monday to Saturday: | 1000 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 for the addition of an outdoor drinking area;
2. increase the on sales capacity to include 30 for the outdoor area;

3. increase the on sales hours to terminate daily at 0100 hrs (already granted for Friday);
4. increase the off sales hours to commence at 1000 hrs on Sunday;
5. add outdoor drinking as an activity provided during core hours;
6. add takeaway food and alcohol as another activity provided;
7. redefine the children and young persons policy.

4.0 Background

- 4.1 On 13 April 2022 the Licensing Board received an application for a major variation of a premises licence from Muir of Ord Golf Club.
- 4.2 The application was publicised during the period 22 April to 13 May 2022 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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) The property known as Muir of Ord Golf Club is a Members Club on outskirts of Muir of Ord, Ross-shire.
- b) This application is to add activities to the Operating Plan and add Outdoor hospitality areas, primarily but also some general clarifying of activities as detailed.
- c) The premises have operated for many years without adverse comment.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The Children's and Young Persons policy is appropriate.
- 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

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

- 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 additional local condition detailed at para 8.2 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/CSR/1423

Date: 2 June 2022

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.