

## The Highland Licensing Board

Meeting – 9 January 2024

<b>Agenda Item</b>	7.2
<b>Report No</b>	HLB/06/24

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

Portmahomack Golf Club, Tarbatness Road, Portmahomack

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Portmahomack Golf Club in respect of Portmahomack Golf Club, Tarbatness Road, Portmahomack.

#### 1.0 Description of premises

1.1 These are club premises open only to members and their guests comprising main hall, gentlemen and ladies locker room, kitchen area, small bar and entrance hall/office. The premises licence was granted on 5 February 2013.

#### 2.0 Current operating hours

2.1 The premises currently has the following operating hours:

##### On sales:

Monday to Sunday: 1200 hrs to 2400 hrs

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- 1) amend the name of the licenceholder from Tarbat Golf Club to Portmahomack Golf Club;
- 2) premises to change from members only club to fully licensed premises, premises licence description amended to take account of this;
- 3) update explanation for services provided outwith core hours;
- 4) update children and young persons policy;
- 5) amend on sales capacity.

## **4.0 Background**

- 4.1 On 3 November 2023 the Licensing Board received an application for a major variation of a premises licence from Portmahomack Golf Club.
- 4.2 The application was publicised during the period 10 November to 1 December 2023 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 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](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 previously known as Portmahomack Golf Club is an established Members only Golf Club.
- b) The premises have operated for a number of years as a Members Club with no adverse comment and are now hoping to extend their alcohol provision to include members of the public.
- c) The application also seeks to extend the activities provided to be used now by the general public, update the Children and Young Persons Policy, and change the name of the premises licence holder to Portmahomack Golf Club, to align with the recent change of name of the premises.
- 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) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- g) During the period of public consultation, no objections were received.
- h) 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 2023-28
- (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 conditions to apply.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the 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/CSR/1648

Date: 12 December 2023

Author: G Sutherland

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