

The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	7.6
Report No	HLB/10/24

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

Woodlands Glencoe, Ballachulish, Argyll, PH49 4JX

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Ossian Developments Limited, Roshinish House, Old Ferry Brae, Ballachulish, Argyll, PH49 4JX.

1.0 Description of premises

1.1 "Woodlands Glencoe" is a 60 acre estate located in Glenachulish, south of Fort William. The premises consist of the Golf Clubhouse which comprises of a lounge area which contains a bar counter; kitchen; changing rooms; customer toilets and a reception area and 19 Lodges offering luxury self catering accommodation. Each Lodge includes an external dining area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 0100 hours
Sunday: 1200 hours to 2400 hours

3.0 Summary of variation application

3.1 Variation sought

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

1) **Operating Hours :**

- (a) Update opening and terminal on-sale hour on Sunday to: 1100 to 0100 hrs (previously 1200 to 2400 hrs);
- (b) Add provision of off sales: Monday to Sunday from 1000 hrs to 2200 hrs

2) **Operating Plan Activities:** Add 'accommodation' as an activity.

3) **Any other activities:**

- (i) Guests may order alcohol (ie. bottles of champagne) at time of booking accommodation for delivery to their Lodge prior to arrival. An age verification policy is in place.
- (ii) During their stay, guests may order alcohol from the Woodlands Clubhouse for delivery to their Lodge (ie cocktail packages etc). An age verification policy is in place.
- (iii) Golf customers may consume alcohol on the golf course during golf events and competitions.
- (iv) Golf customers may purchase alcohol from a portable bar (golf buggy) at each tee during golf events and competitions.

4) **Capacity:** Update capacity as follows:

- Lodge capacities: Lodge Type A = 2 persons (12 Lodges) and Lodge Type B = 4 persons (7 Lodges).
- Clubhouse capacity: 35
- Outdoor drinking areas capacity: 45 persons
- Off-sale purchases are sourced from stock and there is no off-sale display area.

5) **Change name of premises:** from "Dragon's Tooth Golf Club" to "Woodlands Glencoe".

6) **Layout Plan:**

- Replace current layout plan with 'Plan 1' and 'Plan 2' and extend footprint of licensed premises to include 19 Lodges.

- Add the Golf Course as an additional outdoor drinking area.

7) **Description of premises:**

Update description of premises to reflect proposed modifications to Premises Licence as follows:

“Woodlands Glencoe” is a 60 acre estate located in Glenachulish, south of Fort William. The premises consist of (i) the Golf Clubhouse which comprises of a lounge area which contains a bar counter; kitchen; changing rooms; customer toilets and a reception area and (ii) 19 Lodges offering luxury self catering accommodation. Each Lodge includes an external dining area.

The “Clubhouse” building acts as a reception for all activities offered on site namely, a 9-hole golf course, activity centre, luxury accommodation and café/restaurant.

The Clubhouse premises will offer off-sales facilities. Alcohol is sourced from a stock room and there is no alcohol display area within the premises.

The outdoor drinking areas include (i) an external area located at the front of the Golf Clubhouse and (ii) the Golf Course.

On occasion, when the premises is hosting golf events and competitions, a portable bar (golf buggy) delivers drinks to customers at each tee.

4.0 Background

- 4.1 On 21 November 2023 the Licensing Board received an application for a major variation of a premises licence from Ossian Developments Limited.
- 4.2 The application was publicised during the period 22 November 2023 until 13 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.
- 4.5 The local Community Council were currently ‘in abeyance’ therefore no consultation took place.
- 4.6 Further to this publication and consultation process, no timeous objections or representations have been received.

4.7 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:

www.highland.gov.uk/hlb_hearings

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) “Woodlands Glencoe” is a 60 acre estate located in Glenachulish, south of Fort William. The premises consist of The Golf Clubhouse building which acts as Reception/restaurant/café/toilets, 19 self catering lodges and a 9 hole golf course.
- (2) The variation requested is as outlined at para 3.1 above. It is comprehensive, however it is necessary as this now reflects the evolving business model these premises require to operate under and licensed premises are having to adapt as such.
- (3) It is worth noting that the golf course is included within the licensed footprint now purely for ease of complying with licensing legislation for the sale of alcohol from portable bar (golf buggy) at certain points during any competitions/events, without the need to obtain an Occasional Licence each time to allow such.
- (4) The application is within HLB policy.
- (5) The application is consistent with the Licensing Objectives.
- (6) The Premises have held a Premises Licence for a number of years with no adverse effects.
- (7) No objections or representations have been received in respect of this application.
- (8) Existing Local Conditions are to remain in place.
- (9) I have no objections 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 no additional local conditions are considered necessary.

8.3 Special conditions

No 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/RSL/0332
Date: 14 December 2023
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