

The Highland Licensing Board

Meeting – 30 November 2021

Agenda Item	10.7
Report No	HLB/106/21

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

Fairways Golf Centre and Restaurant, Castle Heather, Inverness, IV2 6AA

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Fairways Inverness Limited, Fairways Golf Centre and Restaurant, Castle Heather, Inverness, IV2 6AA.

1.0 Description of premises

- 1.1 Fairways Golf Centre and Restaurant is situated in Castle Heather, south of Inverness and comprises of a Restaurant, Lounge Bar, Sports Bar, Conference/Function Suite, Children's Play Area, Outside Drinking Area, Driving Range, Practice Area, Golf Shop, 18 Hole Golf Course, 9 Hole Golf Course, Petangue Piste and associated Customer Car Parking facilities.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Operating Plan : At 5(f) – any other activities add : “A bespoke Pizzeria takeaway facility has been added to the premises, potentially a small range of alcohol products will be offered by way of off-sales to complement takeaway meals”.
- (2) Layout Plan : Extend footprint of licensed premises to include extension of sports bar, kitchen area and the creation of a takeaway Pizzeria facility.
- (3) Capacity : Increase to 312 persons (previously 250 persons)
- (4) Premises Description : Update to reflect new Pizzeria facility.

3.0 Background

- 3.1 On 13 September 2021 the Licensing Board received an application for a major variation of a premises licence from Fairways Inverness Limited.
- 3.2 The application was publicised during the period 28 September until 19 October 2021 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 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.

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) Fairways Golf Centre and Restaurant has held an alcohol premises licence since 2009. Its operation has been entirely trouble free and compliance visits carried out by the Licensing Standards Officer have shown there to be good compliance with the requirements of the Licensing (Scotland) Act 2005.
- (ii) Following a recent stage of refurbishments, the footprint of the premises have altered as follows; the current sports bar and kitchen area have been enlarged, so that the capacity of the sports bar has increased from 250 persons to 312 persons. In addition, a separate pizza takeaway outlet has been developed at the front of the premises which will offer food and a small range of alcohol products for takeaway.
- (iii) The Licensing Standards Officer has inspected the refurbished premises which have been completed to a high standard and are certainly suitable for use as licensed premises.
- (iv) These variations have been incorporated into a revised Operating Plan, which remains compliant with the Licensing Objectives.
- (v) During the public consultation phase of this application no objections or representations were received by the Licensing Board.
- (vi) Licensing Conditions to remain unaltered.

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

7.3 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/INBS/301
Date: 15 November 2021
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