

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.2
Report No	HLB/41/24

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

Nairn Golf Club, Seabank Road, Nairn, IV12 4HB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Nairn Golf Club, Seabank Road, Nairn, IV12 4HB.

1.0 Description of premises

1.1 Nairn Golf Club is situated on the west side of Nairn and comprises of an eighteen hole championship course, a nine hole golf course and clubhouse with bar and dining facilities.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2300 hours
Friday: 1100 hours to 0030 hours
Saturday to Sunday: 1100 hours to 2330 hours

Off sales:

Monday to Saturday: 1000 hours to 2200 hours
Sunday: 1230 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Core on sales hours are to commence at 10.00 hrs Monday-Sunday.

4.0 Background

- 4.1 On 28 February 2024 the Licensing Board received an application for a major variation of a premises licence from Nairn Golf Club.
- 4.2 The application was publicised during the period 18 March until 8 April 2024 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:

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:-

(i) Nairn Golf Club are a private members club who have held an alcohol premises licence since 2009.

(ii) The trading history of the Club has been trouble free and licensing inspection visits have shown a good standard of compliance.

(iii) Application has been made to commence on sales trading hours from 1000 hours Monday to Sunday. Such an early opening time is permitted under current Board policy, where it is ancillary to food provision.

(iv) The Golf Club host many corporate golf outings and regularly supply filled breakfast rolls for those arriving for early tea times; the LSO has attached an appropriate licensing condition in this regard.

(v) The LSO is of the opinion that the application complies with the 5 licensing objectives.

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

(e) Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions 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/INBS/302
Date: 24 April 2024
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