

## The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.3
Report No	HLB/42/24

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

Newtonmore Golf Club, Golf Course Road, Newtonmore, PH20 1AT

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Newtonmore Golf Club, Golf Course Road, Newtonmore, PH20 1AT.

#### 1.0 Description of premises

1.1 Newtonmore Golf Club is an 18-hole Golf Course in Spey Valley within the Cairngorm National Park and consists of lounge bar and games room, club office, locker rooms and kitchen facilities.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Thursday: 1100 hours to 2230 hours  
Friday to Saturday: 1100 hours to 2300 hours  
Sunday: 1130 hours to 2230 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) amend premises licence
- (2) operate as fully licensed premises
- (3) add details of DPM

## **4.0 Background**

- 4.1 On 4 March 2024 the Licensing Board received an application for a major variation of a premises licence from Newtonmore 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](http://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) Newtonmore Golf Club is a Private Members Club which has held an alcohol premises licence for this category of premises since 2009.

(ii) The operating history of the premises has been entirely satisfactory, compliance visits by the LSO have shown the premises to be well run according to the terms and conditions of the licence.

(iii) Application has now been made to vary the premises licence to be a full alcohol premises licence whereby, the general members of the public can be admitted, as opposed to purely club members. The reasons for this are purely commercial, as reliance purely on bar trade and food from club members is not financially viable, hence the club seeking a wider customer base.

(iv) In the view of the Licensing Standards Officer, such a change will not affect the licensing objectives as the club will ostensibly be run, for supporting the golfing part of the club.

(v) A new premises manager has been appointed to oversee the day to day running of the club.

(vi) During the public consultation phase of this application, no objections or representations were received by the Licensing Board.

Conditions.

Existing conditions will continue to apply.

## **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 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 and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 8.3 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/290  
Date: 22 April 2024  
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