

## The Highland Licensing Board

Meeting – 25 June 2024

Agenda Item	10.1
Report No	HLB/63/24

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

Castle Stuart Golf Links, Balnaglack, Inverness, IV2 7JL

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Cabot Highlands LLP, Kinburn House, St Andrews, KY16 9DR.

#### 1.0 Description of premises

1.1 Castle Stuart Golf Links consists of a clubhouse, driving range and ancillary facilities. It is situated approximately six miles east of Inverness and just five minutes from Inverness Airport.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

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

##### Off sales:

Monday to Saturday: 1000 hours to 2200 hours  
Sunday: 1200 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) On sales to commence from 09.00 hrs Monday-Sunday.
- (2) Amend Sunday off sales to commence from 10.00 hrs.

## **4.0 Background**

- 4.1 On 26 March 2024 the Licensing Board received an application for a major variation of a premises licence from Cabot Highlands LLP.
- 4.2 The application was publicised during the period 29 April until 20 May 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:-

Golf Course Clubhouse, driving range and ancillary facilities overlooking the Moray Firth approximately 6 miles East of Inverness.

(i) Castle Stuart has operated both on and off sales for a number of years. Both on and off sales have been dispensed from the bar and restaurant within the premises. The licensing history is trouble free and compliance visits carried out by the LSO have shown strong standards of diligence.

(ii) Application has been made to update the premises licence by way of application for a major variation. The premises currently enjoys the following operating hours for On sales:

- Monday to Saturday: 1100 hrs until 2400 hrs
- Sunday: 1200 hrs until 2400 hrs

and the amendment seeks to standardise operating hours to,

Monday to Sunday: 0900 hrs until 2400 hrs

iii) Such an early opening time is permitted under current Board policy, where it is ancillary to food provision and is permitted by the Licensing (Scotland) Act 2005.

Allowance is made for early hours opening in the Board's current policy statement for "food led" premises to operate from 0900 hours provided a substantial food offering was provided, alongside the availability of alcohol. The premises have provided information that a full menu offering will be available to customers throughout the entirety of its operating hours.

(iv) The premises in addition, still seek to retain their closure time of 2400 hours which exceeds the current threshold of 14 hours operation specified again, within the Board's Policy Statement. However, allowance is given whereby operators can demonstrate a specific requirement for such hours. In these circumstances, it is fair to say, that over the course of the day, the premises will be catering to different customer groups throughout its hours of operation; customers coming in for early tee off times will not be the same customers requiring service in the afternoon or mid

evening.

(v) The premises currently enjoys the following operating hours for off sales:

- Monday to Saturday: 1000 hrs until 2200 hrs
- Sunday: 1200 hrs until 2200 hrs

and the amendment seeks to standardise operating hours for off sales to

- Monday to Sunday: 1000 hrs until 2200 hrs

The amendment sought in respect of Off sales is within Highland Licensing Board policy.

vi) The LSO has inspected the premises and is satisfied that none of the requested changes threatens the Licensing Objectives in an adverse manner.

vii) Following the public consultation phase of this application no objections or representations have been received by the Board.

## **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 condition 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/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/348

Date: 11 June 2024

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