

The Highland Licensing Board

Meeting – 13 May 2025

Agenda Item	8.3
Report No	HLB/42/25

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

Fortrose & Rosemarkie Golf Club, Ness Road East, Fortrose

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Fortrose and Rosemarkie Golf Club.

1.0 Description of premises

1.1 The premises comprise the Clubhouse which has a bar, catering/restaurant facilities, changing facilities, shower facilities and golf. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Sunday: 1100 hrs to 2400 hrs

Off sales:

Monday to Sunday: 1100 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) change the premises from a members only club to be open to members of the public and amend the premises description to take account of this;
- 2) amend the layout plan to increase the current licensed area to allow a motorised vehicle to sell drinks and snacks to golfers only on the links and to create designated children areas within clubhouse and outside;
- 3) increase on sales hours to 1000 hrs to 0100 hrs daily;
- 4) amend children and young persons policy;

5) add other services to be provided on the premises.

4.0 Background

- 4.1 On 13 March 2025 the Licensing Board received an application for a major variation of a premises licence from Fortrose and Rosemarkie Golf Club.
- 4.2 The application was publicised during the period 24 March to 14 April 2025 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The property known as Fortrose and Rosemarkie Golf Club is currently a purpose built and established Members only Golf Club, and associated facilities.
- b) The premises have operated for many years as a Members Club with no adverse comment and are now hoping to extend their alcohol provision to include members of the public.
- c) The application also seeks to extend the activities provided to be used now by the general public, including updating the Children and Young Persons Policy.
- d) This application also seeks to offer the use of a motorised catering vehicle, offering on sales of alcohol, which will be available to golfer's, guests and caddies only on the golf course area as marked on layout plan.
- e) The application also seeks to offer alcohol for on sales prior to 1100 hrs when food is available as per below condition.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The Children's and Young Persons policy is appropriate.
- h) The layout plan submitted complies with the required specifications.
- i) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- j) During the period of public consultation, no objections were received.
- k) I have no objection to this application.

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 hrs shall have available a selection of hot and cold food and shall advertise this within the premises.

8.3 Special Condition

It is recommended that the following special condition be attached:

1. Alcohol sold from the motorised catering vehicle on the golf course will only be supplied to golfers, guests and caddies using the golf course to play golf.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local condition detailed at para 8.2 and special condition at para 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/CSR/1430
Date: 28 April 2025
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.