

The Highland Licensing Board

Meeting – 11 June 2013

Agenda Item	9.2
Report No	HLB/075/13

Premises Licence Review Application

UV (formerly Motion and then Cake) Nightclub, Rose Street, Inverness IV1 1NQ

Report by the Clerk to the Licensing Board

Summary

A premises licence review application in terms of section 36(3b) of the Licensing (Scotland) Act 2005 has been received from Licensing Standards Officer and the Board must hold a Hearing to determine the application.

1.0 Background

1.1 The Licence holder is Inverness Properties Limited, Albyn House, Union Street Inverness, IV1 1QA. The premises are a nightclub on 2 floors, centrally located in Rose Street, Inverness in a mainly commercial/retail area of the City.
On sales: 11.00 to 03.00 Monday to Saturday, 12.30 to 03.00 Sundays.

2.0 Legislation

2.1 In terms of section 36(1) of the Licensing (Scotland) Act 2005 any person may apply to the Board in respect of any licensed premises in relation to which a premises licence has effect, for a review on any of the following grounds:-

- (a) That one or more of the conditions to which the premises licence is subject has been breached, or
- (b) Any other ground relevant to one or more of the licensing objectives.

3.0 Premises Licence Review Application

3.1 A premises licence review application dated 24 May 2013 was received by the Board from the Licensing Standards Officer, Ian Cox, and is attached to this Report as Appendix 1.

The application intimates that there has been a breach of the following Licensing Objective: 4 (e) Protecting Children from harm.

4.0 Review Hearing

4.1 Section 38 (1) of the Act provides that where the Board receives a premises licence review application it must hold a Hearing for the purposes of considering and determining the application.

4.2 Section 38 (4) of the Act provides that the Licensing Standards Officer must, before the review hearing, prepare a Report on the application which the Board must take into account. This Report dated 24 May 2013 is attached as Appendix 1.

4.3 A copy of this Report and the premises licence review application have been sent to the Premises Licence Holder, Phillip Paul Scott ,8 Redwood Avenue, Milton of Leys, Inverness, IV2 6HA, and his agent, Lorna Murray, who have been invited to attend the Hearing.

4.4 The Licensing Standards Officer will also attend the Hearing.

5.0 Board's powers on review

In terms of section 39 of the Act the Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review application considered at the Hearing) take the following steps:

- (a) issue a written warning to the Licence Holder,
- (b) make a variation of the licence,
- (c) suspend the licence for such period as the Board may determine,
- (d) revoke the licence.

In terms of section 84 of the Act where, in the course of a review hearing in respect of a premises licence, the Board makes a finding in relation to a personal licence holder who was working in the licensed premises that the licence holder concerned acted in a manner which was inconsistent with any of the licensing objectives then the Board must hold a further Hearing.

Recommendation

The Board is invited to determine the premises licence review application by way of a review hearing.

Designation: Clerk of the Licensing Board

Date: 24 May 2013

Ref: HC/INBS/228

Background Papers: Licensing (Scotland) Act 2005.

Appendix 1: Application for Review from the Licensing Standards Officer dated 24 May 2013

Highland Licensing Board Meeting – 11 June 2013

**Application for Review Hearing in terms of the Licensing (Scotland) Act, 2005
Section 36 (3) (b)**

Premises: UV Nightclub, Rose Street, Inverness.

Report by Licensing Standards Officer

1.0 Summary:

1.1 This Report has been prepared in terms of section 36 (3)(b) of the Licensing (Scotland) Act 2005 which gives power to a Licensing Standards Officer to make a Premises Licence Review Application in respect of matters pertaining to one or more of the licensing objectives. In this instance the objective concerned is protecting children from harm.

2.0 Licensing History:

2.1 A Premises Licence for Motion Nightclub subsequently re-named Cake and most recently UV was granted by the Highland Licensing Board, under transitional arrangements, on 1 September 2009, to Inverness Properties Limited. This Company fulfils the role of landlord and subsequently the Premises have been leased to a number of tenants who become the Premises Manager and oversee the day to day running.

2.2 Most recently the Premises have been leased to a Philip Paul Scott and his partner Jane MacLennan who trade as a Nightclub under the name UV.

Philip Paul Scott is the Premises Manager named in the Premises Licence. The Police report no undue issues in respect of the running of the Premises. The Licensing Standards Officer has carried out visits to ensure compliance and these have proved satisfactory.

3.0 Legislation:

3.1 The premises licence is subject to:-

- Mandatory Conditions in accordance with Schedule 3 of the Licensing (Scotland) Act, 2005;
- Late Opening Conditions in accordance with Section 27(3) &(4) of the Licensing (Scotland) Act 2005;
- Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007;
- Local Conditions attached by the Highland Licensing Board in accordance with Section 27(6) of the Licensing (Scotland) Act, 2005.

4.0 Description of premises:

- 4.1 The Premises occupy a central location in Inverness near to the Farraline Park Bus Station and Rose Street multi-storey Car Park. The Premises operate on two floors with the main dance floor, music station and bar area on the ground floor; on the second floor there is a smaller boutique bar and office accommodation.
- 4.2 The Premises operate mostly at the weekend and hold a Late Hour Licence. They are compliant with the Late Night Local and Mandatory Conditions.

5.0 Synopsis:

- 5.1 The content of the current operating plan stems from grandfather rights enjoyed by the Premises pre September 2009. This allows opening hours of 7 days a week 11.00 to 03.00hrs albeit that in practice only a small proportion of these hours are actually utilised. A feature of the Children's policy enables the hosting of unlicensed events to which Children and Young Persons can be admitted. Until the present tenancy this facet of the Licence never came into play.
- 5.2 However under the current tenants the hosting of under 18 events such as School Leavers parties and the like have occurred; it has to be said without incident. A number of other Nightclubs in Inverness run under 18 events but their licences have, in the interests of the fifth licensing objective of protecting children from harm, been subject to specific conditions by the Licensing Board.
- 5.3 It is seen as prudent by the Licensing Standards Officer to ensure that events like this are run to appropriate and generic standards in the City of Inverness. As there is no other convenient vehicle for amending the licence conditions a Review Hearing is necessary for the Board to consider whether or not it is in the interests of the licensing objectives to attach such conditions or not.

6.0 Measures taken by Licence-holder

- 6.1 Jane Maclennan has been spoken to by the Licensing Standards Officer in relation to this matter and states that they would have no issue with abiding by the suggested additional conditions, many of which they already comply with.

6.2 The Agent of the Premises Licence Holder has been alerted to this matter by the Licensing Standards Officer and as yet there is no objection forthcoming.

7.0 Supplementary information:

7.1 Since transition, there have been no adverse incidents within these premises.

7.2 A total of two bespoke under 18 events have been run without incident.

7.3 Prior to this incident, Jane Maclennan has been pro- active in seeking advice and guidance from the Licensing Standards Officer in relation to other proposed activities.

8.0 CONCLUSION:

- It is suggested by the Licensing Standards Officer that in relation to Under 18 Events that the following Specific Local Conditions be attached to the Premises Licence:
 - 1. During the hours of any under 18 event on the premises, A Personal Licence Holder shall be present on the premises for the duration of the event.
 - 2. During the hours of operation of any under 18 event adequate stewarding by SIA registered personnel will be at all relevant entrances and egresses to the premises and within the premises.
 - 3. Any under 18 event will be run according to the rules and conventions of "Blue Light Disco's" and with the approval of Northern Constabulary.
 - 4. During the course of any under 18 event all drinks shall be sold or served in, plastic or polycarbonate glasses.
 - 5. The CCTV system installed on the premises shall be used during the duration of any under 18 event.
 - 6. During the hours of operation of any under 18 event a person who holds a current First Aid certificate will be present on the premises.

Ian Cox

Licensing Standards Officer

24th May, 2013.