

The Highland Licensing Board

Meeting – 01 October 2013

Agenda Item	9.2
Report No	HLB/117/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Vue Cinema, Inverness Retail & Business Park, 14 Eastfield Way, Inverness

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/458

This Report relates to an application for a major variation of Premises Licence.

Premises: Vue Cinema, Inverness Retail & Business Park, 14 Eastfield Way, Inverness IV2 7GD

Applicant: Vue Entertainment Ltd, 10 Chiswick Park, 566 Chiswick High Road, London W4 5XS per Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

1 Description of Premises

The premises currently operate as a Cinema and alcohol is sold only as ancillary to the screening of films. On sales only.

2 Summary of Variation Application

2.1 Variation Sought

Variation in description from '7 screens' to '8 screens'

Amendment to capacity figures which were mis-stated to the Board, in the original licence, to increase from 1657 to 1800. As part of the application there will be no physical increase in the number of seats within the auditoria of the cinema, it is merely to regularise the position between the premises and its licence.

3 Background

3.1 The premises are licensed for on sales and were converted from the 1976 Act.

On 5 July 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Poppleston Allen.

- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (15 July to 5 August 2013). Confirmation of site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 Legislation

- 4.1 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
 3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

5 Licensing Standards Officer's Comments

The Application has been submitted by the Premises Licence Holder's Agents in order to correct a previous textual error following which the capacity figure for the Premises was inaccurately recorded.

The capacity has now been notified as 1800, and within the description of the Premises the number of screens is amended to reflect the true number of internal cinemas which is 8 compared to the erroneous figure of 7.

The changes are merely by way of text as nothing has occurred to physically change the Premises or effect its operation.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

7.0 Conditions

7.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

7.2 Local Conditions

None recommended.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/458

Date: 30th August, 2013

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