

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.2
Report No	HLB/043/14

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

G's and Vinyl, 9-21 Castle Street, Inverness IV2 3DX

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/147

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

Premises: G's and Vinyl, 9-21 Castle Street, Inverness IV2 3DX

Applicant: CFG Leisure 6 Limited, 3rd Floor, 35 Davies Street, Mayfair, London W1K 4LS per Ian Jobes.

1 Description of Premises

These are entertainment premises over 3 floors with mezzanine level and external smoking terrace. The premises are part of a block in a retail area in the centre of Inverness and offer live performances, dance facilities, recorded music and other facilities as detailed in the operating plan.

1.1 Previous Core Operating Hours

On Sales:

Wednesday to Sunday 19.00 hrs. to 03.00 hrs.

2 Summary of Variation Application

2.1 Variation Sought

a) **Variation to Operating Plan:** Vary the core hours to allow trading from 19.00 hrs to 03.00 hrs Mondays and Tuesdays.

b) **Variation to Local Condition:** Remove the following, 'after 09.00 pm alcoholic drinks shall be sold or served in plastic or polycarbonate glasses'.

3 Background

3.1 On 11 February 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, CFG Leisure 6 Limited, 3rd Floor, 35 Davies Street, Mayfair, London W1K 4LS and their agent, Mr Ian Jobes.

- 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 (17 February to 04 March 2014). Confirmation of display of the 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), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland. No Community Council is currently formed for the area.
- 3.4 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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
2. that 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. that 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

Application has been made by the licence holder to increase the overall core hours of the premises by allowing trading on Mondays and Tuesdays, 19.00hrs to 03.00hrs.

The premises which operate as a city centre nightclub, are current licensed for these hours on Wednesday to Sunday. They have a satisfactory operating history and are members of the City Centre Pub Watch. The application is to allow more flexibility for trading.

Inspection visits have shown that the premises are compliant with the Mandatory and Late Night Conditions.

In addition, the applicants have also made application to remove the Local Condition requiring plastic or polycarbonate glassware to be used from 21.00 hrs. This request is seen as reasonable by the LSO as the premises have a good incident record, their stewarding levels are good and membership of the Pub Watch scheme assists in keeping known trouble makers out.

The LSO is of the view that should the Board be minded to grant this variation then there would be no adverse impact on the Licensing Objectives.

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

- 7.2.1 Local Condition (f) - as currently stated in the Premises Licence to be removed should the Board grant this variation.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/147

Date: 11 February 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016