

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	7.4
Report No	HLB/025/17

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Revolution , 11-19 Church Street, Inverness, IV1 1DZ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Revolution, 11-19 Church Street, Inverness.

1.0 Description of premises

1.1 Revolution is situated in the centre of Inverness and consists of two former retail units located in an area primarily of commercial properties. The premises will operate as a bar restaurant with a significant food offer and also entertainment.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 7 February 2017 the Licensing Board received an application for the provisional grant of a premises licence from Revolution Bars Limited.

The application was accompanied by the necessary Section 50 certification in terms of Planning

3.2 The application was publicised during the period 13 February until 6 March 2017 and confirmation that the site notice was displayed has been received.

- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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:

http://www.highland.gov.uk/downloads/file/11696/guidance_note_on_hearings_before_the_highland_licensing_board

4.0 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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that having regard to;
 - (i) the nature of the activities 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, or
 4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) A provisional premises licence application has been submitted for a former retail shop unit in Church Street within the centre of Inverness.
- (ii) The premises and layout plans submitted for the further development of the site provide the evidence that the premises will be suitable for the sale and supply of alcohol.
- (iii) The application has been accompanied by the necessary section 50 certificate in respect of planning.
- (iv) The operating plan submitted is in accordance with the licensing objectives.
- (v) The hours which have been requested are within the current policy hours of the highland licensing board.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the Schedule of Local Conditions:

- (a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being part to or from which there is no other convenient means of access or egress.
- (b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

(c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

(j) After 2100 hours on each Friday and Saturday evening, the premises licence holder shall ensure that there is adequate stewarding at all relevant entrances and egresses to the premises and within the premises.

(q) The licence holder shall submit to the board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the board's policy statement. The premises may remain open until the festive period terminal hour only on those dates, for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

(1) All glass disposal shall cease between the hours of 2300 hours and 0700 hours. (Licensing objective 3 (prevention of public nuisance)).

(2) At any time when any live or recorded music is being played within the premises after 2200 hours all windows and doors shall remain closed. (Licensing objective 3 (prevention of public nuisance)).

(3) A written noise management plan acceptable to the highland licensing board, must be in place for the premises, and any relevant activity or service being provided, must be conducted in accordance with that plan. (Licensing objective 3 (prevention of public nuisance)).

(4) On any occasion when the premises are permitted to open after 0100 hours the following conditions shall apply:

(i) A person trained to the satisfaction of the licensing board in administering first aid must be present on the premises from 0100 hours.

(ii) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (Licensing objectives 1 and 2).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s) 7.2 and 7.3 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/606

Date: 8 March 2017

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