

The Highland Licensing Board

Meeting – 5 December 2017

Agenda Item	10.3
Report No	HLB/137/17

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

Gellions, Bridge Street, Inverness, IV1 1HD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Punch Partnership Limited, Jubilee House, Second Avenue, Burton upon Trent, DE14 2WF.

1.0 Description of premises

1.1 Public house situated on two floors in the centre of Inverness surrounded by commercial and residential properties.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Friday and Saturday on sales terminal hour to be amended to 0200 hours.

(2) Operating plan: Q5(g) late night premises opening after 0100 hours, please answer the following:

- Music over 85dB – ‘No’
- More standing than seated – ‘Yes’

4.0 Background

- 4.1 On 6 October 2017 the Licensing Board received an application for a major variation of a premises licence from Punch Partnership Limited.
- 4.2 The application was publicised during the period 16 October until 6 November 2017 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:

http://highland.gov.uk/hlb_hearings

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.

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.
- 5.2 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.

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:-

(i) The Gellions public house is a well-established city centre venue in Inverness. The premises are owned by Punch Taverns and leased to a tenant Rory Munro, who is the designated premises manager.

The premises are a busy and popular venue which has been well operated by the current tenant. The premises are members of the Inverness pub watch and have secured national awards at the 'Best Bar None' trade awards.

(ii) Ostensibly, the premises have operated a public bar at street level, where regular live entertainment, provided by bands with a cadre of local support has been a substantial feature. The premises pre-advertise this entertainment and it is a principal reason for attracting a large gathering of patrons at the weekend. On the second floor, the premises have a function suite with a separate bar counter, whose use up until now has been sporadic, and which is now to be included as a late night venue, together with the downstairs bar. The venue on the second floor is accessed by a separate entrance at street level, it has its own dedicate suite of toilets.

(iii) A visit to the premises in respect of this application has been conducted by the LSO. The downstairs bar is already equipped with a dedicated system of CCTV camera's, the infrastructure of the bar for providing live music is established, with a small yet well used dance area. The entertainment is already pre-advertised and genuinely forms a "significant" part of the operation, particularly at the weekends, which is where the late hours will apply.

(iv) The premises manager, has already ensured there is a sufficiency of personal licence holders and first aid trained personnel among his staff. Stewarding is already provided by a firm of SIA registered door stewards.

(v) It will be necessary to extend the suite of CCTV cameras to the upstairs function suite and develop the area, to provide dedicated entertainment structures in place; such as a stage/DJ station and dance floor. The applicant understands this and work is in progress. Accordingly, within the range of proposed licensing conditions are mentioned specific conditions that the upstairs area will only be utilised for late hours operation, once CCTV has been installed.

(vi) The premises are located near some residential property and have been required to complete a noise management plan.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

Local conditions will continue to apply and it is recommended that the following local conditions replace the existing 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 a 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. The 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.

(e) After 2100 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

(h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

(n) The licence holder shall ensure the provision of an effective means of recording the capacity during the premises hours in operation.

(o) On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold on the premises after 0100 hrs only while entertainment as detailed in the operating plan is being provided and has been provided continuously from no later than 2200 hours.

(p) On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold and consumed on the

premises after 0100 hours only in that part of the premises identified in the operating plan as the part of the premises in which significant entertainment is to be provided.

(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.

8.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (1) All glass disposal shall cease between 2300 hours and 0800 hours the following day.
- (2) All doors and windows require to be kept closed during the playing of any live or recorded music or entertainment.
- (3) No part of the premises shall be used to provide late opening hours until such times as CCTV system meeting the requirements of Police Scotland has been installed and commissioned on the premises.
- (4) A written noise management plan acceptable to the Highland Licensing Board must be in place and all operations with the operating plan are to be conducted in accordance with the noise management plan.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 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/INBS/254

Date: 20 November 2017

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