

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	10.4
Report No	HLB/100/18

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

Baron Taylor Close, 39 High Street, Inverness, IV1 1HT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Cordon Limited, 116 Blythwood Street, Glasgow, G2 4EG.

1.0 Description of premises

1.1 Baron Taylor Close is an entertainment premises serving food with a dance club, bar areas and various types of entertainment provided. It is located in High Street, Inverness with an entrance from Baron Taylor Close and is in a mixed domestic and commercial area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 0300 hours
Sunday: 1230 hours to 0300 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Termination hour on Friday and Saturday to be amended to 0400 hours rather than 0300 hours.

4.0 Background

- 4.1 On 27 July 2018 the Licensing Board received an application for a major variation of a premises licence from Corrdon Limited.
- 4.2 The application was publicised during the period 6 August until 27 August 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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, the following timeous notice of objection has been received and is appended (Appendix 1):

Police Scotland, Police HQ, Old Perth Road, Inverness, IV2 3SY

- 4.6 The applicant and the objector has been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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) Application has been made by the premises licence holder to extend the permitted hours for these premises on Friday's and Saturday's until 0400 hours from their current terminal hour of 0300 hours.

(ii) The premises have a position in the middle of Baron Taylors Lane and are accessed by a small close. The premises have held a late hours entitlement for several years, over the tenure of a variety of tenants. The operating history under the current tenants is satisfactory, the premises are members of the City Centre Pub Watch and have achieved Gold Award status under the National Best Bar None Scheme; LSO checks have shown the premises are compliant with the requirements of the Licensing (Scotland) Act 2005. The premises regularly offer live entertainment at the weekends.

(iii) The premises are situated within the centre of Inverness and whilst this is largely a commercial area, Baron Taylor's Street also has a number of private residences, who have complained about noise issues in the past, although to be fair, not under the current tenancy.

(iv) The application is out with the current policy hours of the Highland Licensing Board, which currently offers a 0300 hours maximum for premises with late hours entitlement. This common finishing time has allowed the police to arrange shift patterns, which provide a strong visible policing presence to supervise the exodus of patrons from the City Centre. It seems unreasonable to extend these hours further, to require longer Police presence to cope with the anti-social consequences of extended licensed hours. The approved capacity of the premises is 775 patrons which represents considerable street presence. In this regard, the LSO is of the opinion that the application is contrary to licensing objectives 1, 2 and 3.

(v) The premises are allowed in line with the Board's festive hours policy to trade until 0400 hours for the period of that specific policy, but that is purely to support the increase in celebration at the festive time of year, catering for office parties and the main public holidays.

(vi) It is the view of the LSO that the application is contrary to the first three licensing objectives.

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

8.3 Special conditions

Existing special conditions will continue to apply.

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/267

Date: 6 September 2018

Author: Marjory Bain

Appendix 1 : Police report/objection from Police Scotland

07/08/2018

Your Ref: HC/INBS/267

Our Ref: 344669

Clerk to the Highland Board
Town House
High Street
Inverness
IV1 1JJ



**POLICE
SCOTLAND**
Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

FOR THE ATTENTION OF SUSAN BLEASE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CLUB TROPICANA (BAR ON TAYLORS STREET)
BARON TAYLOR CLOSE, 39 HIGH STREET, INVERNESS, HIGHLAND IV1
1HT
CORRDON LIMITED**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of increasing core operating on sales hours on Friday and Saturday nights to terminate at 0400 hours the following day.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(a) of the same Act, I make the following objection.

On Friday and Saturday nights Police cover within Inverness is carried out with double/overlapping shifts. The backshift officers finishing duty at 0300 hours and nightshift officers commencing duty at 2100 hours giving a six hour overlap covering the current licensing hours. Should this variation application be granted it will impose a severe detrimental impact on depleted police staffing resources where the prevention of crime and disorder, securing public safety and preventing public nuisance licensing objectives would be extremely difficult to maintain.

This application is also out with board policy hours for late night entertainment venues.

In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder
- securing public safety
- preventing public nuisance

as detailed above.

This objection is submitted for your attention in considering this application.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01463 720817.