

The Highland Licensing Board

Meeting – 6 November 2018

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| Agenda Item | 10.3 |
| Report No | HLB/118/18 |

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

Vue Cinema, Inverness Retail Park, Eastfield Way, Inverness, IV2 7GD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Vue Entertainment Limited, 10 Chiswick Park 566 Chiswick High Road, London, W4 5XS.

1.0 Description of premises

1.1 Vue Cinema is a multi-screen complex within Inverness Retail Park on the outskirts of the city.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) To remove a condition in 6(b), 6(c) and 6(d):
- (2) 'Screens are patrolled by team members every 30 minutes during film screenings', to replace the condition with:
- (3) "Regular checks throughout cinema opening will be made of screens by members of staff wearing visual aids, which permit them to see customers in the dark. During these checks, specific attention will be paid to persons who may be consuming alcohol to ensure that they are doing so in a responsible manner and that no person under the age of 18 is being supplied with alcohol."

3.0 Background

3.1 On 28 August 2018 the Licensing Board received an application for a major variation of a premises licence from Vue Entertainment Limited.

3.2 The application was publicised during the period 17 September until 8 October 2018 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 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://highland.gov.uk/hlb_hearings

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 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.

- 4.2 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.

- 4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) Vue Cinema is a multi- screen cinema complex situated within a retail park on the outskirts of Inverness.

(ii) The premises have held an alcohol premises licence for several years for on sales; there is a trouble free operating history and compliance visits carried out by the LSO, have shown strong levels of compliance in respect of the Licensing (Scotland) Act 2005.

(iii) Amendment to the operating plan has been requested by the licence holder via their agent, this is to replace a paragraph currently included with section 6(b), (c) and (d) of the children and young persons' policy relating to the format of staff supervision to the various screening areas, to ensure alcohol is being consumed responsibly and diligence in terms of preventing under age agent sales.

(iv) The variation has been reviewed by the LSO who is of the opinion it is entirely in keeping with the licensing objectives.

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

There are no existing local conditions and it is not considered necessary to attach any.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/458
Date: 22 October 2018
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