

**The Highland Licensing Board**

**Meeting – 18 January 2019**

Agenda Item	<b>9.1</b>
Report No	<b>HLB/006/19</b>

**Application for a major variation of 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 a major variation of premises licence by Revolution Bars Ltd, 21 Old Street, Ashton under Lyne, OL6 6LA.

**1.0 Description of premises**

1.1 The premises comprise two former retail units, located in the centre of Inverness, in an area primarily of commercial properties. The premises operate as a bar with significant food on offer and also entertainment.

**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. 1100 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) Extend the terminal on sales hours on Thursday's, Friday's and Saturday's to 0300 hrs.
- (2) Amend Q5(c) 'dance facilities' to Yes, Yes, No.

- (3) The layout plan is amended to show dance area on the ground and first floors of the premises as per attached drawing 101M per Mark Mason Design.

#### **4.0 Background**

- 4.1 On 5 November 2018 the Licensing Board received an application for a major variation of a premises licence from Revolution Bars Ltd.
- 4.2 The application was publicised during the period 19 November until 10 December 2018 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](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) Revolution Bar is a town centre bar, situated on Church Street, Inverness. The premises are a two storey premises with bar facilities, dance floor and DJ facilities on both floors.

The premises have a recent but a sound operating history. Compliance visits have shown that the premises are run according to the terms and conditions of their premises licence.

(ii) The premises are a member of the Inverness pub watch.

(iii) Application has been made by the licence holders to vary the hours contained within the premises licence to permit late hours opening, on Thursday, Friday and Saturday's until 0300 hrs in line with the Highland Licensing Board's Policy on late opening premises.

(iv) The premises have been visited specifically in respect of this application. A bespoke CCTV system is fitted throughout. Designated dance floors are situated on both upper and lower floors and both these floors are equipped with designated facilities for DJ's to operate in order to satisfy the required criteria for "significant entertainment".

(v) The premises understand the requirements for stewarding and already employ 5 stewards for weekend security. A substantial number of staff hold personal licences and current first aid qualifications. Drug and evacuation policies have been submitted together with the application.

(vi) On several occasions the premises have operated extended licensed hours without adverse issues. No objections or representations have been received in respect of this application.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 it is recommended that the following additional local conditions be attached:

- (h) Premises open for the sale of alcohol after 0100 hours shall have available a selection of hot and cold foods and shall advertise this within the premises.
- (i) 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 hours only while entertainment as detailed in the operating plan is being provided in the premises and has been provided continuously from no later than 2200 hours.
- (u) Any music or live performance in the premises will cease at 0245 hours.
- (w) The licence holder shall ensure the provision of an effective means of recording the number of patrons on the premises during the premises hours of operation to ensure that the capacity stated in the operating plan for the premises is not exceeded.

### **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/606  
Date: 7 January 2019  
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