

## The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	7.1
Report No	HLB/070/19

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

The Highland Cinema, Cameron Square, Fort William, PH33 6AJ

#### 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 The Highland Cinema, Cameron Square, Fort William, PH33 6AJ.

#### 1.0 Description of premises

1.1 The Highland Cinema is a small detached cinema complex situated in Cameron Square, Fort William.

The premises consists of two auditoriums, a box office lobby area, a bar, open plan restaurant and outdoor seating terrace overlooking Cameron Square. There are customer toilets located on the first floor.

#### 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:                    1100 hours to 2200 hours

#### 3.0 Background

3.1 On 7 May 2019 the Licensing Board received an application for the provisional grant of a premises licence from The Highland Cinema.

The application was accompanied by the necessary section 50 certification in terms of planning, together with a disabled access statement.

- 3.2 The application was publicised during the period 25 June 2019 until 16 July 2019 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 although at the time of consultation; Building Standards indicated that the project was yet to receive a Building Warrant although a stage 2 application was expected to be received shortly.
- 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](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 are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. 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

5. 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 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 lodged in respect of the Highland Cinema. This is a new build project that is taking place in Cameron Square, Fort William on the site of the former cinema complex.
- (ii) The application has been accompanied by the necessary section 50 certificate in respect of planning together with a disabled access statement.
- (iii) The planned development consists of two auditoriums for screenings, box office lobby, a bar, open plan restaurant and an outside seating area overlooking Cameron Square.
- (iv) The Licensing Standards Officer has met with the applicant prior to submission of the application and has provided advice and guidance on the alcohol licensing requirements. The application, in the view of the Licensing Standards Officer, is compliant both with the current Board Policy and the five licensing objectives. It is envisaged that alcohol provision will be very much ancillary to the provision of entertainment in the cinemas and food in the restaurant. The hours requested are within the policy hours of the Board.
- (v) Inclusive within the development is an outside drinking terrace which overlooks Cameron Square. It is recommended by the Licensing Standards Officer that the use of the terrace for consumption of alcohol and non alcohol based beverages be limited to 2200 hrs as there are nearby residential properties to be considered.

- (vi) Whilst the bar and restaurant areas will function as traditional wet sales and food outlets, the ability of persons to take alcohol into the auditoriums is strictly conditioned to require provision in plastic or paper receptacles and for screenings to be supervised.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 condition(s) 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 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. 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.
- k. 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.
- m. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area

### 7.3 Special conditions

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

- (1) Any alcohol sold to be consumed during a performance in either of the auditoriums will be decanted by bar staff into plastic or paper receptacles.
- (2) During any performance held within the auditoriums a member of staff shall be present to supervise and assist the audience.

#### **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/RSL/1910  
Date: 17 July 2019  
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