

The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	8.2
Report No	HLB/031/23

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

Playback, 27-31 Academy Street, Inverness, IV1 1JN

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 Playback, 27-31 Academy Street, Inverness, IV1 1JN

1.0 Description of premises

1.1 The Playback is situated in the centre of Inverness City Centre and consists of a bar and restaurant, small lower enclosed roof terrace and a larger roof terrace.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday to Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2400 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1100 hours to 2100 hours

3.0 Background

3.1 On 2 February 2023 the Licensing Board received an application for the provisional grant of a premises licence from Beyond Bar Inverness Limited, Windrill, Drumsmittal, North Kessock, IV1 3XF.

The application was accompanied by a Disabled Access Statement.

- 3.2 The application was publicised during the period 13 February until 6 March 2023 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:

[Highland Licensing Board - 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 received for these premises which are a retail unit fronting onto Academy Street and with the rear facing into the Victorian Market, Inverness. The prospective premises will offer licensed areas on 3 floors inclusive of an outside drinking area which looks out over the roof of the Victorian Market. Currently the application is prospective with building/renovation works yet to start.

(ii) The premises have been visited by the LSO who is of the opinion they will be suitable for their prospective use; hours requested for both on and off sales are within the policy hours currently operated by HLB.

(iii) Section 50 certificate relating to Planning has accompanied the application as has a Disabled Access Statement.

(iv) The specification of the premises is based on a successful concept from England, whereby the traditional bar offering of food and alcohol takes place in an environment where games such as skittles, shuffleboard, table tennis and axe throwing are offered to customers, creating a recreational, as opposed to a solely drinking environment.

(v) In the opinion of the LSO the operating plan meets the standards of the licensing objectives.

(vi) In terms of the outside drinking area, as this is near to residential units, a closure time of 2200 hours has been recommended to help prevent noise related problems amounting to public nuisance. The LSO has also recommended a specific condition, to ensure adequate supervision of the axe throwing activity to assist in maintaining public safety.

(vii) During the consultation phase of this application no objections or representations have been received by HLB.

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

(m) After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(i) No live or recorded music shall be played in any outdoor drinking area.

(o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

7.3 Special conditions

(1) Axe throwing shall only take place under the dedicated supervision of a staff member.

(2) All axes used for axe throwing when not in use shall be securely retained by staff.

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. 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/INBS/684
Date: 13 March 2023
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