

The Highland Licensing Board

Meeting – 7 January 2025

Agenda Item	8.2
Report No	HLB/06/25

Application for a major variation of 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 a major variation of premises licence by Beyond Bar Inverness Limited, Windrill, Drumsmittal, North Kessock, IV1 3SF.

1.0 Description of premises

1.1 Playback is an axe-throwing and activities bar located on Academy Street in Inverness town centre. It consists of a 4-storey building and roof terrace.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating 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

Off sales:

Monday to Sunday. 1100 hours to 2100 hours

3.0 Summary of variation application

3.1 Variation sought

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

We wish to extend our opening hours to 03.00 hrs on Thursday, Friday and Saturdays.

We intend to play music on both the ground and first floors, this will be a mix of DJ's and bands along with dancing.

Increase in capacity from 280 to 489.

4.0 Background

- 4.1 On 14 October 2024 the Licensing Board received an application for a major variation of a premises licence from Beyond Bar Inverness Limited.
- 4.2 The application was publicised during the period 28 October until 18 November 2024 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:

www.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:-

Playback is a relatively new activities bar venue in Inverness City Centre operated by Beyond Bar Inverness Ltd, having its licence confirmed in April 2024. To date the premises have a satisfactory operating history and currently trade on

- Sunday to Thursday – 11.00 hrs until 24.00 hrs
- Friday and Saturday – 11.00 hrs until 01.00 hrs

(ii) Application has been made by the operators, to extend their current opening hours for Thursday, Friday and Saturday, until 03.00 hrs. Such an application is within HLB Policy, which provides for late opening on a Thursday to Saturday basis.

(iii) The reason for the application is both economical and to provide late night entertainment for tourists and locals alike, hoping to capture extra trade, by having additional night's late operation.

(iv) Ostensibly, the premises have operated as an activities bar at street level, where regular live entertainment provided to date by DJ's has been a regular feature. There is a further bar area on the first floor with a function room and outdoor drinking area on the second floor.

(v) A visit to the premises in respect of this application has been conducted by the LSO. The bar is equipped with a dedicated digital system of CCTV cameras, covering all areas of the premises. The infrastructure of the bar for providing live music is established, with a small yet sufficient dance area. The entertainment will be pre-advertised and genuinely forms a "significant" part of the operation, which is where the late hours will apply.

(vi) the application is accompanied by relevant Misuse of Drugs Policy, Fire Evacuation Plan and Noise Impact Assessment.

(vii) The premises manager has already ensured there is a sufficiency of

personal licence holders' and first aid trained personnel among his staff. Stewarding is already provided seven days a week by a firm of SIA registered door stewards.

(viii) During the public consultation phase of this application, no objections or representations were received by the Board.

(ix) From an LSO perspective the premises have proved fully able to meet the late opening conditions and operate in a responsible way.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 local conditions will continue to apply and no additional special conditions are considered necessary.

Late night opening conditions will also 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/684
Date: 16 December 2024
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