

The Highland Licensing Committee

Meeting – 14 May 2013

Agenda Item	6.1
Report No	HLC/024/13

Application for a Public Entertainment Licence – Macphail Centre

Report by Alasdair H Mackenzie, Legal Manager

Summary

This Report relates to an application for renewal of a Public Entertainment Licence.

1.0 Background

1.1 On 15 November 2012 the Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, received an application for renewal of the Public Entertainment Licence held by the Macphail Centre Management Committee for the Macphail Centre, Mill Street, Ullapool.

2 Process

2.1 Following receipt of the application the following agencies were consulted:-

- Northern Constabulary
- Highlands & Islands Fire and Rescue Service
- Planning and Building Standards Service
- TEC Services Roads
- TEC Services Environmental Health.

2.2 The Northern Constabulary, Highlands & Islands Fire and Rescue Service, Planning and Building Standards and TEC Services (Roads) have responded intimating no objection to the renewal of the licence.

2.3 The response received from the Council's TEC Services Environmental Health has advised that they have no objection to the grant of the renewal of the licence subject to the applicants submitting a satisfactory electrical installation report for the premises.

2.4 The applicant has indicated that to date he has been unable to obtain the required electrical installation report.

2.5 The applicant and Environmental Health have been invited to attend or be represented at the meeting.

2 Timescale

2.1 In terms of the legislation the licensing authority must consider all applications within three months of being received and, in the case of a Public Entertainment Licence, make a determination within six months.

2.2 In the case of the application the six month period will elapse on 15th May 2013 and in the absence of the required certification the application cannot be determined under delegated powers.

3.0 Determining Issues

3.1 Section 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a Licensing Authority may refuse an application to grant or renew a licence where:

- The applicant or anyone else detailed on the application is not a fit and proper person
- The activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused
- Where the application relates to a premise, vehicle or vessel that the location, character or condition of the same is not suitable
- The nature and extent of the proposed activity is not suitable
- The kind of persons likely to be in the premises are not suitable
- Where there is the possibility of undue public nuisance, public order or public safety
- Where there is other good reason

4.0 Powers

4.1 The Committee may grant the licence subject to the standard conditions, in which case it would last for three years; grant the licence for a shorter period as considered appropriate; or, refuse the application.

4.2 If minded to grant the licence the Committee may attach such reasonable conditions, in addition to the standard conditions, as they think fit.

5.0 Recommendation

Members are **invited** to determine the above application in accordance with the Hearings Procedure.

Designation: Legal Manager
Officer Reference: Linda Hay PE21056
Date: 30 April 2013

Background Papers: Civic Government (Scotland) Act 1982