

The Highland Licensing Committee

Meeting – 14 May 2013

Agenda Item	6.2
Report No	HLC/025/13

Application for a Public Entertainment Licence – Applecross Report by Alaisdair H Mackenzie, Legal Manager

Summary

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

1.0 Background

- 1.1 On 27 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 Alfred Edwards for the Applecross Highland Games and Seafood Festival to be held at the Applecross Camp site and Applecross Hotel.
- 1.2 The Highland Games and Seafood Festival are held annually on the fourth Saturday in July and the second Saturday in June between 12 noon and 01.30 am the following day.

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, Planning and Building Standards and TEC Services Environmental Health and Roads have responded intimating no objection to the renewal of the licence.
- 2.3 The Fire and Rescue Service has intimated that they have no objection provided that current test certificates are provided in relation to the tented structures to be used for the events. A copy of the response from the Fire & Rescue Service is appended to this report
- 2.4 The applicant has indicated that to date he has been unable to obtain the required certification for the tented structures.
- 2.5 The applicant and the Fire and Rescue Service 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 27 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 PE21082
Date: 30 April 2013

Background Papers: Civic Government (Scotland) Act 1982
Appendix 1: Highlands and Islands Fire Service letter dated 06 February 2013



Highlands & Islands Fire & Rescue Service



Chief Fire Officer: Stewart Edgar, MBA, Chartered FCIPD, MIOd, FIFireE

Headquarters
16 Harbour Road
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Inverness
IV1 1TB

Clerk to the Highland Licensing Board
Highland Council Offices
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IV15 9QN

HEADQUARTERS
(STD 01463) 227000
Fax: (01463) 236979
Website: www.hifrs.org

If calling or telephoning please ask for

Station Manager Chapman

Ext. 01349 852341

Your Ref.

Our Ref. 03/01/0514
RC/AF

Date 6 February 2013

Dear Sir/Madam

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR RENEWAL OF LICENCE

Temporary Structure – Applecross Highland Games.

Dates - 2nd Saturday in June and 4th Saturday in July each year 12:00 to 01:30 the following day.

A Fire Safety checklist for temporary structures has been received from the applicant which details the facilities to be provided. From the information provided on this checklist, the Fire Authority will have no objection to the granting of the Public Entertainment licence, should the following additional facilities and fire precautionary measures be provided:

Details of structure, fabrics and linings: Tented Structures.

The fabric does not have a current test certificate which conforms to the applicable British Standard.

Guidance Note Section 7 – Requirements Under British Standard 7837: 1996

- Structure fabrics must conform with test 2B (Bottom Edge Ignition) of BS5438:1989.
- All unattached lining materials should comply with British Standard 5867 Specification for fabrics, for curtains and drapes: Part 2 1980 flammability requirements.
- All attached linings and drapes must conform to test 2B (Bottom Edge Ignition) of BS 5438: 1989.

For/...

Helping make Highlands & Islands safer



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6 February 2013

Clerk to the Highland Licensing Board

For the Fire Authority to agree to the renewal of the licence, a valid test certificate would need to be obtained by the applicant.

Yours faithfully

**STATION MANAGER CHAPMAN
ROSS & CROMARTY DISTRICT OFFICE**

c.c. Alfred Edwards
1 Burnside
Applecross
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