

The Highland Licensing Committee

Meeting – 11 June 2013

Agenda Item	8.1
Report No	HLC/040/13

**Application for Grant of a Public Entertainment Licence
Drumbeg Village Hall, Drumbeg
Report by the Legal Manager**

Summary

Members are asked to give consideration to an application for grant of a public entertainment licence. This application is subject to a formal hearings procedure.

1.0 Background

1.1 The licensing of public entertainment is an activity covered under the Civic Government (Scotland) Act 1982.

2.0 Process

2.1 An application for the grant of a Licence was received on 1 February 2013 from Drumbeg Development Association in respect of Drumbeg Village Hall, Drumbeg. The applicant has indicated on the application form that the premises are to be used for Exhibitions, Health and Fitness Activities, Agricultural Shows, Discos and Dances, Musical Performances, Lectures and Illustrated Talks and Concerts, which are some of the activities which the Council has resolved to licence.

2.2 In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 6 months i.e. 1 August 2013 otherwise the licence will be granted unconditionally for a period of 12 months.

2.3 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:

- Northern Constabulary
- Fire and Rescue Service
- Environmental Health Service
- Planning and Building Standards Service
- Roads Service

No objections have been received.

2.4 However observations dated 24 May 2013 (copy attached) have been received from the Council's Building Standards Officer advising that there are several issues to be addressed prior to the issue of a Completion Certificate.

2.5 The application is before the Committee as at present the licence cannot be issued under delegated powers due to the outstanding works as detailed by Building Standards.

2.6 A copy of this Report has been sent to the applicant who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee. The applicant has also been advised of the procedure which will be followed at the meeting. Building Standards have also been asked to be represented at the meeting.

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

3.2 If required the Legal Manager will offer particular advice on the criteria relating to this particular application.

4.0 Policies

4.1 The following policies are relevant to this application:

Highland Council Public Entertainment. A copy of these can accessed at www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing or a hard copy can be supplied where requested.

Recommendation

Members are **invited** to give consideration to the above application.

If Members are minded to grant the licence, consideration could be given to an additional condition being imposed requiring the applicant to complete the outstanding works as detailed by Building Standards within a specified time.

Alternatively the Committee may wish to refuse the application on one of the grounds detailed in paragraph 3.1 of the report.

Designation: Legal Manager

Officer Reference: Iona Cook

Date: 24 May 2013

Background Papers: Civic Government (Scotland) Act 1982

Appendix:

- Observations from Highland Council's Building Standards Officer dated 24 May 2013

From: Sheila Tomelty
Sent: 24 May 2013 10:51
To: Iona Cook; Geraldine Sutherland
Subject: FW: Public Entertainment Licence - Drumbeg Village Hall

Following Lisa's email the list below are the items which are required to be addressed prior to the issue of the Completion Certificate;

1. The spacing's to the pedestrian protective barrier to the ramp are too large and should be reduced to 100mm.
2. A drains test is to be undertaken and witnessed by Building Standards Surveyor.
3. The boiler is required to be signed off.
4. The blow off from the unvented hot water storage vessel should be taken to the ground.

I trust this is acceptable but should you wish to discuss please do not hesitate to contact me on the number below.

Sheila Tomelty
Principal Building Standards Surveyor
The Highland Council
Planning and Building Standards Office
Drummuie
Golspie, KW10 6TA

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