

The Highland Council

Licensing Committee – 4 February 2013

Agenda Item	8.1
Report No	HLC/005/14

Application for the Renewal of a Public Entertainment Licence – Badenoch Centre, Spey Street, Kingussie (Ward 21 – Badenoch and Strathspey)

Report by the Legal Manager

Summary

This Report relates to an application for the renewal of a public entertainment licence.

1.0 Background

- 1.1 On 27th September 2013 an application for the renewal of a Public Entertainment Licence was received from High Life Highland in respect of Badenoch Centre, Spey Street, Kingussie.
- 1.2 In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 6 months i.e. 27th March 2014 otherwise the application will be granted for a period of 12 months.

2.0 Process

- 2.1 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:
- Police Scotland
 - Scottish Fire and Rescue Service
 - Highland Council Environmental Health Service
 - Highland Council Building Standards Service
- 2.2 Police Scotland, the Fire Service and the Council's Environmental Health Service have confirmed that they have no objections to the licence being issued.
- 2.3 The Council's Building Standards Service have advised that they require further information and certification in relation to an internal marquee which will be used in the sports hall of the centre.

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 Determination Period

4.1 In view of the above the Legal Manager is not currently in a position to issue the licence under delegated powers and as detailed in paragraph 1.2. above the application requires to be determined by 27th March 2014.

4.2 The application has been referred to this Committee as the next Licensing Committee meeting does not take place until 1st April 2014 which is after the date in which the application requires to be determined.

5.0 Policies

5.1 The following policies are relevant to this application:

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

6.0 Recommendation

Members are **invited** to determine the above application.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 17th January 2014