

## The Highland Licensing Committee

Meeting – 4 November 2014

Agenda Item	6.1
Report No	HLC/073/14

**Application for the renewal of a Public Entertainment Licence – Kincaig Community Hall Association, Kincaig Community Hall, Suidhe Crescent, Kincaig (Ward 21 – Badenoch and Strathspey)**

### Report by the Legal Manager

#### Summary

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

#### 1.0 Background

1.1 On 9 May 2014 the Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, received an application for the renewal of a Public Entertainment Licence from Kincaig Community Hall Association in respect of Kincaig Community Hall, Suidhe Crescent, Kincaig.

#### 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
- Planning and Building Standards
- Community Services Roads
- Community Services Environmental Health

2.2 All Consultees have responded intimating no objection to the renewal of the licence.

2.3 The applicant has submitted an up to date Electrical Installation Report which is unsatisfactory as there is a Code C2 requiring urgent remedial action to the Common Area Lights which are connected in 2-core flex with no earth. It is believed that the Applicants have arranged for an Electrician to undertake the necessary remedial action but as at the date of writing this Report confirmation of completion of the work had not been received.

2.4 The Applicant has been invited to attend or be represented at the meeting.

#### 3. Timescale

3.1 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.

**3.2** In the case of the application the six month period will elapse on 9 November 2014 and in the absence of the required certification that the Code C2 defect has been rectified the application cannot be determined under delegated powers.

#### **4.0 Determining Issues**

**4.1** 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

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

#### **5.0 Powers**

**5.1** 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.

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

#### **6.0 Recommendation**

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

Designation: Legal Manager

Officer Reference: Susan Grant

Date: 16 October 2014

Background Papers: Civic Government (Scotland) Act 1982