

## The Highland Licensing Committee

Meeting – 11 December 2014

Agenda Item	7.1
Report No	HLC/088/14

### Application for a Public Entertainment Licence – Poolewe Village Management Committee

Report by Alasdair H Mackenzie, Legal Manager

#### Summary

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

## 1.0 Background

1.1 On 23 June 2014 the Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, received an application for the grant of a Public Entertainment Licence from Poolewe Village Management Committee for Poolewe Village Hall, Poolewe, Achnasheen, IV22 2LD.

## 2 Process

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

- Police Scotland
- Scottish Fire and Rescue Service
- Planning and Building Standards Service
- TEC Services Roads
- TEC Services Environmental Health.

2.2 Police Scotland, Scottish 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 objects to the application on the grounds that the electrical installation condition report advises that the electrical installation is in an unsatisfactory condition.

2.4 The applicant has to date been unable to obtain and submit the required satisfactory electrical installation condition report or confirm that the works identified in the original report have been carried out.

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 22 December 2014 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: Angela Mair PE/21/015  
Date: 24 November 2014

Background Papers: Civic Government (Scotland) Act 1982