

Agenda Item	7.1
Report No	HLC/006/15

**Application for a Public Entertainment Licence – Contin Community Trust
Report by Alaisdair H Mackenzie, Legal Manager**

Summary

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

1.0 Background

1.1 On 22 August 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 Contin Community Trust for Contin Community Centre and Grounds, The Old School, Contin, IV14 9ES.

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, attached as an appendix hereto, objects to the application on the grounds that, although the electrical installation condition report advises that the electrical installation is in a satisfactory condition, it is over 3 years since the last inspection and the report gives no indication as to when the next inspection should be carried out.

2.4 The applicant has to date been unable to obtain and submit the required confirmation of the recommended date for a new electrical installation condition report from the electrician.

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 21 February 2015 and in the absence of the required confirmation 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/21/129
Date: 20 January 2015

Background Papers: Civic Government (Scotland) Act 1982

Appendix: Response from Environmental Health dated 5/11/14.

Angela Mair

From: Robin Fraser
Sent: 05 November 2014 14:16
To: Angela Mair
Subject: RE: Consultation on Application PE/21/129 Contin Community Trust

The electrical inspection report is satisfactory and does not list any defects or matters requiring attention which is what I would expect from an installation which is less than 15 years old. However, it is over 3 years since the last inspection and the report gives no indication as to when the next inspection should be carried out. I suspect the recommended interval would be 5 years in which case the report is still valid. However, I would request that the applicant obtains confirmation from the electrician who undertook the last inspection. If they are no longer available, a recommendation of a next inspection date from another electrician would be sufficient based on the 2011 report details.

Regards,
Robin Fraser
Environmental Health Officer
Highland Council, Community Services, Ross House, High Street, Dingwall, IV15 9QN
Telephone: 01349 868445 E-Mail: robin.fraser@highland.gov.uk

N.B. Any email message sent or received by the Council may require to be disclosed by the Council under the provisions of the Freedom of Information (Scotland) Act 2002

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<https://www.surveymonkey.com/s/highlandeh>

From: Angela Mair
Sent: 05 November 2014 13:54
To: Robin Fraser
Subject: FW: Consultation on Application PE/21/129 Contin Community Trust

Hi Robin

Another copy of the Contin Community Centre consultation as discussed.

Thanks
Angela

Angela Mair
Licensing Assistant
Corporate Development Service
Tel: 01349 868493

From: Angela Mair
Sent: 28 August 2014 16:28
To: Jillian MacDonald
Subject: Consultation on Application PE/21/129 Contin Community Trust

Good Afternoon

Please find attached a consultation on the application to renew Public Entertainment Licence PE/21/129 Contin Community Trust for Contin Community Centre & Grounds, The Old School, Contin.

Apologies for the delay in sending this – although the main form had been submitted on 22nd, part of the form hadn't been included and was submitted today.

Regard

Angela

Angela Mair

Licensing Assistant

Corporate Development Service

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