

Agenda Item	7.4
Report No	HLC/034/15

Application for renewal of a Public Entertainment Licence – Wick Swimming Pool and Fitness Suite, Burn Street, Wick

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 5 December 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 High Life Highland in respect of Wick Swimming Pool and Fitness Suite.

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
- Community Services - Roads
- Community Services - Environmental Health.

2.2 Police Scotland, Scottish Fire and Rescue Service, Planning and Building Standards and Roads have responded intimating no objection to the renewal of the licence.

2.3 The Environmental Health Service is unable to respond as the applicant has not yet lodged a satisfactory electrical certificate.

2.4 The application is before the Committee as at present the licence cannot be issued under delegated powers due to the outstanding documentation in 2.3.

2.5 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.

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 this application the six month period will elapse on 5 June 2015 and in the absence of the required electrical certificate 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

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
Author: G Sutherland
Date: 28 April 2015
Background Papers: Civic Government (Scotland) Act 1982