

The Highland Licensing Committee

Meeting – 6 October 2015

Agenda Item	7.2
Report No	HLC/082/15

Application for the renewal of a Public Entertainment Licence – Fortrose Community Theatre, c/o Black Isle Leisure Centre, Deans Road, Fortrose (Ward 10 – Black Isle)

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 24 April 2015 an application for the renewal of a Public Entertainment Licence was received from Highlife Highland in respect of Fortrose Community Theatre, c/o Black Isle Leisure Centre, Deans Road, Fortrose.

1.2 In terms of Section 3(1) of the Civic Government (Scotland) Act 1982 the application requires to be determined within 6 months, ie by 23 October 2015, otherwise the application will be deemed to be granted for a period of 12 months.

2.0 Process

2.1 Following receipt of the application a copy 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 and the Council's Building Standards Service have confirmed that they have no objections to the licence being issued.

2.3 As at the time of writing, Scottish Fire and Rescue Service still await receipt of a completed fire safety checklist and Environmental Health still await receipt of the electrical installation certificate. These have been requested. In the absence of these documents, however, the licence cannot be issued under delegated powers.

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

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.

3.3 In the absence of the documents referred to in paragraph 2.3, the Legal Manager is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 1.2, however, the application requires to be determined by 23 October 2015.

3.4 Members may accordingly wish to consider granting the licence subject to the condition that no public entertainment activities take place on the premises until a fire safety checklist and an electrical installation certificate have been submitted and are deemed satisfactory by the Fire and Rescue Service and Environmental Health.

4.0 Policies

4.1 The following policies are relevant to this application:

Standard Public Entertainment licence conditions. A copy of these can accessed at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/298/entertainment_licences/2

or a hard copy can be supplied where requested.

5.0 Recommendation

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

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Date: 17 September 2015