

## The Highland Licensing Committee

Meeting – 29 March 2016

Agenda Item	6.1
Report No	HLC/029/16

### Application for grant of a public entertainment licence – Ardgour Memorial Hall, Ardgour (Ward 22 – Fort William & Ardnamurchan) Report by Alaisdair H Mackenzie, Legal Manager

#### Summary

This Report relates to an application for the grant of a public entertainment licence.  
This item is subject to a formal hearing procedure.

#### 1.0 Background

1.1 On 7 October 2015 the Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, received an application for the grant of a public entertainment licence from Ardgour Memorial Hall Committee.

The premises previously held a public entertainment licence which expired on 16 June 2014 however the premises have been undergoing substantial refurbishment works which is the reason for the break in continuity of the public entertainment licence.

#### 2.0 Process

2.1 Following receipt of the application, in accordance with standard procedure, the following agencies were consulted on the application:-

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Planning and Building Standards Service
- Highland Council Community Services (Environmental Health).

2.2 Further to this consultation process no objections or representations have been received in respect of the application.

2.3 However, as at the time of writing, the following documentation is still awaited from the applicant:

1. annual certification in relation to fire safety appliances;
2. a copy of the premises public liability insurance documentation;
3. a current periodic electrical inspection report.

In the absence of the above documentation, the licence cannot be issued under delegated powers.

2.4 The applicant has been invited to attend the hearing and has been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://www.highland.gov.uk/site/scripts/google\\_results.php?q=licensing+committee+hearings+procedure](http://www.highland.gov.uk/site/scripts/google_results.php?q=licensing+committee+hearings+procedure)

### 3.0 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 6 April 2016 and in the absence of the required certification 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.

Officer/Reference: Julie Traynor: PE/2015/10/02

Date: 25 February 2016

Background Papers: Civic Government (Scotland) Act 1982/ Hearings Procedure