

The Highland Licensing Committee

Meeting – 14 June 2016

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| Agenda Item | 7.1 |
| Report No | HLC/053/16 |

Application for the grant of a public entertainment licence – Aviemore Kart Raceway Ltd (Ward 21 – Badenoch and Strathspey)

Report by the Principal Solicitor – Regulatory Services

Summary

This report relates to an application for the grant of a public entertainment licence.

1.0 Background

1.1 On 29 January 2016 an application for the grant of a public entertainment licence was received from Aviemore Kart Raceway Ltd. in respect of the Aviemore Kart Raceway, Granish, Aviemore. The director and day to day manager of the activity is Mr Colin Bain.

1.2 In terms of Section 3(1) of the Civic Government (Scotland) Act 1982 the application requires to be determined within 6 months, i.e. by 28 July 2016, 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
- Highland Council Community Services (Roads)
- Highland Council Planning Service

2.2 Police Scotland, Scottish Fire and Rescue Service and the Council's Community Services (Roads) and Planning Service have confirmed that they have no objections to the licence being issued.

2.3 The premises are a new build and at the time of writing it is still under construction. The Council's Building Standards and Environmental Health Services have advised that until the building is fully complete and they have had an opportunity to inspect the same they cannot sign off the licence application.

2.4 The electrical certificate and public liability insurance certificate also require to be submitted by the applicant.

2.5 A verbal update in relation to the outstanding issues will be provided at the meeting.

3.0 Determining Issues

3.1 Section 5(3) of Schedule 1 of the Act 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 to be the holder of the licence
- The activity to which the application relates 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 an activity consisting of or including the use of premises or a vehicle or vessel, that the premises are not, or the vehicle or vessel is not, suitable for the conduct of the activity, having regard to –
 - the location, character or condition of the same
 - the nature and extent of the proposed activity
 - the kind of persons likely to be in the premises, vehicle or vessel
 - the possibility of undue public nuisance, and
 - public order or public safety
- Where there is other good reason

If required the Principal Solicitor will offer particular advice on the criteria relating to this particular application.

3.2 In the absence of the sign offs from the Building Standards and Environmental Health Services and the submission of an electrical installation certificate, the Principal Solicitor is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 1.2 the application requires to be determined by 28 July 2016.

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.

Officer Reference: Michael Elsey

Date: 30 May 2016

Background Papers: Civic Government (Scotland) Act 1982