

Agenda item	12.1
Report no	HLC/036/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 June 2017

Report title: Application for the renewal of a public entertainment licence – North Coast Leisure Centre, Fitness Suite at North Coast Leisure Pool, Munro Place, Bettyhill (Ward 01 – North, West and Central Sutherland)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

- 1.1** This Report relates to an application for the renewal of a public entertainment licence.
This application is subject to a formal hearing procedure.

2. Recommendation

- 2.2** Members are invited to determine the application in accordance with the Council's Hearings Procedures.

3. Background

3.1 The licensing of public entertainment is an activity covered under the Civic Government (Scotland) Act 1982.

4. Application

4.1 An application for the renewal of a public entertainment licence was received on 13 December 2016 from Tongue and Farr Sports Association in respect of premises at North Coast Leisure Centre, Fitness Suite at North Coast Leisure Centre, Munro Place, Bettyhill.

5. Process

5.1. The application has been copied to the following Agencies/Services for consultation:-

- Police Scotland
- Fire and Rescue Service
- Planning Service
- Building Standards Service
- Environmental Health Service
- Roads Service

5.2 The above consultees have confirmed that they have no objections to the licence being issued.

5.3 The application is before the Committee as at present the licence cannot be issued under delegated powers due to an outstanding electrical certificate. The applicant has advised that an electrician will be inspecting the premises on 5 June 2017.

6. Determining issues

6.1 Paragraph 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:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) 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;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

- 6.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.
- 6.3 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. They have also been advised of the procedure which will be followed at the meeting.

7. Policies

- 7.1 The following policies are relevant to this application:

Public entertainment licence conditions.

A copy of these can accessed at

http://www.highland.gov.uk/downloads/file/3524/public_entertainment_conditions_of_licence

or a hard copy can be supplied where requested.

8. Implications

- 8.1 Not applicable.

Date: 22 May 2017

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Background Papers: Civic Government (Scotland) Act 1982