

Agenda item	7.1
Report no	HLC/057/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 October 2017

Report title: Application for the grant of a public entertainment licence – Charleston Academy Community Complex (Ward 13 – Inverness West)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Hearings Procedure.

3. Background

- 3.1** On 27 April 2017 an application for the grant of a public entertainment licence was received from Highlife Highland in respect of Charleston Academy Community Complex, Kinmylies, Inverness.
- 3.2** In terms of the abovementioned Act the Licensing Authority have six months from receipt of the application to determine the same, therefore this application must be determined by 26 October 2017. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.
- 3.3** A map showing the location of the premises is attached in Appendix 1.

4. Process

- 4.1** 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
- 4.2** Police Scotland, Scottish Fire and Rescue Service and the Council's Building Standards Service have confirmed that they have no objections to the licence being issued.
- 4.3** The Environmental Health Service have advised that they have no objections to the licence being granted subject to a copy of the electrical and gas certificates being submitted.
- 4.4** The applicants have advised that an electrical check has been carried out and the works required to bring it up to the appropriate standard have been undertaken. Written confirmation, and/or an updated certificate have been requested however this had not been received at the time of writing this report.

5. Determining issues

- 5.1** 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.

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

5.3 In the absence of the certificate detailed above the Principal Solicitor (Regulatory Services) 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 15 July 2017.

6. Options

6.1 If Members are minded they could grant the application with an additional condition attached to the same to the effect that no public entertainment activities should take place until a satisfactory electrical certificate has been submitted.

6.2 Alternatively the Committee could grant delegate powers to the Principal Solicitor to refuse the application if a satisfactory electrical certificate has not been submitted by 26 October 2017.

7. Policies

7.1 The following policies are relevant to this application:

7.2 Standard public entertainment licence conditions. A copy of these can accessed at http://www.highland.gov.uk/directory_record/738741/public_entertainment/category/498/entertainment_and_public_events

or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 14 September 2017

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix 1: Location plan

PEL Application – Charleston Academy Community Complex

