

Agenda item	6.1
Report no	HLC/018/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 2 April 2019

Report title: Application for the renewal of a public entertainment licence – Nairn Games Committee, c/o The Links, Nairn (Ward 18 – Nairn and Cawdor)

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.

2. Recommendation

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

3. Background

3.1 On 5 July 2018 an application for the renewal of a public entertainment licence was received from Nairn Games Committee in respect of Nairn Highland Games, The Links, Nairn.

3.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 4 April 2019. 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.

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 All of the above Agencies/Services have confirmed that they have no objections to the licence being issued.

4.3 As part of the application process the applicants are asked to submit copies of their up to date Risk Assessments and Health and Safety Policy.

4.4 The documents have been requested but not received yet and require to be submitted for checking by Environmental Health before any licence can be granted.

4.5 At the time of writing the Council's Environmental Health have advised that as we are waiting for up to date documentation, the licence cannot be issued until we receive them.

4.6 At the time of writing this report, the applicant has advised that the Nairn Games Committee are due to meet on 18 March 2019 and will report back following their meeting.

4.7 Until the above outstanding matters have been addressed, the Principal Solicitor (Regulatory Services) is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 3.2, the application requires to be determined by 4 April 2019.

5. Determining issues

5.1 Paragraph 5(3) of Schedule 1 of the Act 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.

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 the Risk Assessments and Health and Safety Policy documents have been received and are satisfactory.

6.2 Alternatively the Committee could grant delegated powers to the Principal Solicitor to refuse the application if these documents have not been received by 4 April 2019.

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: 15 March 2019

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Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982