

Agenda item	6.1
Report no	HLC/025/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 14 May 2019

Report title: Application for the grant of a public entertainment licence – Inshriach, By Aviemore (Ward 20 – Badenoch and Strathspey)

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 16 August 2019 an application for the grant of a public entertainment licence was received from Inshriach Distilling Ltd. in respect of events to take place in the grounds of Inshriach House, Inshriach Farm, Nr Aviemore. The category of public entertainment applied for is musical performances.
- 3.2** The application relates to a proposal to hold live music events between the hours of 12.00pm to 7.30pm on one Saturday per month generally between April and October. On occasions the entertainment will finish at 10.00pm. The types of music will include ceilidh bands, bluegrass bands, soloists, brass bands or similar. The maximum number of people at each event will be 150 and will be promoted as family friendly.
- 3.3** Appendix 1 shows a map of the area to be used. The licensed event area will include a permanent structure (which is indicated on the plan), which houses a small gin distillery, a shop and a bar.
- 3.4** Building Standards have confirmed that they have received a building warrant application for this structure and have advised the applicant of a number of works which require to be carried out prior to a completion certificate being issued. At the time of writing this report the completion certificate has not been issued.
- 3.5** In view of this Building Standards Service would object to this structure being accessed by any member of the public attending the events until such time as the completion certificate had been issued and the structure deemed safe for public access.
- 3.6** The Council's Environmental Health Service have also advised that they would require satisfactory electrical and gas safety certification to be submitted in relation to the structure and the distilling activity prior to any member of the public attending being permitted access to this.
- 3.7** 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 15 May 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
 - Highland Council Community Services (Roads)

4.2 Police Scotland, Fire Services and Community Services (Roads) have confirmed that they have no objections to the licence being issued.

4.3 In addition to the points raised by the Building Standards and Environmental Health Services the following required to be submitted by the applicants.

- Confirmation of medical provision

4.4 Until all the outstanding matters have been addressed, the Principal Solicitor (Regulatory Services) is not in a position to issue the licence under delegated powers. As detailed in paragraph 3.7, the application requires to be determined by 15 May 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 Building Standards and Environmental Health Services confirm that all their requirements have been met and details of medical provision has been confirmed.

6.2 Alternatively the Committee could grant delegated powers to the Principal Solicitor to refuse the application if these issues have not been resolved by 15 May 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.

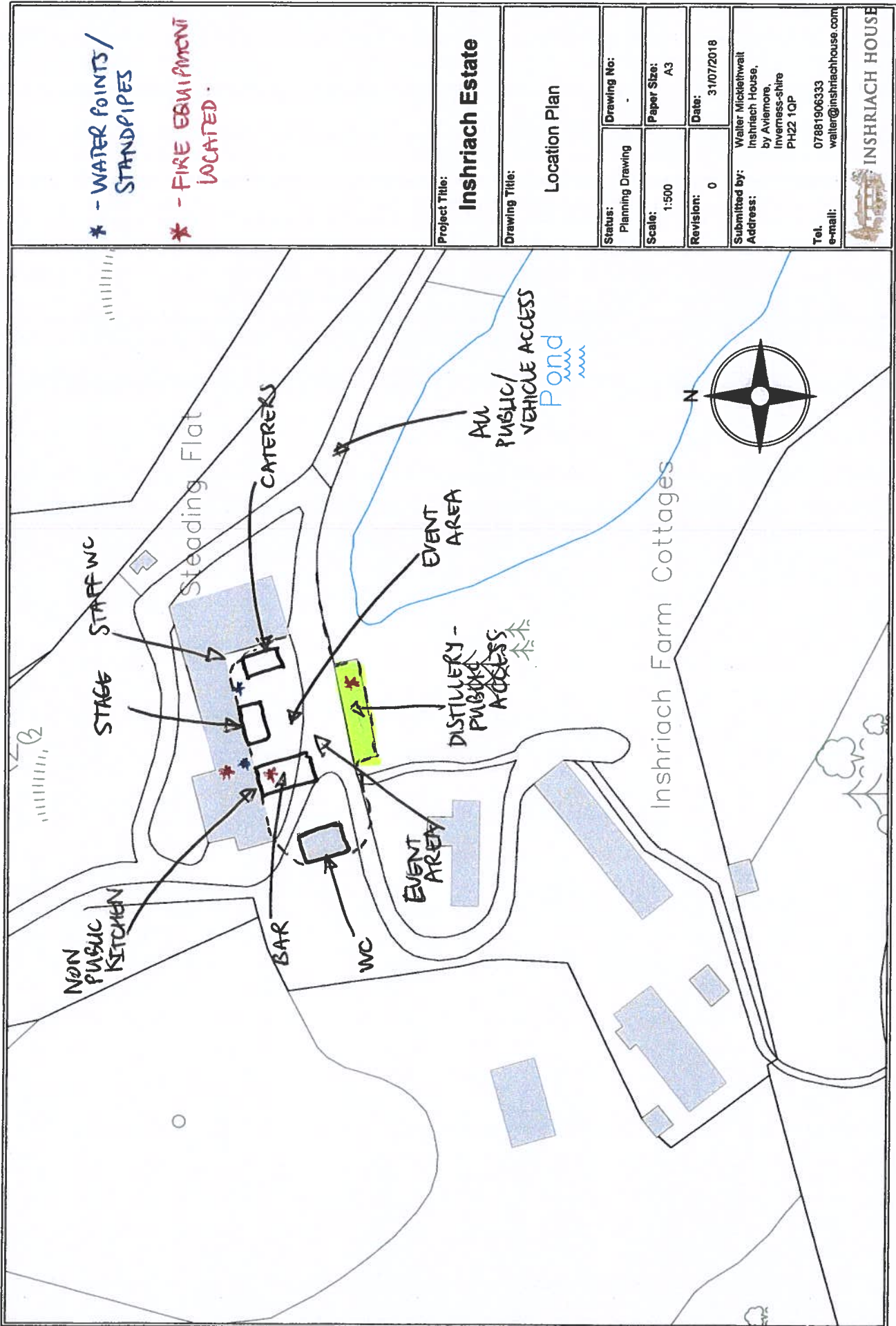
Date: 24 April 2019

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Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Plan of event area



INSHRIACH HOUSE