

Agenda item	6.1
Report no	HLC/033/20

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 8 September 2020

Report title: Application for the renewal of a public entertainment licence – Craigmonie Centre, Glenurquhart High School, Drumnadrochit (Ward 12 – Aird and Loch Ness)

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

2.1 Members are asked to determine the application in accordance with the Council's hearing procedure.

3. Background

3.1 On 13 September 2019 an application for the renewal of a public entertainment licence was received from High Life Highland in respect of Craigmorie Centre, Glenurquhart High School, Drumnadrochit.

3.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have twelve months (due to temporary amendments to the legislation during the coronavirus period) from receipt of the application to determine the same, therefore this application must be determined by 12 September 2020. 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 Planning Service
- Highland Council Environment and Infrastructure Roads Section

4.2 There have been no objections received in relation to this application.

4.3 As part of the application process the applicants were asked to submit a copy of their up to date Electrical Installation Certification Report (EICR) certification. A copy of the certificate dated 14 August 2019 has been received.

4.4 The EICR document submitted has C2 faults detailed on it which require to be rectified to ensure that the electrical installation is deemed as being satisfactory.

4.5 The applicants have been invited to submit written confirmation that these faults have been satisfactorily completed. At the time of writing this has not been received.

4.6 Until the above outstanding matter has 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 12 September 2020.

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.

5.3 A copy of this report has been sent to High Life Highland who have been invited to state their case.

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 relevant document has been received and is deemed satisfactory.

6.2 Alternatively the Committee could grant delegated powers to the Principal Solicitor to refuse the application if the required document has not been received by 12 September 2020.

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: 19 August 2020

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982