

Agenda item	7.2
Report no	HLC/060/21

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 26 October 2021

Report title: Application for the grant of a public entertainment licence (UV sunbed treatments) – Seigrid Swanney (Ward 21 – Fort William and Ardnamurchan)

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 (UV sunbed treatments).

This item is subject to a formal hearing procedure.

2. Recommendation

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

3. Background

- 3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the "Act") that a public entertainment licence will be required if carrying out the activity of providing ultra-violet sunbed treatments.

4. Application

- 4.1 On 28 October 2020 an application for the grant of a public entertainment licence was received from Seigrig Swanney in respect of premises at Unit 6, Ben Nevis Way, Ben Nevis Drive, Fort William, PH33 6RU.

- 4.2 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 27 October 2021. 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.

5. Process

- 5.1 Following receipt of the application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Fire Scotland
- Environmental Health Service
- Building Standards
- Planning

6. Representation

- 6.1 No objections to the application have been received from the Police or Environmental Health Authorities.

Building Standards have indicated that the premises does not hold the necessary building warrant certification for its current operation.

The Planning Authority have indicated that no planning applications or permissions can be identified in respect of the current operation.

7. Determining issues

- 7.1 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.

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

7.3 A copy of this report has been sent to the applicant and Planning & Building Standards who have 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.

7.4 If the Committee are minded to grant the application delegated powers should be provided to the Principal solicitor to issue the licence only once any works required by the Agencies/Services detailed in paragraph 6.1 have been satisfactorily completed and any required certification submitted.

8. Policies

8.1 The following policies are relevant to this case:

Standard public entertainment licence (UV Sunbed) conditions. A copy of these can accessed at: [Sun tanning licence | Sun Tanning Conditions of Licence \(highland.gov.uk\)](#) or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 5 October 2021

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