

Agenda item	6.1
Report no	HLC/047/22

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 October 2022

Report title: Application for the renewal of a public entertainment licence – Stratherrick Public Hall, Gorthleck, Inverness IV2 6YP (Ward 12 – Aird and Loch Ness)

Report by: 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 Council's hearing procedure.

3. Background

3.1 On 15 November 2021 an application for the renewal of a public entertainment licence was received from Stratherrick Public Hall Management Committee in respect of Stratherrick Hall, Gorthleck, Inverness

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 14 November 2022. 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
- Highland Child Protection Committee

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 applicants are asked to submit several supporting documents.

4.4 The following documents still require to be submitted:

- Electrical Installation Condition Report (EICR)
- Public liability insurance certificate
- Portable Appliance Test (Pat) certificate

4.5 All of the above documentation requires to be submitted for checking by the appropriate agencies before any licence can be granted. At the time of writing this report, the documentation has not been received.

4.6 The applicants have submitted an email explaining the reasons for the delay in submitting the documentation. A copy of this is attached in **Appendix 1**.

4.7 Until the above outstanding matters have been addressed, the Principal Solicitor - Regulatory Services cannot issue the licence under delegated powers. As detailed in paragraph 3.2, the application requires to be determined by 14 November 2022.

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 documents have been received and are deemed 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 14 November 2022.

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: 4 October 2022

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982

Appendices:

Appendix 1- Email from Hugh Nicol dated 3 October 2022

From: *****
Sent: 03 October 2022 19:59
To: Michael Elsey (Legal Team (North))
Cc: *****
Subject: Stratherrick Public Hall PEL Application

Dear Mr Elsey

I refer to our PEL Application and to our recent telephone conversations regarding same.

As I explained to you we had suffered a very severe Roof Leak in 2020 which caused internal damage and immobilised certain facilities, namely the Ladies Toilet, the Disabled Toilet and to a lesser degree the Kitchen. With Covid lockdowns, subsequent material shortages, etc. it has taken us some time to secure funding and carry out the necessary repairs, but the Roof has been replaced, the Hall is now completely watertight, and we are about to commence internal repairs to the plasterwork, etc.. One of the requirements of the PEL is a valid current completed Electrical Inspection Report, but although our existing Certificate expired during this period we have been unable to instruct an Electrical Inspection until all the necessary plasterwork repairs have been carried out and all the damaged electrical items (lights, plugs, etc.) have been reinstated.

I understand that a PEL is only applicable (as far as our Hall is concerned) when we host a Musical Performance or Drama for which an admission charge is made, and this will certainly not be happening until we have completed all repairs, obtained an Electrical Inspection Certificate, and been issued with an up-to-date PEL. I also understand that the Licensing Board are about to sit to consider PEL Applications, so could I suggest the the Board consider our Application and if possible approve our Application but withhold its issue until you have received our completed Electrical Inspection Certificate?

Should the Board wish to discuss this matter during their considerations I am willing to appear to answer any questions which they may have.

Yours sincerely,

Hugh A Nicol

Chairman - Stratherrick Public Hall Management Committee.