

Agenda item	8.1
Report no	HLC/054/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 June 2024

Report title: Application for the grant of a public entertainment licence (UV Sunbeds) – Beauty Paradise, Unit 1, Diamond House, Bank Street, Fort William, PH33 6AB (Ward 21 – Fort William and Ardnamurchan)

Report by: 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

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

3. Background

3.1 On 29 September 2023 an application for the grant of a public entertainment licence (UV Sunbeds) was received from Dorota Palicka in respect of Beauty Paradise, Unit 1, Diamond House, Bank Street, Fort William, PH33 6AB.

3.2 In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 28 June 2024. 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, with the exception of Highland Council Building Standards, have confirmed that they have no objections to the application.

4.3 As part of the application process applicants are requested to submit a number of supporting documents. In respect of this application, all supporting documentation has been received from the applicant.

4.4 In addition, the applicant has provided a certificate of compliance confirming that a public notice of application for their public entertainment licence was displayed at or near the Premises for a period of 21 days.

5. Objection from Highland Council Building Standards

5.1 Building Standards have objected to the application on the basis that a building warrant is required for some of the internal alterations which have taken place within the premises.

5.2 The applicant has confirmed that she is currently progressing with the necessary works and will provide a further update prior to the meeting if the works have not been completed by that date.

5.3 Until the above outstanding matter has 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 28 June 2024.

6. Determining issues

6.1 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.

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

6.3 A copy of this report has been sent to the applicant and the objector who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee.

Both parties have also been advised of the procedure which will be followed at the meeting which may also be viewed via the following link:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Committee\) \(highland.gov.uk\)](#)

7. Determination option

7.1 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 a building warrant has been granted and completion certificate received.

8. Policies

8.1 The following policies are relevant to this application:

8.2 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.

9. Implications

9.1 Not applicable.

Date: 6 June 2024

Author: Julie Traynor

Ref: UV/2023/10/01

Background Papers: Civic Government (Scotland) Act 1982
