

Agenda item	<b>6.2</b>
Report no	<b>HLC/06/25</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 7 January 2025**

**Report title: Application for the renewal of a public entertainment licence – Inverness Royal Academy, Culduthel Road, Inverness (Ward 15 – Inverness Ness-side)**

**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**

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

### **3. Background**

**3.1** On 2 May 2024 an application for the renewal of a public entertainment licence was received from Highland Council in respect of Inverness Royal Academy, Culduthel Road, Inverness.

**3.2** 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 1 February 2025. 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.

### **5. Certification**

**5.1** As part of the licence application process the applicants require to submit a copy of the Electrical Certificate (EICR) in relation to the premises.

**5.2** In respect of these premises an electrical certificate was submitted however it was noted the electrical installation was deemed as being unsatisfactory, with a number of remedial works required.

**5.3** The applicants have been asked to submit a copy of a remedial report which addresses the unsatisfactory points, and whilst it is understood that this is being actioned, at the time of writing this report has still to be submitted.

**5.4** Until this outstanding matter has been addressed, the Principal Solicitor - Regulatory Services is not in a position to issue the licence under delegated powers. As detailed in paragraph 3.2, the application requires to be determined by 1 February 2025.

### **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.

## **7. Options**

**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 the required works have been completed and relevant documents have been submitted and are deemed satisfactory.

**7.2** Alternatively, the Committee could grant delegated powers to the Principal Solicitor to refuse the application if the works have not been completed and the documentation has not been received by 1 February 2025.

## **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](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: 12 December 2024

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982