

Agenda item	7.2
Report no	HLC/53/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 1 April 2025

Report title: Application for the renewal of a public entertainment licence – Leanach Farm, Inverness, IV2 5EJ (Ward 19 – Inverness South)

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 3 August 2024 an application for the renewal of a public entertainment licence was received from Iain MacKay in respect of exhibition (of animals) at Leanach Farm, 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 3 May 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
- Highland Child Protection Committee

4.2 All of the above Agencies/Services have confirmed that they have no objections to the licence being issued, other than the Council's Building Standards Service who have requested that the following documents and information be submitted.

- Further details relating to the licensed activity
- Details of any permanent structures to be used to allow to ascertain their suitability.
- Details of any Temporary Structures to be used.
- Full details of the toilet block marked on the site plan.

4.3 As part of the application process the applicant has also been asked to submit a copy of the following documents:

- Certificate of Compliance
- Health and safety policy
- Child protection and vulnerable persons policy.

4.4 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, this documentation has not been received.

4.5 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 3 May 2025.

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 all the outstanding documents and confirmation relating to Building Standard's requests 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 and approved by 3 May 2025.

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: 12 March 2025

Author: Kata Somogyi

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982