

Agenda item	<b>6.1</b>
Report no	<b>HLC/044/17</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 2 August 2017

**Report title:** Application for the renewal of a public entertainment licence – Craig MacLean Leisure Centre, Cromdale Road, Grantown on Spey (Ward 20 – Badenoch & Strathspey)

**Report by:** The 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 Hearings Procedure.

### **3. Background**

3.1 On 14 March 2017 an application for the renewal of a public entertainment licence was received from Highlife Highland in respect of the Craig MacLean Leisure Centre, Cromdale Road, Grantown on Spey.

3.2 In terms of the abovementioned Act the licensing authority have six months from receipt of the application to determine the same, therefore this application must be determined by 13 September 2017. Failure to determine the application by this time would result in the application being subject to 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

4.2 Police Scotland, Scottish Fire and Rescue Service and the Council's Environmental Health and Planning Services have confirmed that they have no objections to the licence being issued.

4.3 The Building Standards Service have advised that there are ongoing works to upgrade the swimming pool and changing room areas and that these are due to be completed in August 2017. Until then however a completion certificate cannot be issued.

4.4 The applicants have also been asked to submit a copy of the electrical certificate for the premises and the certificate of compliance confirming that the notice of application has been displayed at the premises for the required period of 21 days.

### **5. Determining issues**

5.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 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.

**5.3** In the absence of the certificate detailed above the Principal Solicitor - Regulatory Services is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 1.2 the application requires to be determined by 13 September 2017.

## **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 outstanding issues detailed in paragraph 2 of this report have been completed.

**6.2** Alternatively the Committee could grant delegate powers to the Principal Solicitor to refuse the application if the outstanding issues have not been satisfactorily addressed by 13 September 2017.

## **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](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: 17 July 2017

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland ) Act 1982