

Agenda Item	7.2
Report No	HLC/064/16

Application for the grant of a public entertainment licence – Inverness Royal Academy Sports Centre, Culduthel Road, Inverness (Ward 16 – Inverness Ness-Side)

Report by the Principal Solicitor – Regulatory Services

Summary

This Report relates to an application for the grant of a public entertainment licence.

This application is subject to a formal hearing procedure.

1.0 Background

1.1 On 6 June 2016 an application for the grant of a public entertainment licence was received from High Life Highland in respect of Inverness Royal Academy Sports Centre, Culduthel Road, Inverness.

1.2 A site plan showing the location of the premises is attached in Appendix 1.

1.3 The applicants have indicated that the premises will be used for health and fitness activities including gymnasia.

1.4 On the application form the hours of operation were detailed as being:

- Monday to Sunday from 7.00am to 12 midnight.

1.5 On 22 June 2016 the applicants submitted a written request to amend the proposed opening times from 7.00am to 11.00pm.

1.6 They also requested that the capacities of the areas being applied for be reduced in line with the figures required by Building Standards, these being:

Sports Hall 1 – 450
Sports Hall 2 – 450
Gymnasium – 60
Gymnasium/Dance Studio – 60
Fitness Suite - 20

2.0 Process

2.1 Following receipt of this application a copy of the same 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 Community Services (Roads)

2.2 Police Scotland the Fire Service and the Environmental Health Service have confirmed that they have no objections to the licence being issued. A response is awaited from Community Services (Roads).

2.3 The Building Standards Services have advised that they have no objection to the application subject to a completion acceptance certificate or temporary occupation/use certificate being issued.

2.4 As the premises are a new build at the time of writing the electrical certificate, gas certificate and lift certification still require to be submitted.

3.0 Objection

3.1 A letter of objection in relation to the application was received on 24 June 2016 from Mr R.F. Dyce. A copy of the objection is attached in Appendix 2.

4.0 Determining Issues

4.1 Section 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:

- The applicant or anyone else detailed on the application is not a fit and proper person
- 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
- Where the application relates to a premise, vehicle or vessel That the location, character or condition of the same is not suitable
- The nature and extent of the proposed activity is not suitable
- The kind of persons likely to be in the premises are not suitable
- Where there is the possibility of undue public nuisance, public order or public safety
- Where there is other good reason

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

5.0 Policies

5.1 The following policies are relevant to this application:

5.2 Standard public entertainment licence conditions. A copy of these can accessed at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/298/entertainment_licences/2

or a hard copy can be supplied where requested.

6.0 Recommendation

6.1 The Committee is invited to determine the application in accordance with the Council's hearings procedure.

Designation: Principal Solicitor – Regulatory Services

Officer Reference: Michael Elsey

Date: 18 July 2016

22 June 2016

RECEIVED
24 JUN 2016

Dear Sirs,

Public Entertainment License – Inverness Royal Academy

I wish to object to the granting of the Public Entertainment License currently being sought for the Inverness Royal Academy new build.

My reasons for the objection are as follows:

First – An increase in both vehicular and pedestrian traffic.

This new facility will be open to the general public increasing the usage at times when the “old school” was quiet. I appreciate that the old IRA did let out facilities to clubs and organisations outside of school hours. However, these lets were to clubs and organisations which were by their nature restricted in numbers of people attending. The new school or leisure centre will be open for longer hours and open to the general public as well as lets to clubs and organisations. The increase in footfall within the building and perhaps in its environs will lead to an increase in traffic in the locality. It should be noted that the facility lies within two hundred metres of domestic housing and differs from other centres by being so close.

Second – An increase in noise and potential nuisance.

The application notice states opening times, to the general public, in the evenings from 6pm to 10pm Monday to Friday(and 9am to 1pm during holiday times)and Saturday and Sunday 12pm to 1pm and 7pm to 12pm if holding exceptional one-off events. This is a significant expansion of the opening times of the existing building and when linked to the expansion of access to the general public must lead to a significant increase in noise pollution and also greatly increase the potential for nuisance. As stated above there are a considerable number of domestic residences situated in close proximity to the building. Account should not only be taken of activity on-site but also arriving and leaving the building.

Third – Environmental Incursion

The new building borders Culduthel Woods. These woods have a reasonable diversity of wild animal and birdlife, including the protected red squirrel. The increased and busier opening hours of the IRA will place additional and adverse human pressure on these species as more people use the woods as a means of access and egress.

This application of a public entertainment license moves the Inverness Royal Academy from an educational establishment to an entertainment venue.

My objection is centred on the extent of the proposed opening hours and most especially to the proposal to stage "one off exceptional events to midnight on a Saturday and/or Sunday but also to the opening to 10pm each evening.

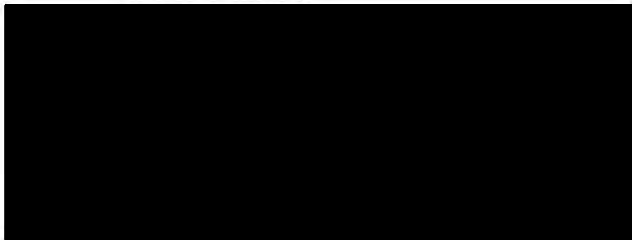
As with most permissions the "devil is always in the detail" There is no indication of the type of event, no qualification or quantification of what "one off exceptional" actually means, whether midnight, or 10pm is the finishing time of the event or /performance with further time being needed for emptying the venue?

I understand there is sufficient space for over one thousand people to be seated in the venue. This number of people leaving a venue at midnight can add considerably to the noise and nuisance and extend this well into the early hours of Sunday and Monday mornings.

I hope that you will find my objection valid.

I would be happy to discuss my objection with the Licensing Authority, its representatives or indeed the applicant.

Yours faithfully

A large black rectangular box redacting the signature of R F Dyce.

R F Dyce

Contact telephone number 01463 221853