

Agenda item	8.1
Report no	HLC/028/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 15 May 2018

Report title: Application for the grant of a temporary public entertainment licence – David O'Connor (Ward 8 – Dingwall and Seaforth)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This Report relates to an application for the grant of a temporary public entertainment licence.
- 1.2** This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1** Members are asked to determine the application in accordance with the Council's Hearings Procedure.

If members are minded to grant the application, delegated power is sought to allow the Principal Solicitor – Regulatory Services to issue the licence once any requirements of the Services detailed in Section 4.0 of the report have been met, the event management plan has been agreed by the safety advisory group and any relevant documents and certification have been submitted. Delegated power should also be given to allow the Principal Solicitor – Regulatory Services to refuse the application under Paragraph 5(3) of Schedule 1 to the Act should the above requirements not have been met by 26 May 2018, the date of the event for which the temporary licence is sought.

3. Background

3.1 On 22 February 2018 an application for the grant of a temporary public entertainment licence was received from David O'Connor in respect of Ross County Football Club, Global Energy Stadium, Victoria Park, Dingwall, IV15 9QZ for the event known as 'Party on the Park' to be held on 26 May 2018 (the "event").

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 21 November 2018. 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 proposed date of the event.

3.3 A map showing the location of the premises is attached in Appendix 1.

4.0 Process

4.1 Following receipt of the application, and observing the Council's safety advisory group procedures for the licensing of major events, a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Scottish Ambulance Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service
- Highland Council Emergency Planning Service
- Highland Council Community Services – Roads
- Highland Council Trading Standards Service
- Highland Council Liquor Licensing

4.2 A series of multi-agency safety advisory group meetings, the membership of which includes the consultees along with the applicant, a representative from NHS Highland, the applicant's security provider, Highland Council licensing staff and the Ward Manager, are held to discuss the applicant's event management plan and agree the same. The event management plan, once agreed by the safety advisory group, will be attached as a condition of the licence.

4.3 Due to the complexity of the event and the numerous Services/Agencies involved, an initial draft version of the event management plan has been submitted by the applicant to the safety advisory group and will be updated as details are discussed and amended by the Services/Agencies and the applicant. The final event management plan will not be fully agreed by all members until nearer the date of the event.

4.4 The submission of certification required for temporary structures cannot be done until those temporary structures have been erected in the days immediately prior to the event.

5.0 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 will offer particular advice on the criteria relating to this particular application.

5.3 In the absence of the final agreed event management plan and certification for the temporary structures detailed above the Principal Solicitor (Regulatory Services) is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 3.2 although the application requires to be determined by 21 November 2018, the event is scheduled to take place on 26 May 2018 and therefore the application is before the Committee for determination.

6.0 Policies

6.1 The following policies are relevant to this application:

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.

7.0 Other requirements

7.1 If members are minded to grant the application delegated powers should be given to the Principal Solicitor – Regulatory Services to issue the licence once any requirements of the Services detailed in Section 4.0 of the report have been met, the event management plan has been agreed by the safety advisory group and any relevant documents and

certification have been submitted. Delegated power should also be given to allow the Principal Solicitor – Regulatory Services to refuse the application under Paragraph 5(3) of Schedule 1 to the Act should the above requirements not have been met by the date of the event.

8.0 Implications

8.1 Not applicable.

Date: 30 April 2018

Author: Angela Mair

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Location plan