

Agenda item	7.1
Report no	HLC/040/18

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **26 June 2018**

Report title: **Application for the renewal of a public entertainment licence – Inverness Botanic Gardens, Bught Lane, Inverness (Ward 13 – Inverness West)**

Report by: **The Principal Solicitor – Regulatory Services**

1. Purpose/Executive Summary

- 1.1** This Report relates to an application for the grant 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 6 October 2017 an application for the renewal of a public entertainment licence was received from Highlife Highland in respect of Inverness Botanic Gardens, Bught Lane, 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 5 July 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 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

4.2 All of the above Agencies/Services have confirmed that they have no objections to the licence being issued.

4.3 As part of the application process the applicants are asked to submit an electrical certificate in respect of the premises.

4.4 An electrical certificate dated 11 July 2016 was received however it states that the overall assessment of the electrical installation is unsatisfactory and there are a number of works which require to be carried out to bring it up to the required standard.

4.5 The applicants have advised that the works have been carried out and that they are awaiting written confirmation of this. However at the time of writing this report this confirmation has not been received.

4.6 In the absence of this confirmation, the Principal Solicitor (Regulatory Services) is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 3.2, the application requires to be determined by 5 July 2018.

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 written confirmation has been received confirming that all outstanding works in relation to the electrical certificate have been carried out satisfactorily.

6.2 Alternatively the Committee could grant delegated powers to the Principal Solicitor to refuse the application if such written confirmation has not been received by 5 July 2018.

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: 8 June 2018

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Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982