

Agenda item	6.1
Report no	HLC/027/20

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 4 August 2020

Report title: Application for the renewal of a public entertainment licence – Badenoch Centre, Spey Street, Kingussie (Ward 20 – Badenoch and 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.

3. Background

3.1 On 20 August 2019 an application for the renewal of a public entertainment licence was received from High Life Highland, Badenoch Centre, Spey Street, Kingussie.

3.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have twelve months (due to temporary amendments to the legislation during the coronavirus period) from receipt of the application to determine the same, therefore this application must be determined by 19 August 2020. 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

4.2 All of the above Agencies/Services apart from the Environmental Health Service and Roads Section 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 a copy of their up to date Electrical Installation Certification Report (EICR) and lift certification.

4.4 The EICR document submitted has C2 faults on it. The faults have been rectified and awaiting written confirmation they have been rectified. The SWL lift certificate expired on 7 July 2020 and next inspection is being carried out on 20 July 2020. Both documents require to be submitted for checking by Environmental Health before any licence can be granted.

4.5 At the time of writing this report, the up to date documentation has not been received. The applicant has advised that they will produce the documents as soon as possible.

4.6 Until the above outstanding matter has been addressed, 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 19 August 2020.

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 the documents 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 by 19 August 2020.

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: 9 July 2020

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Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982