

Agenda item	6.1
Report no	HLC/05/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **7 January 2025**

Report title: **Application for the grant of a public entertainment licence – Infinity Trampoline Park, Unit D, Telford Retail Park, Inverness (Ward 14 – Inverness Central)**

Report by: **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

- 2.1 Members are asked to determine the application in accordance with the Council's hearing procedure.

3. Background

3.1 On 19 April 2024 an application for the grant of a public entertainment licence was received from Infinity Trampoline Park in respect of the Infinity Trampoline Park, Unit D, Telford Retail Park, 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 18 January 2025. 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 (for info.)
- Highland Council Environment and Infrastructure Roads Section

5. Objection

5.1 An objection to this application was received on 10 May 2024 from the Council's Building Standards Service.

5.2 A copy of the objection is attached as **Appendix 1** to this report.

5.3 Until the outstanding matters detailed within the objection have been addressed, the Principal Solicitor - Regulatory Services is not in a position to issue the licence under delegated powers. As detailed in paragraph 3.2, the application requires to

5.4 be determined by 18 January 2025.

6. Additional information

6.1 The original building warrant application was issued on 20 April 2017 for the works to the building, which included an accessible toilet, however this was not installed.

6.2 An amended building warrant application was received by Building Standards on 30 July 2024, which was validated on 5 August 2024 and approved on 11 November 2024. This shows an accessible toilet within a new position, and which requires to be installed within the building as per the approved drawings and specification. It is this building warrant application that requires to be resolved in relation to the completion aspect of the works.

7. Previous application

7.1 An application for the grant of a public entertainment licence was received on 28 October 2016 in respect of these premises.

- 7.2** The application was considered at a meeting of the Licensing Committee held on 28 March 2017 where the Committee agreed to grant delegated authority to the Principal Solicitor to refuse to grant the licence if, by 27 April 2017, there were outstanding Building Standards issues and/or a satisfactory electrical installation certificate, gas certificate and PAT certificate had not been submitted.
- 7.3** Satisfactory electrical installation certificate, gas certificate and PAT certificates were received within the deadline as was confirmation that the building warrant had been processed and issued.
- 7.4** The licence expired on 26 April 2020 and was not renewed at that time, noting that this was during the period of the first Covid 19 lockdown.
- 7.5** On 22 February 2024 a member of the Licensing team contacted the manager of Infinity as we had been made aware that the premises were operating without the required public entertainment licence. On 8 March 2024 and on 4 April 2024 licensing staff again contacted the manager as no application had been received.
- 7.6** As indicated above, an application was then received on 19 April 2024.

8. Determining issues

- 8.1** 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.
- 8.2** If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

9. Options

- 9.1** 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 required works have been completed and relevant documents have been submitted and are deemed satisfactory.

9.2 Alternatively, the Committee could grant delegated powers to the Principal Solicitor to refuse the application if the works have not been completed and the documentation has not been received by 18 January 2025.

10. Policies

10.1 The following policies are relevant to this application:

10.2 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.

11. Implications

11.1 Not applicable.

Date: 11 December 2024

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix 1: Building Standards objection dated 10 May 2024

Mike Elsey (Legal Team (Licensing))

From: Scott Willox (Building Standards)
Sent: 10 May 2024 10:20
To: Licensing
Subject: RE: PEL application - Infinity Trampoline Park, Inverness

Hi Kata

Building Standards would object to the above application on the following grounds:

- The premises is being operated without a Completion Certificate. A Building Warrant was granted back in 2017 for the formation of a trampoline park within the existing premises. This was approved however they are not in receipt of a Completion Certificate Acceptance which they should have in place to operate. We have been and continue to pursue them on this. To resolve this they need to make a Completion Certificate submission which will then trigger a site visit to inspect the work
- We are also aware they are operating without having a suitable accessible sanitary facilities as is required in a premises such as this.

Kind Regards

Scott

Scott Willox - Principal Building Standards Surveyor
 The Highland Council - Infrastructure & Environment
 Glenurquhart Road, Inverness, IV3 5NX

Tel - 01463 785080 (working days Tues-Fri)

[Building Standards Building Warrant Fee Increases 2024 - Building Standards \(blogs.gov.scot\)](#)

I would appreciate if you would spare a moment to share the experience you have had with building standards, as your views are important to the council; by completing the national customer survey: -

<https://www.smartsurvey.co.uk/s/BuildingStandardsNationalSurvey/?la=Highland>

From: Kata Somogyi (Legal Team (Licensing)) <Kata.Somogyi@highland.gov.uk>
Sent: Monday, April 22, 2024 12:32 PM
To: highlandislandCivicGovtLicensing <highlandislandCivicGovtLicensing@scotland.police.uk>; N.HLNDPandPLegislationSupport <N.HLNDPandPLegislationSupport@firescotland.gov.uk>; Environmental Health <envhealth@highland.gov.uk>; Scott Willox (Building Standards) <Scott.Willox@highland.gov.uk>; Gary Sartain (Building Standards) <GARY.SARTAIN@highland.gov.uk>; Planning Technical <PlanningTechnical@highland.gov.uk>; Alistair MacLeod (Roads Operations (Inverness)) <Alistair.Macleod5@highland.gov.uk>
Cc: Michael Elsey (Legal Team (Licensing)) <Michael.Elsey@highland.gov.uk>; Sheena MacKenzie (Legal Team (Licensing)) <Sheena.Mackenzie2@highland.gov.uk>
Subject: PEL application - Infinity Trampoline Park, Inverness

Good afternoon,

Please find attached a new application.

Kind regards,

Kata Somogyi
Administrative Assistant -- Licensing