

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
13 NOVEMBER 2023
REPORT BY STRATEGIC LEAD, LEGAL AND GOVERNANCE

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| TYPE OF APPLICATION | Grant of a Public Entertainment Licence |
| APPLICANT | Mugstock, The MugShack, Cumbernauld, G67 1DW |
| PREMISES | Strathallan Castle, Strathallan Estate, Auchterarder, PH3 1JZ |
| THE APPLICATION | <p>Mugstock, has applied for a three-year Public Entertainment Licence to hold a music festival at Strathallan Castle from 2-5 August 2024. (See the site plan in Appendix 1 attached)</p> <p>There are draft licensing conditions (See Appendix 2 attached) that require the production of six management plans prior to 1 July 2024 which will individually address the key issues to ensure a safe event. The management plans are required to be completed to the satisfaction of the agencies involved by the dates referred to in Table 1 of the draft licensing conditions. (See Appendix 2 attached)</p> <p>2 letters of objection have been received from members of the public regarding this application (See attached letters of objection in Appendix 3 attached).</p> <p>1 email of support has been received from a member of the public regarding this application (See letter of support in Appendix 4 attached) .</p> |
| LEGAL POSITION | <p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a public entertainment licence. Any decision to refuse a public entertainment licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982.</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds for refusal are: -</p> <p>The activity to which the licence relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused such a licence if they made the application.</p> <p>Where the licence relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to:</p> <ul style="list-style-type: none"> • the location, character or condition of the premises, vehicle or vessel; • the nature and extent of the proposed activity; • the kind of persons likely to be in the premises, vehicle or vessel; |

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| | <ul style="list-style-type: none"> • the possibility of undue public nuisance, public order or public safety; or • there is other good reason for refusing the application. <p>In deciding whether or not to grant or renew a licence, the Council will consider each application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> • any Objections or Representations • any other relevant considerations <p>The Head of Legal and Governance Service has delegated powers under the Council's Scheme of Administration to suspend the licence in terms of paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982 where the carrying on of the activity to which the licence relates has caused or is likely to cause undue public nuisance, a threat to public order or public safety. Therefore, if there is any breach of the licensing condition prior to the event that could have an adverse impact on public safety, this would be reported to the Head of Legal and Governance Service who would decide whether the licence should be suspended.</p> |
| OPTIONS | <p>The Committee need to consider whether the objections received relate to the activity of a Public Entertainment Licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> • grant the application. • grant the application for a shorter period. • refuse the application. • if the Committee decides to grant the application, whether to add the attached conditions referred to in Appendix 2. |
| PROCEDURE | <ul style="list-style-type: none"> • Identify parties. • Applicant provides overview of event. • Consider any preliminary issues. • Members of the public speak to their objections. • Committee asks any questions to the objectors. • Applicant makes submission. • Committee asks any questions of the applicants. • Objectors sum up. • Applicant sums up. • Committee makes decision. |