

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

<b>TYPE OF APPLICATION</b>	Grant of a Market Operator Licence
<b>APPLICANT</b>	Mugstock, The MugShack, Cumbernauld, G67 1DW
<b>PREMISES</b>	Strathallan Castle, Strathallan Estate, Auchterarder, PH3 1JZ
<b>THE APPLICATION</b>	<p>Mugstock, has applied for a three-year market operator licence to hold a market for 12-50 stalls at a music festival from 2– 5 August 2024.</p> <p>Police Scotland, Environment Services and Planning Department have stated they have no objections to this application.</p> <p>1 letter of objection from a member of the public has been received regarding this application (see attached letter of objection).</p>
<b>LEGAL POSITION</b>	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a market operator licence. Any decision to refuse a market operator licence must be relevant to one or more of 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"> <li>• the location, character or condition of the premises, vehicle or vessel;</li> <li>• the nature and extent of the proposed activity;</li> <li>• the kind of persons likely to be in the premises, vehicle or vessel;</li> <li>• the possibility of undue public nuisance, public order or public safety; or</li> <li>• there is another good reason for refusing the application.</li> </ul> <p>In deciding whether 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"> <li>• any Objections or Representations</li> <li>• any other relevant considerations</li> </ul>

<p><b>OPTIONS</b></p>	<p>The Committee need to consider whether the objection received relates to the activity of a Market Operator licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application.</li> <li>• grant the application for a shorter period.</li> <li>• defer the application (9-month decision date 30/02/2024) or</li> <li>• refuse the application.</li> </ul>
<p><b>PROCEDURE</b></p>	<ul style="list-style-type: none"> <li>• Identify parties.</li> <li>• Consider any preliminary issues.</li> <li>• Member of the public speak to their objection.</li> <li>• Committee asks any questions to the objector.</li> <li>• Applicant makes a submission.</li> <li>• Committee asks any questions of the applicants.</li> <li>• Objectors sum up.</li> <li>• Applicant sums up.</li> <li>• Committee makes decision.</li> </ul>