

Licensing Sub-Committee of the Regulatory Committee

9.00am, Thursday, 21 April 2022

Public Entertainment Licence – Highland Centre Ltd

Item number

Report number

Executive/routine

Council Commitments

Wards

Leith (13)

Executive Summary

In May 2021 the Council received an application to renew the Public Entertainment Licence for Highland Centre Ltd. Following representations made by Police Scotland and Public Safety officers, discussions took place with Highland Centre Ltd. Subsequently a further application to vary the original licence was received.

During the COVID period both Police Scotland and Council Public Safety officers identified a number of shortcomings with adherence to the notification process that the licence holder is required to undertake. Additionally, concerns were raised about a small number of events that they considered had fallen into the category of High Risk or which required a Policing Plan. The report highlights those concerns and a proposed solution.

Public Entertainment Licence – Highland Centre Ltd

1. Recommendations

- 1.1 After hearing from Council officers, Police Scotland and the applicant, the Committee is asked to:
 - 1.1.1 Note this report;
 - 1.1.2 Vary the existing Public Entertainment Licence (Appendix 1) to exclude Dance, Rave or events of a similar nature from the activities licensed and to grant items 1 and 2 only of the application to vary the existing PEL; and
 - 1.1.3 Thereafter grant the licence renewal application attached at Appendix 2 and to attach the additional conditions detailed in Appendix 8.

2. Background

- 2.1 The Royal Highland Show is the flagship event of the Scottish Charity the Royal Highland & Agricultural Society of Scotland ('RHASS'). The Royal Highland Show takes place annually at the Royal Highland Centre at Ingliston, which is owned by RHASS.
- 2.2 Highland Centre Limited is RHASS's wholly owned trading subsidiary which facilitates third-party events at the Royal Highland Showground at Ingliston, which generate income to support RHASS's charitable activities.
- 2.3 In 2020, following extensive discussion between Police Scotland and Council officers from Licensing and Public Safety teams, a decision was made to grant two separate Public Entertainment licences for the use of the Royal Highland Showground at Ingliston. One licence would apply specifically for the period of the Royal Highland Show in the name of RHASS, and a second annual licence would cover all other licensable activity in the name of Highland Centre Limited.
- 2.4 The previous annual Public Entertainment Licence had a condition attached requiring an application for a Temporary Public Entertainment Licence or a variation to the existing licence for any dance, rave or event of a similar nature. In relation to the Highland Centre Ltd licence this was removed in 2020.
- 2.5 Underpinning the grant of the annual licence to Highland Centre Limited were the terms of 'Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre' Version 6 ('the document'). It was intended that this would address previous concerns about lack of notice of events which required significant Police or other emergency services input. The separate licence being granted to Highland Centre Limited allowed greater flexibility in the type and nature of event that could be attracted to the showground. It would also allow the Council to manage any public safety concerns about events of a specific nature.

- 2.6 The document committed Highland Centre Limited to ensuring that events identified as falling into the category of High Risk of Injury, Damage or Impact on Local Community or requiring a Policing Plan would be subject of an Events Planning Operations Group (EPOG) meeting. Any further conditions/actions agreed at an EPOG would be adhered to by the licence holder.
- 2.7 During the period of the pandemic, both Council officers and Police Scotland identified that not all events were being notified timeously, including events that were considered to fall into the category of 'Dance, Rave or event of a similar nature'. This meant that the EPOG process could not always result in agreement or reach a compromise on further conditions/actions, as required by the conditions of licence.

3. Main report

- 3.1 In May 2021 the Council received an application to renew the existing Highland Centre Ltd licence, with Mark Curry as the named day to day manager. The application to renew the licence was circulated to statutory and Council consultees, and as a result the Council took the opportunity to review the existing processes, and previous and planned events.
- 3.2 Both Police Scotland and Council teams identified a number of shortcomings. These specifically included adherence to the notification process during the COVID period, and also with a small number of events that they considered fell into the category of High Risk or which required a Policing Plan and therefore should be subject to an EPOG meeting.
- 3.3 Meetings and discussions were held in an attempt to discuss what events were to be considered to be of high risk. Subsequently both Police Scotland and Public Safety officers made formal representations in respect of the licence renewal applications (Appendices 3 and 5).
- 3.4 As a result of the concerns raised, Council licensing officers discussed concerns with representatives of Highland Centre Ltd. The main concerns discussed related to late notification of events, and more specifically about events that previously fell into the category of Dance, Rave or events of a similar nature. The focus of the discussion was about accountability and the ability of Council services and Police Scotland to properly scrutinise these types of events, and to address issues identified through the EPOG process.
- 3.5 As part of the discussion with Highland Centre Limited, Licensing officers proposed the reinstatement of the condition which would require a separate application for a licence for events that fall into the category of Dance, Rave or events of a similar nature. This would still provide flexibility in the type and nature of event that could be attracted to the showground, whilst allowing the Council an opportunity to manage any public safety concerns about specific events. This was not intended to include all concerts, but only events deemed to fall into a category of High Risk of Injury, Damage or Impact on Local Community.
- 3.6 Following these discussions, Highland Centre Ltd submitted an application to renew and vary the annual Public Entertainment Licence. It was hoped that this would address previous concerns and reflect the discussions with Licensing officers. The variation reduced the overall licensed footprint by removing the car parks and other

associated areas not normally used for events, and also updated the 'Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre'. A commitment was by the licence holder to apply for a separate licence for any events deemed to fall into a category of High Risk of Injury, Damage or Impact on Local Community. The variation application and associated documentation were recirculated to consultees for consideration.

- 3.7 Subsequent to the submission of the variation application, both Police Scotland and Public Safety officers updated their representations (Appendices 4 and 6). Police Scotland advised that the updated representation is supplementary to the initial submission and does not replace it.
- 3.8 The additional conditions detailed in the original Police representation are largely addressed by the updated Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre' and proposed conditions. Any proposals must be proportionate, and it recommended that the Committee should restrict the requirement to obtain a separate licence to Dance, Rave or events of a similar nature only.
- 3.9 City of Edinburgh Council Officers requested that additional conditions should be added to the licence and these are included in the list of proposed conditions (Appendix 7).
- 3.10 It is proposed that a licence should be granted to Highland Centre Ltd with the conditions detailed in Appendix 8. This would be an annual licence, but would exclude any event Dance, Rave or events of a similar nature. In addition, the period of the Royal Highland Show will be excluded from this licence, which will be the subject of a separate annual licence submitted by RHASS.
- 3.11 At the meeting, Council officers and Police Scotland will address the Committee. The licence holder will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of Council officers, Police Scotland and the licence holder.

4 Measures of success

- 4.1 The premises are licensed in a proportionate and effective manner.

5 Financial impact

- 5.1 None arising directly from this report as the costs of these matters are recovered through application fees.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court

7 Equalities impact

7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

9.1 Officers of the Council have discussed the licensing requirement with the applicant.

10 Background reading/external references

10.1 None

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11 Appendices

- 11.1 Appendix 1 - Highland Centre Ltd Licence (11 August 2020 until 10 August 2021)
- 11.2 Appendix 2 - Highland Centre Ltd Licence application
- 11.3 Appendix 3 - Police Scotland Representation
- 11.4 Appendix 4 - Police Scotland Representation Amended Representation
- 11.5 Appendix 5 - City of Edinburgh Council Public Safety Representation
- 11.6 Appendix 6 - City of Edinburgh Council Public Safety Amended Representation
- 11.7 Appendix 7– Proposed additional licence conditions