

The Highland Council – Environmental Health

Standard procedures for determining miscellaneous licence applications

Approved for implementation on 30/10/17

Part 1 of these procedures applies to all applications for licences under the following Acts: Animal Boarding Establishments Act 1963, Breeding of Dogs Acts 1973, Caravan Sites and Control of Development Act 1960, Cinemas Act 1985, Dangerous Wild Animals Act 1976, Deer (Scotland) Act 1996, Guard Dogs Act 1975 (though these licensing provisions are not yet in force), Pet Animals Act 1951, Riding Establishments Acts 1964 and 1970, Theatres Act 1968, Zoo Licensing Act 1981

Part 2 applies to applications for animal dealers' licences under the Licensing of Animal Dealers (Young Cats and Dogs) (Scotland) Regulations 2009, which involve additional statutory procedures.

Part 1 applications

1.	Publish summary details of each application, on receipt, in register of pending miscellaneous licence applications on licensing webpage. Give notice for each application pending that :
	<ul style="list-style-type: none">• Anyone wishing to comment on the application may do so by submitting written representations or objections to env.health@highland.gov.uk or by post to Environmental Health, 38 Harbour Road, Inverness, IV1 1UF, addressed to Senior EHO, and submitted to arrive within 28 days of the published date of application.
	<ul style="list-style-type: none">• Written representations or objections received by that date will be considered before the application is determined. Written representations or objections received after that date may be considered at the Environmental Health Manager's discretion.
	<ul style="list-style-type: none">• Written representations or objections received may be copied to the applicant who will be given the opportunity to submit written comments on these within 14 days to the Environmental Health Service.
	<ul style="list-style-type: none">• However, no further opportunity will be given to members of the public to submit further comment before the application is determined, so they are encouraged to set out in their written representations or objections all matters they wish taken into account in the determination of the application.
2.	Undertake simultaneously any discretionary consultations with other services or agencies which Environmental Health consider necessary and appropriate (e.g., Planning, Police Scotland, SFRS, etc., as appropriate).
3.	Undertake or commission simultaneously any officer or veterinary inspection either required under the relevant Act or considered nonetheless appropriate.

4.	Senior EHO will assess written representations or objections received from the public, and consultation responses from other services or agencies, for relevancy. Only relevant comments will be taken into account. Any relevant representations, objections or consultation responses should be copied to the applicant who should be given a further 14 days in which to submit written comments on these to the Environmental Health Service.
5.	Determine whether any relevant representations or objections from members of the public are supported by any issues raised by professional consultees (eg by Planning or Building Standards) and/or professional inspection reports (eg by Environmental Health Officers, Animal Health and Welfare Officers or vets). <ul style="list-style-type: none"> • If they are so supported, and in the opinion of the Senior EHO the issues raised cannot be addressed by attaching any appropriate conditions to the licence, follow the processes set out at paragraphs 6(a) or 6(b) below, as appropriate. • If they are not so supported, grant the application subject to any statutory conditions and additional conditions considered appropriate.
6(a)	<u>Applications for relevant permanent site licences under Part 1A of the Caravan Sites and Control of Development Act 1960)</u> <ul style="list-style-type: none"> • Issue notice to the applicant that the licensing authority is considering refusing the application and set out in the notice the proposed reasons for refusal • The notice must give the applicant 28 days in which to submit written representations in response • On receipt of the written representations, or if no written representations are submitted by the end of the 28 day period, proceed with the steps set out in paragraph 6(b) below, as for all other types of application
6(b)	<u>All other types of application</u> Refer the application to the Highland Licensing Committee (HLC) for determination by submitting a report to the HLC via the Principal Solicitor – Regulatory Services. Applicant to be given 14 days’ notice of the date, time and place of the meeting and must be given notice of the grounds/information on which Environmental Health are recommending refusal. Applicant to be invited to the Committee meeting and advised that he/she will be given the opportunity to be heard or have a representative speak on their behalf. They may also bring with them

	<p>anyone they wish to address the Committee in support of their application.</p> <p>Environmental Health may also invite other agencies/professional officers to attend the meeting if they consider that their input is necessary to support Environmental Health’s case for refusal.</p>
7.	<p><u>Procedure at the HLC meeting</u></p> <p>At the HLC meeting, Environmental Health will be invited to put their case first (including leading any evidence from other agencies they have invited to support their case). The applicant and members will then be entitled to ask questions of Environmental Health. The applicant will be given the opportunity to respond and will then be similarly open to questions. Environmental Health, followed by the applicant, will then be entitled to make closing submissions, summing up their case/response. Members will then go into debate and determine the application.</p>
8.	<p>Decision of the Committee to be notified to the applicant in writing within 7 days of the meeting, with reasons for refusal (if applicable) and notification of right of appeal.</p>

Part 2 applications

1.	<p>Follow steps 1. to 4. as for Part 1 applications.</p>
2.	<p>Determine whether any relevant representations or objections from members of the public are supported by any issues raised by professional consultees (eg by Planning or Building Standards) and/or professional inspection reports (eg by Environmental Health Officers, Animal Health and Welfare Officers or vets).</p> <ul style="list-style-type: none"> • If they are so supported, and in the opinion of the Senior EHO the issues raised cannot be addressed by attaching any appropriate conditions to the licence, refuse the application. • If they are not so supported, grant the application subject to statutory conditions and additional conditions considered appropriate <p>In either case, give notice to the applicant that they may, within 21 days of receiving notice of decision, request a review of the decision (including a review of any non-statutory conditions attached to the licence if it has been granted) and that they may include any written explanation they consider appropriate in their review request.</p>
3.	<p>If a review request is received, refer the case to the Environmental Health Manager, as the “appointed person” under Regulation 13, to conduct the review.</p>

4.	The appointed person must examine the merits of the decision, consider any written explanation given by the applicant and then prepare a report to the Highland Licensing Committee setting out their recommendation for determination of the review application.
5.	<p>Applicant to be given 14 days' notice of the date, time and place of the meeting at which the review will be determined and must be given notice of the appointed person's report and recommendation.</p> <p>Applicant to be invited to the Committee meeting and advised that he/she will be given the opportunity to be heard or have a representative speak on their behalf. They may also bring with them anyone they wish to address the Committee in support of their review application.</p> <p>Environmental Health may also invite other agencies/professional officers to attend the meeting if they consider that their input is necessary to support Environmental Health's case for refusal.</p>
6.	Follow steps 7. and 8. as for Part 1 applications
