

Agenda item	10.1
Report no	HLC/034/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 June 2017

Report title: Application for the grant of a skin piercing and tattooing licence – Kjell Harila, 142 Walker Crescent, Inverness (Ward 17 – Culloden and Ardersier)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This Report relates to an application for the grant of a skin piercing and tattooing licence.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the Hearings Procedure.

3. Background

3.1 On 13 March 2017 an application for the grant of a skin piercing and tattooing licence was received from Mr Kjell Harila in respect of 142 Walker Crescent, Inverness.

3.2 The application is in relation to the activity of tattooing only.

3.3 A map showing the location of the premises is attached in Appendix 1.

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

4.2 Police Scotland, Scottish Fire and Rescue Service and the Council's Environmental Health Service and Building Standards Service have confirmed that they have no objections to the licence being issued.

4.3 The Planning Service have advised that an application (17/01066/FUK) for a garden room to be used as a tattoo studio has been approved.

5. Objection

5.1 As part of the licensing process the applicant is required to display a notice at the premises, in a location where it can be clearly read without having to enter the premises or the grounds of the same, for a period of 21 days. Any persons can submit a representation or objection within 28 days.

5.2 A letter of objection was received on 31 March 2017 from Mr W Lathan and Miss C Black, a copy of which is attached in Appendix 2.

5.3 The objection referred to the location of the notice and in view of this the applicant was asked to re-display the notice at the front of the premises.

5.4 A follow up letter from Mr W Lathan and Miss C Black was received on 17 May 2017, a copy of which is attached in Appendix 3.

5.5 A copy of this Report has been sent to the applicant and the objectors who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

6. **Determining Issues**

6.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 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

6.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7. **Policies**

7.1 The following policies are relevant to this application:

7.2 Standard Skin Piercing and Tattooing licence conditions. A copy of these can be accessed at http://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing/category/499/shop_and_trader

or a hard copy can be supplied where requested.

8. **Implications**

8.1 Not applicable.

Date: 22 May 2017

Author: Michael Elsey

Ref: SP and T

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix 1: Location plan

Appendix 2: Letter of objection dated 27 March 2017

Appendix 3: Letter from objectors dated 14 May 2017



271286 846540 Meters



140 Walker Crescent

Culloden

Inverness

Chrisork44@gmail.com

27th March 2017

To whom it may concern

We wish to object to the tattoo licence which Mr Kiell Harila of 142 Walker Crescent has applied for.

Our objections are as follows:-

Mr Harila did not apply for planning permission to erect a tattoo studio in his back garden or we would have objected to this at the time.

The times he wishes to open (12:00-18:00 Mon to Sat) are all afternoons when if on a nice day we would be out in our front garden which faces on to the side of Mr Harila's back garden and our privacy will be greatly reduced as we believe Mr Harila will be using the small quiet path between our front living room window/garden and side of his house. This path is only a few feet wide. Our grandchildren play in the garden when they come over and to have increased people walking past is greatly concerning.

Parking is for residential not business use. When Mr Harila moved into this house last year he bullied an elderly lady into moving her car further along the road from where she had parked it for over 20 years so he could park his two vehicles nearer his house. At the best of times we cannot get parked on the street and having a business next door will lessen the chances of getting parked even more.

This is a residential area not a business area there are plenty of empty retail units around Inverness and we feel Mr Harila should look into this.

If we should wish to sell our house we believe the price will drop and maybe very difficult to sell due to a tattoo studio on our front door step.

How will he dispose of his needles, bloody cloths etc safely?

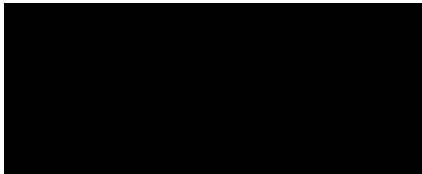
Mr Harila has only put one notice up which is on his back fence and is a very quiet area. I feel another notice should also be put on his front gate as there are more people passing this area therefore making more people aware of proposed licence.

We wish the licencing board to consider all these concerns before a licence is granted.

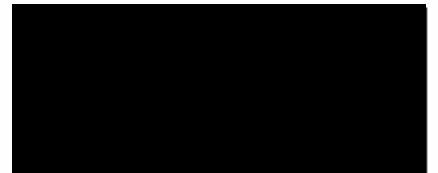
Would anyone on the licencing board like to have a tattoo studio set up in the garden next to you???????????

Please advise us of decision either in writing or email.

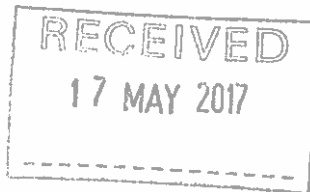
Yours faithfully



Mr W Lathan



Miss C Black



140 Walker Crescent

Culloden

Inverness

IV2 7NB

14th May 2017

To whom it may concern

Further to our letter of 27th March 2017 regarding objections to the tattoo studio at 142 Walker Crescent. Mr Lathan and Miss Black would like the licencing board to note that when Mr Harlia found out that we had objected to his application for the licence to open the tattoo studio he has tried to intimate us by putting up a triangular plaque with an eye on it. The plaque first appeared on the outside of his fence on Thurs 13th April and it was in direct line of our living room window. This was both scarey and intimidating and we feel this was unnecessary however on Friday 14th April at about 1:30 Mr Harlia came out and moved it further along the fence towards the corner so only looks over the garden but if we sit on a certain chair in the house we can still see the eye plaque.

We have spoken to a councillor who said this can be classed as anti social behaviour and we are within our rights to ask for this plaque to be removed for the location it is at. We would like this to be done before any decision on the licence is taken.

We have also noticed that there is an electrical cable coming from the roof space from the property out to the shed is this a business supply of electric or just run off the house electric as we are aware that there is a business rate and a residential rate for electric. We are wondering if this legal. We are also concerned that there is no toilet facility for clients or running water to the shed. Where are the clients going to relieve themselves? If Mr Harlia is going to use his house toilet then should he not be paying business water rates as he will be using it for part of his business? And if this is the case why can he not use his front door instead of the back gate he has planned to use. This will ensure our privacy will not be encroached upon any more than it is at the moment. Also what fire regulation has Mr Harlia put in place should his shed (a wooden structure) go up on fire. We would like assurances that he has adequate fire certificates and fire fighting equipment in place as all businesses should have.

I have also included a photo of the plaque.

Please take all these points into consideration before the licencing board grants any licence.

Thank you

A large black rectangular redaction box covering the signature of Mr Lathan.

Mr Lathan

A large black rectangular redaction box covering the signature of Miss Black.

Miss Black

This is where
Plaque was
on 13th April
2017.



This is where
Plaque is now.

