

Agenda item	7.1
Report no	HLC/012/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 19 February 2019

Report title: Application for the renewal of a skin piercing and tattooing licence – Conduit Arts, 10 Stephens Brae, Inverness (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

Purpose/Executive Summary

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

Recommendation

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

1. Background

1.1 On 21 February 2018 an application for the renewal of a skin piercing and tattooing licence was received from Conduit Arts in respect of premises at 10 Stephen' Brae, Inverness.

1.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have twelve months from receipt of the application to determine the same, therefore this application must be determined by 20 February 2019. Failure to determine the application by this time would result in the application being subject of a `deemed grant' which means that a licence would require to be issued for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

2. Process

2.1 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

2.2 All of the above Agencies/Services have confirmed that they have no objections to the licence being issued.

2.3 As part of the application process the applicants require to submit an electrical certificate in respect of the premises. No certificate has been submitted to date.

2.4 The applicants also require to display a notice at the premises advertising that they have applied for a licence, thereafter a certificate of compliance requires to be completed by the applicant and submitted. This certificate has not been submitted.

2.5 Attempts have been made to contact the applicants, with a view to them submitting the abovementioned documents, however these attempts have been unsuccessful.

2.6 Information received from the Council's Environmental Health Services indicate that the premises have closed and the applicants have ceased trading however the application has not been withdrawn and requires to be determined by 20 February 2019.

3. Determining issues

3.1 Paragraph 5(3) of Schedule 1 of the Act 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.

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

4. Policies

4.1 The following policies are relevant to this application:

4.2 Standard skin piercing and tattooing licence conditions. A copy of these can be accessed at https://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.

5. Implications

5.1 Not applicable.

Date: 22 January 2019

Author: Michael Elsey

Ref: PEL

Background Papers: Civic Government (Scotland) Act 1982