

Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 16 February 2021 at 10.00 am.

Present:

Mr J Bruce, Mr A Jarvie (Chair), Mrs L MacDonald, Mr D Macpherson, Mr K Rosie, Mr A Sinclair (from item 7.1) and Mr C Smith.

In attendance:

Mr I Meredith, Solicitor (Regulatory Services)
Mr M Elsey, Senior Licensing Officer
Mrs A MacArthur, Administrative Assistant

Also attending:

Sergeant K Duncan, Police Scotland
Mr M MacDonald, Police Scotland

Item 9.1 – Mrs C Dobbie, applicant and Mr A Fraser, representative.
Item 9.3 and 9.4 – Mr P Wilson, licence holder and applicant respectively
Item 10.1 – Mr A Fraser, applicant
Item 11.1 – Ms E Gillies, applicant and Mr N Davidson, objector

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

Business

1. Apologies for absence Leisgeulan

Apologies for absence were received on behalf of Mrs J Barclay, Ms E Knox and Mr W Mackay.

2. Declarations of interest Foillseachaidhean Com-pàirt

There were no declarations of interest.

3. Confirmation of minutes Dearbhadh a' Gheàrr-chunntais

There had been submitted for confirmation as a correct record the minute of meeting of the Committee held on 12 January 2021 which was **APPROVED**.

4. Licences granted under delegated powers Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh

There had been circulated **Report No HLC/006/21** by the Principal Solicitor which detailed all licences which had been granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 17 December 2020 to 3 February 2021.

The Committee **NOTED** the report.

**5. Pending applications – 3 monthly considerations
Iarrtasan ri thighinn – beachdachaidhean 3 mìosach**

There had been circulated **Report No HLC/007/21** by the Principal Solicitor relating to applications which were currently pending for the grant or renewal of licences under the Civic Government (Scotland) Act 1982.

The Committee **AGREED** to defer the determination of the applications, either to:

(a) allow them to be approved under delegated powers in the event that no objections/representations are received and all outstanding documentation has been received from the applicants; or

(b) a future meeting of the Committee when the applications will be determined in terms of the Hearings Procedure.

**6. Civic Government (Scotland) Act 1982
Taxi driver's / operator's licences)
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Dhràibhearain / Oibrichean Tagsaidh**

6.1 Application for taxi operator's licence – Arsalan Ghafoor

There had been circulated **Report No HLC/008/21** by the Principal Solicitor relating to an application which had been received from Arsalan Ghafoor for the grant of a taxi operator's licence (Ward 16 - Inverness Millburn Ward).

The applicant did not attend.

Mr M Elsey advised that a vehicle had yet to be inspected and the relevant documentation received.

The Committee **AGREED** to **GRANT DELGATED POWERS** to the Acting Principal Solicitor (Regulatory Services) to refuse the application should the applicant not present a vehicle that passes inspection and meets all the licensing authority's requirements for a taxi operator's licence by 10 March 2021.

The licence would be refused under paragraph 5(3)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that the licensing authority could not be satisfied that the vehicle was suitable for the conduct of the activity having regard to public safety.

**7. Civic Government (Scotland) Act 1982
Late hours catering licence
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Solarachaidh Uairean Anmoch –**

7.1 Premises – Bombay Spice, 27 Bridge Street, Wick

There had been circulated **Report No HLC/009/21** by the Principal Solicitor relating to an application for variation of a late hours catering licence in respect of premises at Bombay Spice, 27 Bridge Street, Wick (Ward 3 - Wick and East Caithness).

The applicant did not attend.

Mr M Elsey advised that satisfactory Electrical and Gas Safety Certificates had yet to be received. Environmental Health had also submitted a late objection and Members having heard from Ms H Gordon, agreed to hear the late objection, the late objection was then circulated.

Ms Gordon had spoken to the applicant's gas contractor, who was awaiting a part for the heating system. Once the part was received the gas inspection would be undertaken.

The Committee **AGREED** to **GRANT DELGATED POWERS** to the Acting Principal Solicitor (Regulatory Services) to refuse the application should the applicant not present a valid Gas Inspection Safety Report to the licensing authority by 10 March 2021.

The licence would be refused under paragraph 5(3)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that the licensing authority could not be satisfied that the premises were suitable for the conduct of the activity having regard to public safety.

8. The Committee RESOLVED that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting during discussion of the following Items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

**9. Civic Government (Scotland) Act 1982
Applications for private hire car driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean
airson fastadh prìobhaideach**

9.1 Application for taxi driver's licence – Colleen Dobbie

There had been circulated **to members only Report No HLC/010/21** by the Principal Solicitor relating to an application which has been received from Colleen Dobbie for the renewal of a taxi driver's licence (Ward 15 - Inverness Ness-side Ward).

The applicant and her representative attended.

Mr M Elsey stated that a letter of representation had been received from Police Scotland.

A written submission and a letter of support had been submitted by the applicant and this had been circulated to the Committee in advance of the meeting.

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **GRANT** the application subject to standard conditions.

9.2 Licensed taxi driver – Michael Munro

There had been circulated **to members only Report No HLC/011/21** by the Principal Solicitor relating to Michael Munro who is the holder of a taxi driver's licence (Ward 13 - Inverness West Ward).

The applicant did not attend.

The Committee **AGREED** to **DEFER** consideration of the application until the meeting of Highland Licensing Committee on 30 March 2021 to allow the licence holder 14 days notice of the hearing.

9.3 Licensed private hire car driver – Peter Wilson

There had been circulated **to members only Report No HLC/012/21** by the Principal Solicitor relating to Peter Wilson who is the holder of a private hire car driver's licence (Ward 6 – Cromarty Firth).

The Chair advised that the evidence for item 9.3 and 9.4 would be taken together with the decisions for each following separately thereafter.

Mr M Elsey advised that Police Scotland had submitted a letter of objection and had requested revocation of the licence.

Police Scotland spoke to their objection and requested suspension of Mr Wilson's licence as he was not considered a fit and proper person to hold a licence.

Mr Wilson advised that he had submitted evidence in support of his case.

The Chair confirmed that Members had read the written submissions from the licence holder and the licence holder's solicitor.

Police Scotland stated that having checked this morning the matter was still pending.

The licence holder had no questions for Police Scotland.

The licence holder and Police Scotland summed up.

Mrs L MacDonald, seconded by Mr D Macpherson moved suspension for the remaining unexpired portion of the licence on the grounds that the licence holder was no longer a fit and proper person to hold the licence.

The Committee **AGREED** to **SUSPEND** the licence in terms of section 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence. This was on the grounds that the Committee determined that the licence holder was no longer a fit and proper person to hold the licence.

9.4 Application for private hire car operator's licence – Peter Wilson

There had been circulated **to members only Report No HLC/013/21** by the Principal Solicitor relating to an application which has been received from Peter Wilson for the grant of a private hire car operator's licence (Ward 6 – Cromarty Firth).

The Committee **AGREED** to **GRANT** the application subject to standard conditions.

10. Civic Government (Scotland) Act 1982 Street Trader's Licences Achd Riaghaltais Chatharra (Alba) 1982 Ceadachdan Luchd-malairt Sràide

10.1 Application for a street trader's licence – Andrew Fraser

There had been circulated **to members only Report No HLC/014/21** by the Principal Solicitor relating to an application which has been received from Andrew Fraser for the grant of a street trader's licence (Inverness Central Ward).

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A late objection had also been received from the Council's Community Services (Roads) department and Members agreed, having heard from Mr A Macleod, to consider the information which was then circulated.

Mr Macleod spoke to the objection from the Roads Department.

Mr A Fraser, applicant, stated that Mr R MacLean the holder of a Street Trader's Licence and Ms A Hunter from the Criminal Justice Service, Turning Point Scotland had both attended to give references. Mr MacLean and Ms Hunter had not been able to remain in the Teams meeting due to other work commitments.

Ms L MacDonald, seconded by Mr A Jarvie moved deferral of the application to allow written references to be submitted.

The Committee **AGREED** to **DEFER** consideration of the application to the meeting of Highland Licensing Committee on 30 March 2021 to allow the applicant to provide written statements from character witnesses.

11. Housing (Scotland) Act 2006
Applications for house in multiple occupation licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachd thaighean ann an ioma-sheilbh

11.1 Premises – 10 Gordonville Road, Inverness

There had been circulated **to members only Report No HLC/015/21** by the Principal Solicitor relating to the grant of a house in multiple occupation licence received from Evelyn Gillies in respect of premises at 10 Gordonville Road, Inverness (Inverness Central Ward).

Mr M Elsey advised that the licensing authority had been notified that the premises had been occupied as an HMO without a licence. The premises had previously been licensed but the licence had not been renewed. A Rent Suspension Order had been issued on 4 November 2019 under section 144 of the Housing (Scotland) Act 2006.

The Committee then heard from the applicant.

A letter of objection had also been received from Mr N Davidson. Mr Davidson submitted two further late objection letters and Members had to consider if it they were satisfied that it had been reasonable for the respondent to make the representation after the deadline for doing so. Having heard from Mr Davidson, Members thereafter agreed to hear the late representations and these were circulated. The applicant's response to the objections had also been circulated.

The applicant confirmed she had sight of the late objections.

Ms L MacDonald, seconded by Mr C Smith moved deferral of the application to allow sufficient time to read and cross reference the objections.

The Committee **AGREED** to **DEFER** consideration of the application to the meeting of Highland Licensing Committee on 30 March 2021 to allow full consideration of late written objections.

12. Civic Government (Scotland) Act 1982
Taxi driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Dhràibhearán / Oibrichean Tagsaidh

12.1 Licensed taxi driver – Gordon Wilson

There had been circulated **to members only Report No HLC/016/21** by the Principal Solicitor relating to Gordon Wilson who is the holder of a taxi driver's licence (Ward 6 – Cromarty Firth).

The licence holder did not attend.

Mr M Elsey advised that Police Scotland had requested revocation of the licence.

Police Scotland spoke to their report and asked that the licence be revoked as the licence holder was no longer a fit and proper person to hold the licence.

The Committee **AGREED** to **REVOKE** the licence in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. This was on the grounds that the licence holder is no longer a fit and proper person to hold the licence due to the nature [text removed from web version in compliance with Data Protection Act 1998]..

The meeting closed at 12.50 pm.