**Highland Council**

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 30 March 2021 at 10.00 am.

**Present:**

Mr J Bruce, Mr A Jarvie (Chair), Ms E Knox, Mrs L MacDonald, Mr D Macpherson (except item 8.1), Mr K Rosie (except item 8.1), Mr A Sinclair and Mr C Smith.

**In attendance:**

Mr I Meredith, Solicitor (Regulatory Services)

Mr M Elsey, Senior Licensing Officer

Mr A Macleod, Principal Technician, Community Services

Mrs A MacArthur, Administrative Assistant, Performance and Governance

**Also attending:**

Sergeant K Duncan, Police Scotland

Mr M MacDonald, Police Scotland

Item 8.1 – Mr A Fraser

Item 9.1 – Mr M Munro

Item 10.1 - Ms E Gillies, applicant, Mr M McCheyne, applicant’s solicitor 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 and Mr W Mackay.

1. **Declarations of interest**

**Foillseachaidhean Com-pàirt**

There were no declarations of interest.

1. **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 16 February 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/017/21** 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 4 February 2021 to 17 March 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/018/21** 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. Housing (Scotland) Act 2006   
Applications for house in multiple occupation licence**

**Achd Riaghaltais Chatharra (Alba) 1982  
Iarrtasan airson ceadachd thaighean ann an ioma-sheilbh**

**6.1 Premises – 41 Crown Drive, Inverness**

There had been circulated **Report No HLC/019/21** by the Acting Principal Solicitor relating to the grant of a house in multiple occupation licence received from William T Fraser and Son in respect of premises at 41 Crown Drive, Inverness (Ward 16 - Inverness Millburn Ward).

The Committee **NOTED** that documents had now been received and this application had been granted under delegated powers.

**7. 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.**

**8. Civic Government (Scotland) Act 1982      
 Street Trader’s Licences  
 Achd Riaghaltais Chatharra (Alba) 1982**

**Ceadachdan Luchd-malairt Sràide**

**8.1 Application for a street trader’s licence – Andrew Fraser**

There had been circulated **to members only** **Report No HLC/020/21** by the Acting Principal Solicitor relating to an application which has been received from Andrew Fraser for the grant of a street trader’s licence (Ward 14 - Inverness Central Ward).

The Senior Licensing Officer stated that a letter of objection had been received from Police Scotland and that at the Licensing Committee meeting held on 16 February 2021, [text removed from web version in compliance with Data Protection Act 1998]. A copy of the Police Scotland letter dated 16 December 2020 detailing this is attached to the Report at Appendix 2. Members had also agreed to take the late objection from the Council’s Community Services (Roads) and this had been attached at Appendix 3. Three emails of support had also been submitted by the applicant and these were attached at Appendix 4.

The Committee heard from Police Scotland.

Mr A MacLeod, Roads representative advised that following continued monitoring, no attempt had been made to move the vehicle. A letter had been hand delivered to the employee working at the unit, and a similar letter had been posted to Mr Fraser [text removed from web version in compliance with Data Protection Act 1998].

Following a question, Mr MacLeod outlined the positioning of the unit on the road.

The Clerk advised that consent from Community Services (Roads) would still be required if this application was approved.

The Committee **AGREED** to **GRANT** the application for a period of **1 year** subject to standard conditions.

**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 Licensed taxi driver – Michael Munro**

There had been circulated **to members only** **Report No HLC/021/21** by the Acting Principal Solicitor relating to Michael Munro who is the holder of a taxi driver’s licence (Ward 13 - Inverness West Ward).

The Senior Licensing Officer stated that a letter of objection had been received from Police Scotland and that at the Licensing Committee meeting held on 16 February 2021, [text removed from web version in compliance with Data Protection Act 1998]. A copy of the Police Scotland letter dated 16 December 2020 detailing this was attached to the Report at Appendix 2. The Licensing Committee meeting held on 16 February 2021 agreed that consideration of this report be deferred to this meeting

The Committee heard from Police Scotland and the applicant in relation to the application.

Following discussion, Ms E Knox, seconded by Mrs L MacDonald moved the grant of the application.

Mr A Jarvie, seconded by Mr D Macpherson moved as an amendment, that the application be suspended for four months as the licence holder had caused a threat to public safety.

On a vote being taken by roll call, 2 votes were cast in favour of the **motion** and 6 in favour of the **amendment,** as follows:

**Motion (2):**

Ms E Knox and Mrs L MacDonald.

**Amendment (6):**

Mr J Bruce, Mr A Jarvie, Mr D Macpherson, Mr K Rosie, Mr A Sinclair and Mr C Smith.

The Committee **AGREED** to **SUSPEND THE LICENCE** in terms of paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of **4 months**. This is on the ground that the licence holder had caused a threat to public safety.

**10. Housing (Scotland) Act 2006   
Applications for house in multiple occupation licence**

**Achd Riaghaltais Chatharra (Alba) 1982  
Iarrtasan airson ceadachd thaighean ann an ioma-sheilbh**

**10.1 Premises – 10 Gordonville Road, Inverness**

There had been circulated **to members only Report No HLC/022/21** by the Acting 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 (Ward 14 - Inverness Central Ward).

The Senior Licensing Officer stated that on 22 October 2019 it was identified to the licensing authority that the premises were being occupied as an HMO without a licence. The premises had previously been licensed but the licence had not been renewed. [text removed from web version in compliance with Data Protection Act 1998]

The Senior Licensing Officer further advised that some documents and works had still to be submitted or undertaken as required by the Environmental Health Service. A letter of objection had been received from Mr N Davidson on behalf of himself and two other tenants.

At its meeting held on 16 February 2021 Members had agreed to consider the following further late objections/submissions received from Mr Davidson.

• Objection dated 15 December 2020 – attached to report at Appendix 3 – Members will note that this letter is similar to the one of 14 December 2020 however the objectors have expanded on some of the points in this revised letter.

• Objection dated 18 December 2020 – attached to report at Appendix 4

• Submission dated 9 February 2021 - attached to report at Appendix 5

Also attached had been a letter dated 14 February 2021 received from the applicant, Mrs Gillies, in response to the letters of objection, a copy of which was attached to the report at Appendix 6.

Mr Davidson spoke to his further late letter of objection and Members asked that this be summarised in his address to the Committee.

Mr Davidson further outlined some of the issues during his tenancy.

The applicant’s solicitor, Mr M McCheyne then stated that various people had visited the property recently, some of these people the tenant had been content to admit and some he had not. He asked if the applicant understood that formal notices were prescribed by law and had to be in the form in which they had been sent.

Following discussion the Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor to grant the application if the applicant provided all documentation and carried the works requested by Environmental Health to their satisfaction within 8 weeks, and to remit the matter back to the Highland Licensing Committee if said documentation cannot be provided due to the non-cooperation of the tenants.

The meeting closed at 1.55 pm.