

## Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 11 May 2021 at 10.00 am.

### **Present:**

Mr J Bruce (from item 9.1), Mr A Jarvie (Chair), Mrs L MacDonald, Mr D Macpherson, Mr W MacKay, Mr K Rosie, Mr A Sinclair and Mr C Smith.

### **In attendance:**

Mr I Meredith, Solicitor (Regulatory Services)

Ms R Banfro, Solicitor

Mr M Elsey, Senior Licensing Officer

Mrs A MacArthur, Administrative Assistant, Performance and Governance

### **Also attending:**

Sergeant K Duncan, Police Scotland

Mr M MacDonald, Police Scotland

Item 7.1 – Mr A Boyne

Item 9.1 – Mr P Wilson

Item 10.1 and 10.2 – Mr J Fraser

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**

There were no apologies for absence.

### **2. Declarations of interest Foillseachaidhean Com-pàirt**

Item 4 and 5: Mr A Jarvie (non-financial).

### **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 30 March 2021.

After amendment to item 9.1 of the minute to read "The committee **AGREED** the motion and that no action was to be taken, the minute was **APPROVED**."

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

**Declaration of Interest – Mr A Jarvie declared a non-financial interest as a Director of High Life Highland and having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated **Report No HLC/023/21** 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 18 March 2021 to 28 April 2021.

The Committee **NOTED** the report.

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

**Declaration of Interest – Mr A Jarvie declared a non-financial interest as a Director of High Life Highland and having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in the discussion,**

There had been circulated **Report No HLC/0/21** 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  
Public Entertainment Licences  
Achd Riaghaltais Chatharra (Alba) 1982  
Ceadachdan Aoi gheachd Phoblaich**

**6.1 Premises: Shieldaig Village Hall and Grounds**

There had been circulated **Report No HLC/025/21** by the Acting Principal Solicitor relating to an application for a public entertainment licence for Shieldaig Village and Grounds by Shieldaig Community Association SC10 (Ward 5 – West Ross, Strathpeffer and Lochalsh).

The Senior Licensing Officer stated that the Electrical Certificate had yet to be received.

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

The Committee **AGREED** to **GRANT** the application subject to the standard conditions and an additional condition that:

- no public entertainment activities shall take place until a satisfactory electrical certificate is provided to the licensing authority.

**7. Civic Government (Scotland) Act 1982  
Market Operators Licences  
Achd Riaghaltais Chatharra (Alba) 1982  
Ceadachdan Obraichean Margaidh**

**7.1 Premises: Cairngorm Farmers Market, The Square, Grantown on Spey**

There had been circulated **Report No HLC/026/21** by the Acting Principal Solicitor relating to an application for a market operator's licence for the Cairngorm Farmers Market, The Square, Grantown on Spey by Moray Farmers Market Ltd (Ward 20 – Badenoch and Strathspey).

The Senior Licensing Officer advised that satisfactory Food Hygiene compliance and Gas Appliances certification had yet to be received. The applicant had also requested additional dates and written permission from the landowner had yet to be received.

The applicant spoke to his application. The farmers market had been very successful and as such additional dates for the markets had been requested.

Following discussion, the Committee **AGREED** to **GRANT** the application subject to the standard conditions and an additional condition that:

- no market operator activities take place unless all documentation regarding any stall holders attending a market is submitted to the satisfaction of Environmental Health at least two weeks prior to the day of that market.

**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 priobhaideach**

**9.1 Private hire car driver – Peter Wilson**

There had been circulated **to members only Report No HLC/027/21** by the Acting Principal Solicitor relating to Peter Wilson whose private hire car driver's licence was suspended on 16 February 2021 (Ward 6 – Cromarty Firth).

The Senior Licensing Officer advised that [text removed from web version in compliance with Data Protection Act 1998] Police Scotland had no comment to make on whether the suspension should be recalled.

A written submission 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 thereafter **AGREED to RECALL** the suspension of the licence holder's private hire car driver's licence on the grounds that the circumstances which led to the suspension no longer apply and the licence holder is a fit and proper person.

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

**10.1 Application for renewal of a taxi operator's licence – Highlander Cars Ltd**

There is circulated **to members only Report No HLC/028/21** by the Acting Principal Solicitor relating to an application which has been received from Highlander Cars Ltd for the renewal of a taxi operator's licence (Ward 19 - Inverness South Ward).

The Senior Licensing Officer advised that a letter of representation had been received from Police Scotland.

The Committee heard from Police Scotland and the applicant.

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

## **10.2 Application for renewal of a taxi driver's licence – John Fraser**

There had been circulated **to members only Report No HLC/029/21** by the Acting Principal Solicitor relating to an application which has been received from John Fraser for the renewal of a taxi driver's licence (Ward 19 - Inverness South Ward).

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

The Committee heard from Police Scotland and the applicant.

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

The meeting closed at 11.11 am.