

Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 3 August 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 and Mr C Smith.

In attendance:

Mr I Meredith, Principal Solicitor (Regulatory Services)
Ms R Banfro, Solicitor (Regulatory Services)
Mr M Elsey, Senior Licensing Officer
Mrs A MacArthur, Administrative Assistant, Performance and Governance
Ms A Macrae, Committee Administrator, Performance and Governance

Also attending:

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

Item 10.1 - Mr S Jones
Item 11.1 – Mr M Rahman
Item 11.2 – Mr R Disberry
Item 12.1 – Mr W Abbas

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 intimated on behalf of Ms Emma Knox and Mr W Mackay.

2. Declarations of interest Foillseachaidhean Com-pàirt

Item 8.1: Mr J Bruce (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 22 June 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/035/21** 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 10 June 2021 to 14 July 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/036/21** 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
Sex Entertainment Venues
Achd Riaghaltais Chatharra (Alba) 1982
Ionadan Fèisteach Feise**

There had been circulated **Report No HLC/037/21** by the Principal Solicitor advising of the amendments to the Civic Government (Scotland) Act 1982 introduced by the Air Weapons and Licensing (Scotland) Act 2015 equipping local authorities with the discretionary power to implement a licensing regime in respect of sex entertainment venues (SEVs).

In discussion, the value of a consultation to seek the views of the public, agencies and third sector organisations on SEVs was highlighted. While there was currently one licensed venue in Highland, it was important to consider the benefits of having a licensing regime in place ahead of any potential future applications being received.

The Committee:-

- i. **NOTED** the changes to the Civic Government (Scotland) Act 1982 which introduced provisions giving local authorities the discretionary power to licence Sexual Entertainment Venues; and
- ii. **AGREED** to instruct the Principal Solicitor to undertake an initial public consultation on the Licensing of Sex Entertainment Venues in Highland to inform future decision.

**7. Civic Government (Scotland) Act 1982
Applications for taxi driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean
airson fastadh priobhaideach**

7.1 Application for taxi operator's licence – Mr John Munro

There had been circulated **Report No HLC/038/21** by the Principal Solicitor relating to an application which has been received from Mr John Munro for renewal of a taxi operator's licence (Ward 13 - Inverness West).

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

The Senior Licensing Officer stated that confirmation had been received from the applicant that he had purchased a vehicle and that it had passed the taxi inspection. A taxi meter was to be installed and calibrated and the submission of a valid insurance certificate was in progress.

The Committee **AGREED** to **DELEGATE** power to the Principal Solicitor to refuse the application should the applicant fail to present his vehicle to have a meter installed and calibrated and submit an insurance certificate by 12 August 2021.

**8. Civic Government (Scotland) Act 1982
Public Entertainment Licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Aoigheachd Phoblaich**

8.1 Premises: Dulnain Bridge Public Hall, Dulnain Bridge

Declaration of Interest:- Mr J Bruce declared a non-financial interest in this item as a Trustee of Dulnain Bridge Public Hall and left the meeting for the determination of this item.

There had been circulated **Report No HLC/039/21** by the Principal Solicitor relating to an application for the renewal of a public entertainment licence for Dulnain Bridge Public Hall, Dulnain Bridge by Dulnain Bridge Public Hall (SCIO) (Ward 20 – Badenoch and Strathspey).

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

The Senior Licensing Officer confirmed the Environmental Health covid-19 checklist, public liability insurance certificate, risk assessment, covid-19 risk assessment, health and safety policy, welfare provision policy and checklist had been submitted by the applicants. These documents required to be checked by Environmental Health, Highland Child Protection Committee and NHS Highland before any licence could be granted.

The Committee **AGREED** to **GRANT** the application with an additional condition attached to the same to the effect that no public entertainment activities should take place until the documents submitted have been checked and are deemed satisfactory.

8a. Urgent Item of Business
Civic Government (Scotland) Act 1982
Licensing of Short-term Lets

In line with Standing Order 8, the Chair advised that he had agreed to accept the following as an urgent item of business to allow the Committee to be updated on the amendment to the Civic Government (Scotland) Act 1982 in relation to the licensing of short-term lets.

The Principal Solicitor reported that the Scottish Government was currently consulting on the final details of the amendment to the Civic Government (Scotland) Act 1982 in relation to the licensing of short-term lets. Due to the timescales involved, it had not been possible for a formal report to be brought to the Committee. The Council had by October 2022 to be in a position to accept applications for the licensing of short term lets and currently work was being undertaken to by officers across Services to have system in place for this purpose. Over the next few months, reports would be brought to the Committee in relation to the setting of fees and various policy aspects such as licensing conditions. The licensing of short-term lets would impact on the workload of the Committee, given this was a significant issue for the Highlands.

In response to a question from Mr D Macpherson, the Solicitor provided clarification on the types of accommodation that would be included in the definition of short- term lets, and that he understood bed and breakfast establishments would be included in the definition, although the final regulations had not yet been published.

The Committee **NOTED** the update.

9. 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.

10. Civic Government (Scotland) Act 1982
Window cleaner's licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Luchd-glanaidh Uinneagan

10.1 Application for a window cleaner's licence - Sebastian Jones

There had been circulated to members only Report No HLC/040/21 by the Principal Solicitor relating to an application from Sebastian Jones for a window cleaner's licence. (Ward 19 - Inverness Ness-side Ward).

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

The Senior Licensing Officer stated 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 application for a window cleaner's licence.

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

11.1 Application for renewal of taxi driver's licence – Mohammad Rahman

There had been circulated **to members only Report No HLC/041/21** by the Principal Solicitor relating to an application which has been received from Mohammad Rahman for the renewal of his taxi driver's licence.

The Senior Licensing Officer stated 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 application for renewal of a taxi driver's licence.

11.2 Application for renewal of taxi driver's licence – Ronald Disberry

There had been circulated **to members only Report No HLC/042/21** by the Principal Solicitor relating to an application which has been received from Ronald Disberry for the renewal of his taxi driver's licence. (Ward 7 - Tain and Easter Ross).

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

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **REFUSE** the application on the grounds the applicant is not a fit and proper person on the basis of the incidents highlighted by Police Scotland, particularly those leading to his firearms certificate being removed giving concern as to how he would react to stressful situations with the public.

**12. 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**

12.1 Private hire car driver's licence – Waseem Abbas

There had been circulated **to members only Report No HLC/043/21** by the Principal Solicitor relating to Waseem Abbas who is the holder of a private hire car driver's licence (Ward 14 – Inverness Central).

The Senior Licensing Officer stated that following receipt of a letter from Police Scotland, the Principal Solicitor, in consultation with the Head of Corporate Governance, had immediately suspended Mr Abbas' licence under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **SUSPEND** the licence holder's licence for the unexpired portion and with immediate effect as he is not a fit and proper person on the basis of the seriousness and nature of the crime regarding which he currently under investigation, and that carrying on with the licensed activity would cause, or be likely to cause, a threat to public safety.

The meeting closed at Noon.