

Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 7 September 2021 at 10.00 am.

Present:

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

In attendance:

Mr I Meredith, Principal Solicitor (Regulatory Services), Performance and Governance

Ms R Banfro, Solicitor (Regulatory Services), Performance and Governance

Mr M Elsey, Senior Licensing Officer, Performance and Governance

Ms K Johnstone, Environmental Health Officer, Communities and Place

Mr A MacLeod, Principal Technician, Roads and Transport

Mrs A MacArthur, Administrative Assistant, Performance and Governance

Also attending:

Sergeant K Duncan, Police Scotland

Mr M MacDonald, Police Scotland

Item 8.2 – Mr T Foster, applicant

Item 10.1 – Mr D Slater, applicant

Item 10.2 – Mr D Slater, applicant

Item 11.1 – Kai Bryan, applicant.

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 8.1: 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 3 August 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/044/21** 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 15 July 2021 to 25 August 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/045/21** 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. Review of taxi tariff 2020/2021
Ath-bhreithneachadh air Taraif Tagsaidh 2020/21**

There had been circulated **Report No HLC/046/21** by the Principal Solicitor providing details of the responses received following public advertisement of the proposed revised scale of the maximum fares that can be charged by taxis and private hire cars fitted with taxi meters.

There was an update to the report to state that the revised tariff would come into effect on 18 October 2021 and not 28 September 2021.

The Committee **AGREED**:

- i. to make no changes to the existing tariffs or additional charges; and
- ii. for the taxi tariff to come into effect on 18 October 2021 subject to any appeal being lodged.

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

7.1 Application for renewal of taxi operator's licence – Hugh MacLennan

There had been circulated **Report No HLC/047/21** by the Principal Solicitor relating to an application which has been received from Hugh MacLennan for the renewal of a taxi operator's licence (Ward 13 - Inverness West Ward).

The Committee **AGREED** to **NOTE** that following the receipt of a copy of the insurance and MOT certificate from the applicant, that the application for renewal had now been granted under delegated powers.

7.2 Application for renewal of taxi driver's licence – Steven Glendinning

There had been circulated **Report No HLC/048/21** by the Principal Solicitor relating to an application which has been received from Steven Glendinning for the renewal of a taxi driver's licence (Ward 14 - Inverness Central Ward).

The Senior Licensing Officer stated that a valid driving licence had not been received following repeated attempts to contact the applicant.

The Committee **AGREED** to grant **DELEGATED POWERS** to the Acting Principal Solicitor to refuse the application if a valid copy of the applicant's driver's licence was not presented to the Licensing Authority by 9 September 2021.

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

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.

8.1 Premises: Charleston Academy Community Complex, General Booth Road, Inverness

There had been circulated **Report No HLC/049/21** by the Principal Solicitor relating to an application for a public entertainment licence for Charleston Academy Community Complex, General Booth Road, Inverness by Highlife Highland (Ward 13 - Inverness West Ward).

The Committee **AGREED** to **NOTE** following the receipt of confirmation that the electrical works had been completed, the application for renewal could now be issued under delegated powers.

8.2 Premises: The Wildside Centre, Whitebridge, Inverness

There had been circulated **Report No HLC/050/21** by the Principal Solicitor relating to an application for a public entertainment licence for The Wildside Centre, Whitebridge, Inverness by Stratherrick and Foyers Community Trust Ltd (Ward 12 - Aird and Loch Ness Ward).

The Senior Licensing Officer stated that a representation had been received from Community Services (Roads) following an amendment to the application detailed in 3.2 of the report. Two photographs had been circulated to Members, prior to the meeting, providing information on the visibility displays from the exit. Following consultation with the planning authority it had been stated that planning consent was not required for this premises.

Mr A MacLeod, Community Services (Roads) stated that the visibility splays were sub standard in both directions at the junction.

Mr Foster, applicant, stated that he was prepared to erect signage at the junction following agreement on the signage with Community Services (Roads). This was an existing building being brought back into use by the community.

The Committee **AGREED** to **GRANT** the licence subject to the condition that no licensable activities take place until satisfactory signage had been agreed with Community Services (Roads).

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

9.1 Street trader's licence holder – Andrew Fraser

There had been circulated **Report No HLC/051/21** by the Principal Solicitor relating to Andrew Fraser who is the holder of a street trader's licence (Ward 14 - Inverness Central Ward).

The Senior Licensing Officer stated that the licence holder had been continually operating within the street trader's licence exclusion area, in breach of his licence conditions.

The Committee heard from the Environmental Health Service who stated that there did not appear to be any procedures or policies in place for Food Safety. The person in the catering unit did not appear to have any Food Safety Hygiene Training and did not appear to have any temperature monitoring procedures in place to ensure food had been cooked correctly. A remedial action notice had thereafter been served.

The Committee **AGREED** to suspend the licence for the unexpired portion of the licence under the Civic Government (Scotland) Act 1982 schedule 1 paragraph 11(2)(d) on grounds that the licence holder has repeatedly breached the conditions of his licence as detailed by Environmental Health officers in their report and submissions to committee.

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

10.1 Premises – Unit 1 Melville House, Deshar Road, Boat of Garten

There had been circulated **Report No HLC/052/21** by the Principal Solicitor relating to the renewal of a house in multiple occupation licence from J & R Group Ltd in respect of premises at Unit 1 Melville House, Deshar Road, Boat of Garten (Ward 20 - Badenoch and Strathspey Ward).

The Senior Licensing Officer stated that all updated certification had now been received. The only outstanding issue being the tenancy agreement which still had to be checked to ensure it met the Council's standards.

The Committee **AGREED** to grant delegated powers to the Acting Principal Solicitor to refuse the application if a tenancy agreement to the satisfaction of the Licensing Authority was not approved by 28 September 2021.

10.2 Premises – Unit 2 Melville House, Deshar Road, Boat of Garten

There is circulated **Report No HLC/053/21** (pp 59 – 61) by the Principal Solicitor relating to the renewal of a house in multiple occupation licence from J & R Group Ltd in respect of premises at Unit 2 Melville House, Deshar Road, Boat of Garten (Ward 20 - Badenoch and Strathspey Ward).

The Committee **AGREED** to grant delegated powers to the Acting Principal Solicitor to refuse the application if a tenancy agreement to the satisfaction of the Licensing Authority was not approved by 28 September 21.

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

11.1 Application for window cleaners licence – Kai Bryan

There had been circulated **Report No HLC/054/21** by the Principal Solicitor relating to an application from Kai Bryan for the grant of a window cleaner's licence (Ward 17 - Culloden and Ardersier Ward).

The Senior Licensing Officer stated that confirmation of Public Liability Insurance had yet to be received.

Mr K Bryan, applicant, asked that his application be withdrawn.

The Committee **AGREED** to **NOTE** that following a submission made by the applicant, the application was verbally withdrawn.

12. 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

**13. Civic Government (Scotland) Act 1982
Application for skin piercing or tattooing licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtas airson ceadachd tolladh craicinn no tatùthadh**

13.1 Premises: Tattooholic, 2 Baron Taylor Street, Inverness.

There had been circulated **to members only Report No HLC/055/21** by the Principal Solicitor relating to an application for the grant of a skin piercing and tattooing licence for Tattooholic, 2 Baron Taylor Street, Inverness. by Pawel Czesnowski (Ward 14 - Inverness Central Ward).

The Senior Licensing Officer stated that the applicant had been unable to attend and that he had asked that the application be deferred to the next Licensing Committee meeting.

The Committee **AGREED** to **DEFER** the determination of the application to the Licensing Committee's meeting on 26 October 2021.

The meeting closed at 10.40 am.