

Highland Council

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

Present:

Mr J Bruce, Mr A Jarvie (Chair), 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

Mrs A MacArthur, Administrative Assistant, Performance and Governance

Also attending:

Sergeant K Duncan, Police Scotland

Item 8.1 – Mr P Czesnowski, applicant and Ms P Pawlak

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 E Knox.

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 26 October 2021.

Following amendment to show Mr A Sinclair's attendance at item 16.1, the minute was **APPROVED**.

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

There had been circulated **Report No HLC/072/21** 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 7 October 2021 to 16 November 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/073/21** 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
Street Trader's Licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Luchd-malairt Sràide**

6.1 Application for a street trader's licence – Carrie Gibb

There had been circulated **Report No HLC/074/21** by the Principal Solicitor relating to an application which has been received from Carrie Gibb, Cairnlaw, Milton of Culloden, Inverness, IV2 7NT for the grant of a street trader's licence for a specific trading location in Garve. (Ward 5 - Wester Ross, Strathpeffer and Lochalsh).

The applicant did not attend.

The Senior Licensing Officer advised that the Council's Planning Service had responded stating that Planning Permission would be required if the trailer is on site for 28 days or more in one calendar year. This had been relayed to the applicant. Environmental Health were unable to respond as a trailer had yet to be purchased due to delays caused by the Covid-19 pandemic restrictions.

The Committee **AGREED** to **GRANT** the application for a period of 6 months subject to the standard conditions and an additional condition that:

- no street trading activity take place until a vehicle has been presented to the satisfaction of the licensing authority.

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**
Application for skin piercing or tattooing licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtas airson ceadachd tolladh craicinn no tatùthadh

8.1 Premises: Tattooholic, 2 Baron Taylor Street, Inverness

There had been circulated, **to members only, Report No HLC/075/21** 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 advised that an objection had been received from Police Scotland and that at the meeting of the Highland Licensing Committee on 26 October 2021 this item had been deferred to allow the applicant an opportunity to submit further supporting evidence, which had now been received and circulated with the report. He further advised that if this application was to be approved, further works and documentation may be required once the Fire Service and the Council's Environmental Health Service carry out their inspection of the premises.

The Committee heard from Police Scotland, the applicant and the applicant's partner.

Following debate, Mr A Jarvie, seconded by Mr K Rosie, **moved** that the application be delegated to the Principal Solicitor to grant for one year once any works required were undertaken and relevant documents submitted.

Mr J Bruce, seconded by Mr W Mackay, moved as an **amendment**, that the application be refused for the reasons given by Police Scotland.

On a vote being taken by roll call, 5 votes were cast in favour of the **motion** and 3 in favour of the **amendment**, as follows:

Motion (5):

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

Amendment (3):

Mr J Bruce, Mrs L MacDonald and Mr W MacKay.

The Committee **AGREED** to grant delegated powers to the Principal Solicitor to **GRANT** the application for a period of one year subject to the standard conditions and having receipt of confirmation of the satisfactory completion of any works required, or submission of documentation requested, following inspection of the premises by the Fire Service and the Council's Environmental Health Service.

Sergeant Duncan asked that it be minuted that Police Scotland strongly opposed the granting of this licence.

The meeting closed at 11.10 pm.