

Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Tuesday 22 February 2022 at 10.00 am.

Present:

Mr J Bruce, Mr A Jarvie (Chair), Mrs L MacDonald, Mr W MacKay, Mr D Macpherson (from item 2 – 10.1), Mr K Rosie, Mr A Sinclair and Mr C Smith.

In attendance:

Miss C McArthur, Principal Solicitor (Regulatory Services), Performance and Governance

Mr I Meredith, Solicitor, Regulatory Services, Performance and Governance

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

Mr A Fowler, Trainee Solicitor, Performance and Governance

Mr M Elsey, Senior Licensing Officer, Performance and Governance

Mrs A MacArthur, Administrative Assistant, Performance and Governance

Also attending:

Mr M Macdonald, Police Scotland

Mrs P Sheldon, Senior Environment Health Officer, Trading Standards

Ms K Johnstone, Environmental Health Officer, Trading Standards

Item 8.1 – Mr M Afif, licence holder

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 18 January 2022 which was **APPROVED**.

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

There had been circulated **Report No HLC/010/22** by the Principal Solicitor which details all Licences which have been granted under delegated powers under the Civic Government (Scotland) Act 1982 granted in the period from 22 December 2021 to 9 February 2022.

The Committee **NOTED** the report.

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

There had been circulated **Report No HLC/011/22** by the Principal Solicitor relating to applications which are 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:

- (a) to 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) to 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 – 37 The Square, Grantown on Spey

There had been circulated **Report No HLC/012/22** by the Principal Solicitor relating to the grant of a house in multiple occupation licence from Mohammed Ali in respect of premises at 37 The Square, Grantown on Spey (Ward 20 - Badenoch and Strathspey Ward).

The Committee **NOTED** that the application had been granted under delegated powers.

6.2 Premises – Residential Accommodation, Nethybridge Hotel, Nethy Bridge

There had been circulated **Report No HLC/013/22** by the Principal Solicitor relating to the grant of a House in Multiple Occupation Licence from Strathmore Hotels Ltd in respect of premises at Residential Accommodation, Nethybridge Hotel, Nethy Bridge (Ward 20 - Badenoch and Strathspey Ward).

The Committee **NOTED** that the application had been granted under delegated powers.

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

7.1 Application for grant of taxi driver's licence – Roger Ewen

There had been circulated **Report No HLC/014/22** by the Principal Solicitor relating to an application which has been received from Roger Ewen for the grant of a taxi driver's licence (Ward 12 - Aird and Loch Ness Ward).

The applicant was not in attendance . Mr M Elsey, Senior Licensing Officer advised that confirmation had yet to be received that Mr Ewen [REDACTED].

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor to refuse the application should the applicant fail to pass the [REDACTED].

**8. Civic Government (Scotland) Act 1982
Late hours catering licence
Ahd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Solarachaidh Uairean Anmoch –**

8.1 Premises – Zoom Takeaway, 23 Baron Taylor Street, Inverness

There had been circulated **Report No HLC/015/22** by the Principal Solicitor relating to the licence holder of late hours catering premises at Zoom Takeaway, 23 Baron Taylor Street, Inverness (Ward 14 - Inverness Central Ward).

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

A written submission had been received on behalf of the licence holder and had been circulated to Members prior to Committee.

The Committee heard from Environmental Health.

The applicant stated that the works required had taken some time due to Covid restrictions as the premises had been closed. He stated that he had been in the food business for more than 25 years and took the health of his customers very seriously. The works requested by Environmental Health had now been undertaken and were ready for inspection.

On a question, the Environmental Health Officer advised Members that the premises were currently closed due to the Remedial Action Notice which was still in place. The Notice would be reviewed once Mr Afif had submitted a satisfactory Food Safety Management Plan that met Article 5 of the relevant regulations. Once the plan had been received it would enable an Inspection Frequency Programme to be put in place and enable the business to operate.

The Committee **AGREED** to **SUSPEND THE LICENCE** for the unexpired portion of the duration of the licence, with immediate effect.

The decision was made in terms of paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the Committee deemed that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety.

It was further agreed to **GRANT DELGATED POWERS** to the Principal Solicitor to lift the suspension if Environmental Health confirm that they are satisfied that (1) the premises is safe to operate and (2) all the required documentation has been submitted and is satisfactory.

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**
Applications for private hire car driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadaichdan do dhràibhearan / oibrichean chàraichean airson fastadh priobhaideach

10.1 Application for private hire car driver's licence – Colin McIvor

There had been circulated **to members only Report No HLC/016/22** by the Principal Solicitor relating to an application which has been received from Colin McIvor for a private hire car driver's licence (Ward 18 - Nairn and Cawdor Ward).

The applicant was not in attendance. Mr M Elsey, Senior Licensing Officer, summarised the report.

The Committee **AGREED** to **REFUSE** the application in terms of paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant, [REDACTED].

The meeting closed at 10.50 pm.