

Agenda item	6.1
Report no	HLC/003/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 10 January 2023

Report title: Application for the grant of a skin piercing and tattooing licence for an additional premises – Unit 13 Dalfaber Industrial Estate, Aviemore (Ward 20 – Badenoch and Strathspey)

Report by: Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This report relates to an application for the grant of a skin piercing and tattooing licence for an additional premises.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the Council's hearing procedure.

3. Background

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the "Act") a licence will be required for carrying out the activity of skin piercing and tattooing.

4. Application

4.1 On 7 November 2022 an application for the grant of a skin piercing and tattooing licence for an additional premises was received from Dmitri Sobczak for Unit 13 Dalfaber Industrial Estate, Aviemore. The applicant currently holds a licence for a premises at Dark Trinity Art Studio, 41c High Street, Grantown on Spey.

5. Process

5.1 Following receipt of the application a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service

5.2 All of the above Agencies/Services have confirmed that they have no objections to the licence being issued apart from the Planning Service.

6. Objection

6.1 On 21 November 2022 the Planning Service submitted an objection in relation to Dmitri Sobczaks application as the use of the premises would require Planning Permission for a Tattooist – see Appendix A.

7. Determining issues

7.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

7.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7.3 A copy of this report has been sent to the applicant and Planning Service who have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

8. Policies

8.1 The following policies are relevant to this application:

8.2 Standard skin piercing and tattooing licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing/category/499/shop_and_trader or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 12 December 2022

Author: Michael Elsey

Ref: SPT

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix A

Susan Grant (Legal Team (Licensing))

From: Bob Robertson (Planning (South))
Sent: 21 November 2022 14:41
To: Susan Grant (Legal Team (Licensing)); Licensing
Subject: FW: Application for the grant of an additional premises Skin Piercing and Tattooing licence - Dmitri Sobczak - Unit 13 Dalfaber Industrial Estate, Aviemore
Attachments: Dmitri S courses.jpg; Tattoo are layout.JPG; Sam Cockman courses.jpg; Unit 13 ground floor entrance location copy 2.jpg; Consultation sheet.pdf; Civic Government licence.pdf

Susan,
Planning response is Object – the use of the premises would require Planning Permission for a Tattooist. I have checked our records and cannot see an application having been submitted or a planning permission having been granted.
Planning Applications can be made online at <https://www.eplanning.scot/ePlanningClient/>
Bob

Bob Robertson – Planning Team Leader Inverness Badenoch and Strathspey

From: Planning Technical <PlanningTechnical@highland.gov.uk>
Sent: 09 November 2022 10:08
To: Bob Robertson (Planning (South)) <Bob.Robertson@highland.gov.uk>
Subject: FW: Application for the grant of an additional premises Skin Piercing and Tattooing licence - Dmitri Sobczak - Unit 13 Dalfaber Industrial Estate, Aviemore

From: Susan Grant (Legal Team (Licensing)) <Susan.Grant@highland.gov.uk>
Sent: 08 November 2022 13:34
To: Civic Govt Licensing, Highland and Islands (HighlandislandCivicGovtLicensing@scotland.pnn.police.uk) <HighlandislandCivicGovtLicensing@scotland.pnn.police.uk>; 'N.HLNDPandPLegislationSupport@firescotland.gov.uk' <N.HLNDPandPLegislationSupport@firescotland.gov.uk>; envhealth <envhealth@highland.gov.uk>; John Dougherty (Building Standards) <John.Dougherty@highland.gov.uk>; Planning Technical <PlanningTechnical@highland.gov.uk>
Subject: FW: Application for the grant of an additional premises Skin Piercing and Tattooing licence - Dmitri Sobczak - Unit 13 Dalfaber Industrial Estate, Aviemore

Good Afternoon

Please find attached copy of the above application for any comments/objections **by 5 December 2022**.

SFRS - there is no fire safety checklist submitted so have emailed Mr Sobczak a link to the form for permanent structures for him to complete and return so will forward it on once received.

Susan