

<b>Agenda item</b>	<b>6.2</b>
<b>Report no</b>	<b>HLC/004/23</b>

**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 – Aviemore Gift Company, Unit 14 and 15 Grampian Road, Aviemore (Ward 20 – Badenoch and Strathspey)**

**Report by: The 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.

**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 27 February 2022 an application for the grant of a skin piercing and tattooing licence was received from Loch Ness Coffee Company Ltd for Aviemore Gift Company, Unit 14 and 15 Grampian Road, Aviemore.

4.2 In terms of the abovementioned Act, the licensing authority have 12 months from receipt of the application to determine the same, therefore this application must be determined by 26 February 2023. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

### **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 There have been no objections received from the abovementioned Agencies/Services in relation to the application.

### **6. Certification**

6.1 As part of the application process the following documentation has been requested, and is awaited, from the applicant:

- Public Liability Insurance certificate
- Certificate of Compliance

6.2 The Principal Solicitor is unable to issue the licence at this time using delegated powers until the above documentation has been submitted and checked by Licensing as being satisfactory.

### **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 who has 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](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