

## **Highland Council**

Minute of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 1 August 2023 at 10.00am.

### **Present:**

Mr C Birt, Mr J Bruce, Ms L Johnston, Mr S Kennedy (Chair), Ms E Knox, Mr D Macpherson, Mr K Rosie.

### **In attendance:**

Mr I Meredith, Principal Solicitor, Regulatory Services  
Mr G Somers, Solicitor, Regulatory Services  
Mr M McGinty, Trading Standards Team Leader  
Mr M Elsey, Senior Licensing Officer  
Ms A Macrae, Senior Committee Officer

### **Also attending:**

Sergeant Paterson, Police Scotland  
M Macdonald, Police Scotland

Item 6.2: Norman Cordiner (applicant)  
Item 6.3: Norman Cordiner (applicant)  
Item 8.2: Mrs Mackintosh (applicant)  
Item 9.1: Vladut Tamirjan (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**

Apologies for absence were intimated on behalf of Mr J Grafton, Mrs J Hendry, Mr W Mackay, Mr D Millar, Mr P Oldham.

### **2. Declarations of interest Foillseachaidhean Com-pàirt**

Items 6.1, 6.2 and 6.3: Mr K Rosie

### **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 20 June 2023 which was **APPROVED**.

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

There had been circulated **Report No HLC/001/22** by the Principal Solicitor which detailed all Licences which had been granted under delegated powers under the Civic Government (Scotland) Act 1982 granted in the period from 8 June 2023 to 19 July 2023.

The Committee **NOTED** the report.

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

There had been circulated **Report No HLC/002/22** 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 determination of the applications, either to:

(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 hearing procedure.

**6. Civic Government (Scotland) Act 1982  
Short Term Let licensing  
Achd Riaghaltais Chatharra (Alba) 1982  
Ceadachd Aontaidhean Màil Geàrr-ùine**

**Declarations of Interest: Mr K Rosie declared an interest in items 6.1, 6.2 and 6.3 on the grounds he was an accommodation provider and he left the meeting for the determination of these items.**

**6.1 Application for grant of short term let licence – Crown Apartment, 75 Argyle Street, Inverness, IV2 3BD**

There had been circulated Report No HLC/054/23 by the Principal Solicitor relating to an application for the grant of short term let licence from Sandra Innes in respect of Crown Apartment, 75 Argyle Street, Inverness, IV2 3BD (Ward 15 – Inverness Central). The Committee was invited to determine the application in accordance with the Council's Hearing Procedure.

The Solicitor advised that the objector had withdrawn his objection to the application and therefore the application could now be granted under delegated powers.

The Committee **AGREED** that the licence be **GRANTED** under delegated powers.

## **6.2 Application for grant of short term let licence – 31 Castle Heather Avenue, Inverness, IV2 4DS**

There had been circulated Report No HLC/055/23 by the Principal Solicitor relating to an application for the grant of short term let licence from Norman G Cordiner and Emma Watt in respect of 31 Castle Heather Avenue, Inverness, IV2 4DS (Ward 15 – Inverness Ness-side). The Committee was invited to determine the application in accordance with the Council's Hearing Procedure.

The Solicitor advised that a late objection had been received from Jess Barbier-Marsden and, therefore, could not be automatically considered by the Committee. He confirmed that no reasons had been given by the objector as to why the objection had been late.

The Principal Solicitor advised that in terms of the legislation there had to be valid legal reasons for accepting a late objection.

Members noted that the objector was not in attendance to state her reasons for the late objection.

Thereafter, Ms L Johnson seconded by Mr J Bruce **moved** not to accept the late objection on the basis no reasons had been given for the objection being late.

As an **amendment**, Dr C Birt seconded by Mr D MacPherson moved to accept the late objection regardless of no reasons having been given for the objection being late.

On a vote being taken, the **MOTION** received **4** votes, the **AMENDMENT** received **2** votes with no abstentions. The **MOTION** was therefore **CARRIED**, the votes having being cast as follows:-

**For the Motion:** Mr J Bruce, Ms L Johnson, Mr S Kennedy, Ms E Knox.

**For the Amendment:** Mr C Birt, Mr D Macpherson.

**Abstentions:** No Abstentions

### **Decision**

The Committee **AGREED** not to accept the late objection as Members were not satisfied there was sufficient reason for the objection being late.

Accordingly, the Committee **AGREED** that the application be **GRANTED** under delegated powers.

### **6.3 Application for grant of short term let licence – 5 West Heather Road, Inverness, IV2 4WS**

There had been circulated Report No HLC/056/23 by the Principal Solicitor relating to an application for the grant of short term let licence from Kingston Inverness Limited in respect of 5 West Heather Road, Inverness, IV2 4WS (Ward 15 – Inverness Ness-side). The Committee was invited to determine the application in accordance with the Council's Hearing Procedure.

The Solicitor advised that letters of representation had been received from Angus and Sarah Young and Robert William and Ann Dunnett Cormack, copies of which were appended to the report. A further representation had been received from Mr and Mrs Young by e-mail and circulated to Members prior to the meeting. Those making representations were not in attendance at the meeting.

The Committee heard from Norman Cordiner, applicant, during which he raised the following main points:-

- the premises was a five bedroom property accommodating up to 10 guests and had been advertised as such since it was first let in 2017;
- the property was built on a double plot and therefore had spacious surrounds. It was well screened from the neighbours and there was provision for parking on-site;
- the majority of guests were tourists and bookings were taken through the business website or partner booking companies who had systems in place to rate guest behaviour. The business was mainly aimed at the 7 nights plus market;
- guest behaviour at the property was monitored and guests were provided with details of all the house rules including clear guidelines on parking;
- a minority element of the business related to companies seeking self catering accommodation for staff and the parking of transit vans referred to in the representations had been on-site at the property where 4 parking bays were provided;
- the intention was to use the double garage on the site as a separate unit for a long term residential let with its own on-site parking and did not form part of the application;
- this was an experienced family business and they took the running and management of the properties very seriously and sought to operate professionally and to a high standard. Short term let licences had been granted for 11 of their other properties;
- he was an active community representative living in the area and as a priority sought to ensure that the operation of the business did not affect the community;
- there was demand for self-catering accommodation and both supported the local economy and small businesses and promoted sustainable growth;

- the licensing process whereby a neighbour could influence approval of an application in relation to vans being parked on-site at the property was a concern. Many self catering operators were considering leaving the market and the Association of Self Caterers had received feedback from its members that 61% would not be continuing their business; and
- the process to licence the properties had been stressful, time consuming and costly and the prospect that neighbours could impact on the operation of the business every five years as part of a licence renewal was a major concern to the industry.

Following questions to the applicant and during debate, Members indicated that unlike many other residential properties in the area, the property benefited from four on-site parking bays and the vehicle movements would be no greater than that at a family home of a similar size. The applicant was an experienced operator and there had been no objections to the application from the statutory consultees, and having considered all the evidence it was considered there was no reason not to grant the licence.

The Committee **AGREED** to **GRANT** the application subject to the mandatory and additional conditions only.

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

**7.1 Application for grant of a taxi driver's licence – Colin Gough**

There had been circulated Report No HLC/057/23 by the Principal Solicitor relating to an application which has been received from Colin Gough (Ward 9 – Black Isle) The Committee was invited to determine this application in accordance with the Council's Hearings Procedure).

The Senior Licensing Officer confirmed that the applicant had now passed his taxi knowledge test and right to work check and that the licence had been granted under delegated powers.

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

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

**8.1 Premises: Application for the renewal of a public entertainment licence  
– Dores Parish Hall, Dores, Inverness**

There had been circulated Report No HLC/058/23 by the Principal Solicitor relating to an application which has been received from Dores Parish Hall Committee relating to an application for a renewal of a public entertainment licence for Dores Parish Hall, Dores, Inverness (Ward 12 – Aird and Loch Ness). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Senior Licensing Officer advised that the outstanding documentation and certificates in relation to the application had now been received and confirmed to be satisfactory and the licence had been granted under delegated powers.

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

### **8.2 Premises: Application for the renewal of a public entertainment licence – Funfair rides on Falcon Square, Inverness**

There had been circulated Report No HLC/059/23 by the Principal Solicitor relating to an application which has been received from Savills c/o Eastgate Centre relating to an application for a renewal of a public entertainment licence in respect of funfair rides on Falcon Square, Inverness (Ward 14 – Inverness Central). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Senior Licensing Officer advised that the outstanding documentation in relation to the application had now been received and forwarded on to the relevant services for confirmation that it was satisfactory.

Ms M Mackintosh, applicant, indicated that the licence was required to allow two operators to provide funfair rides for children and young persons during the school holidays.

The Committee **AGREED** to **GRANT** the application for renewal of a public entertainment licence subject to the mandatory conditions and the additional condition that:

- No public entertainment take place at the premises until the outstanding documentation which has been submitted has been checked by the relevant services and confirmation received that it is satisfactory.

## **9. Civic Government (Scotland) Act 1982**

### **Taxi operator's licence**

### **Highland Council penalty point system**

### **Achd Riaghaltais Chatharra (Alba) 1982**

### **Ceadachd oibriche tagsaidh –**

### **Siostam Phuingean Peanais Chomhairle na Gàidhealtachd**

#### **9.1 Licence Holder – Vladut Tamirjan**

There had been circulated Report No HLC/060/23 by the Principal Solicitor relating to a breach of Taxi Operators Licence Conditions (Ward 15 - Inverness Ness-Side). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Mr M McGinty, Trading Standards Team Leader, in relation to Trading Standards report on the licence holder, a copy of which was appended to the report.

Following questions, the Committee heard from Vladut Tamirjan during which he advised that he had not been aware of the penalty point system. He had considered the taxi vehicle inspection as providing clarification of any repairs required to this vehicle, following which it would pass a re-test. He took full responsibility for this matter and had now purchased a newer vehicle so that he did not face the same situation in future. In response to questions, he confirmed that he would arrange for his vehicle to go through the pre-inspection facility which was available.

During debate, Members suggested that in terms of the options available to the Committee, the frequency of inspections for the licence holder's vehicle be increased for a limited period. Members also encouraged the licence holder to use the pre-inspection facility that was available.

The Committee **AGREED** to **ADD A CONDITION** to the licence holder's licence that:

- The licence holder present his vehicle to undergo and pass inspection every three months for a period of one year;

On the grounds that the licence holder has failed to maintain his vehicles to a satisfactory standard over a two year period.

**10. 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.**

**11. Civic Government (Scotland) Act 1982  
Short Term Let licensing  
Achd Riaghaltais Chatharra (Alba) 1982  
Ceadachd Aontaidhean Màil Geàrr-ùine**

**11.1 Application for grant of short term let licence – Badnaheen, Altnabreac, Halkirk, KW12 6UR**

There had been circulated to Members only Report No HLC/061/23 by the Principal Solicitor relating to an application for the grant of a short term let licence from Kevin A Booth in respect of Badnaheen, Altnabreac, Halkirk, KW12

6UR (Ward 03 – Wick and East Caithness). The Committee was invited to determine the application in accordance with the Council's Hearing Procedure.

The Solicitor advised that a late objection had been received from Police Scotland and, therefore, could not be automatically considered by the Committee.

The Committee then heard from Police Scotland on the reasons for the late objection.

The Committee **AGREED** that sufficient reason had been given by Police Scotland for their objection being late to allow the objection to be considered.

The Committee **AGREED** to **DEFER** consideration of the application to the Highland Licensing Committee meeting of 5 September 2023 to allow the applicant to be present or be represented.

The meeting closed at 12.45pm.