

Agenda item	8.1
Report no	HLC/094/23

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **28 November 2023**

Report title: **Application for the grant of a boat hire licence – Christine Cormack (Ward 12 – Aird & Loch Ness)**

Report by: **The Principal Solicitor – Regulatory Services**

1. Purpose/Executive summary

1.1 This report relates to an application for the grant of a boat hire licence.

This item is subject to a formal hearing procedure.

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Council's hearings 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 the carrying out the activity of boat hiring.

4. Application

4.1 On 1 March 2023 an application for the grant of a boat hire licence was received from Christine Cormack.

4.2 The application relates to the following vessels:

- 6 x Whaly 370 motor boats
- 8 x ocean kayak frenzy model

4.3 In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 30 November 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 of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- HC Environmental Health Service
- Maritime and Coastguard Agency (MCA)
- Scottish natural Heritage (SNH)

5.2 As part of the application process the applicant requires to submit appropriate certification confirming that the vessels have been inspected and are fit for operating.

5.3 The applicant has advised that the vessels detailed in 4.2 above were not operated during the 2023 season and the intention is for them to be inspected at the beginning of 2024 ready for commencing operation in spring 2024.

5.4 In view of this a licence cannot be issued under delegated powers at this time, and as detailed in paragraph 4.3 above, the determination period is due to expire before the inspections take place.

5.5 Once the certification is available it would be forwarded onto the consultees who will then be invited to sign off the application.

6. Determining issues

6.1 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.

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

6.2 A copy of this report has been sent to the applicant 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.

7. Policies

7.1 The following policies are relevant to this case:

Standard boat hire licence conditions. A copy of these can be accessed at [Apply for a licence - Boat hire | The Highland Council](#) or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 6 November 2023

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