

Agenda item	9.1
Report no	HLC/025/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 February 2024

Report title: Application for the grant of a skin piercing and tattooing licence – Jaimie McCluskey - 118-122 Academy Street, Inverness (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

1.1 This report relates to the application for the grant of a skin piercing and tattooing 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 carrying out the activity of skin piercing and tattooing.

4. Application

4.1 On 10 March 2023 an application for the grant of a skin piercing and tattooing licence was received from Jaimie McCluskey in respect of premises at 118-122 Academy Street Inverness.

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 9 March 2024. 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
- Scottish Fire and Rescue Service
- The Highland Council's Environmental Health Service
- The Highland Council's Building Standards Service
- The Highland Council's Planning Service

5.2 Police Scotland, Fire Service and the Council's Building Standards and Planning Service have confirmed that they have no objection to the application being granted.

5.3 The Council's Environmental Health Service have advised that they are awaiting confirmation from the applicant that she has undertaken the pre-requisite training. Once this is received, they would arrange an inspection of the premises. This confirmation is currently awaited.

6. Documents and Certification

6.1 As part of the licensing process a number of documents and certificates require to be submitted by the applicant.

At the time of writing the following have been requested, and are awaited:

- Public Liability insurance certificate;
- Certificate of compliance (confirming that the notice has been displayed at the premises for the required 21 day period); and
- Electrical Installation Certificate.

6.2 As these documents are still awaited, and an inspection of the premises has still to be undertaken, the Principal Solicitor is unable to issue the licence using delegated powers

and, as indicated in paragraph 4.2 of the report, this is the last meeting of the Licensing Committee before the 12 month determination period elapses.

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 case:

Standard skin piercing and tattooing licence conditions. A copy of these can accessed at [Apply for a licence - Skin piercing and tattooing | The Highland Council](#) or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 24 January 2024

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