

**The Highland Council
Highland Licensing Committee**

**Council Chamber, Council Headquarters, Inverness
on
Tuesday, 7 May 2024 at 11.45am
Minutes**

Listed below are the decisions taken by the Highland Licensing Committee at their meeting on 7 May 2024. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

Present:

Mr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Ms E Knox (remote), Mr W Mackay (remote), Mr D Millar (remote), Mr P Oldham, Mr K Rosie (remote).

In Attendance:

Mr I Meredith, Principal Solicitor, Regulatory Services
Mr G Somers, Solicitor, Regulatory Services
Ms M Duffy, Solicitor, Regulatory Services
Mr M Elsey, Senior Licensing Officer
Ms A Macrae, Senior Committee Officer
Mrs G Macpherson, Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland

Item 9.1: Charlotte Stewart, applicant
Item 10.1: Stewart Dickison, applicant
Item 10.2: Neil Dalton, objector, Gareth Townend, applicant
Item 10.3: Colin Maciver, applicant
Item 12.1: Robert Watson, applicant
Item 12.2: David Toth, applicant
Item 14.1: Kevin Booth, applicant

Preliminaries

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

ITEM NO	DECISION
1	Apologies for Absence Leisgeulan Mr D Macpherson.
2	Declarations of Interest Foillseachaidhean Com-pàirt There were no declarations of interest.
3	Confirmation of Minutes Dearbhadh a' gheàrr-chunntais

	There had been circulated and APPROVED the Minutes of the Meeting held on 26 March 2024.
4.	Licences granted under delegated powers Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh The Committee NOTED the report.
4.1	Short Term Let Licences granted under delegated powers Ceadachd Aontaidhean Màil Geàrr-ùine Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh The Committee NOTED the report.
5.	Pending applications – 3 monthly considerations Iarrtasan ri thighinn – beachdachaidhean 3 mìosach The Committee AGREED to defer the determination of the applications, either: (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 Hearings Procedure.
5.1	Short Term Let Pending applications – 3 monthly considerations Ceadachd Aontaidhean Màil Geàrr-ùine Iarrtasan ri thighinn – beachdachaidhean 3 mìosach The Committee AGREED to defer the determination of the applications, either: (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 Hearings Procedure.
6.	Civic Government (Scotland) Act 1982 Review of taxi tariff 2024/2025 Achd Riaghaltais Chatharra (Alba) 1982 Ath-bhreithneachadh air Taraif Tagsaidh 2024/2025 Motion: Mrs J Hendry seconded by Ms E Knox moved that a 5% increase be applied to Tariff 1. 1st Amendment: Mr W Mackay moved that a 10% increase be applied to Tariff 1 but on failing to find a seconder the amendment fell. 2nd Amendment: Mr P Oldham seconded by Mr S Kennedy moved that there be no change to Tariff 1. For the motion (5): Mr C Birt, Mr J Grafton, Mrs J Hendry, Ms E Knox, Mr W Mackay

	<p>For the 2nd amendment (5): Mr J Bruce, Ms L Johnston, Mr S Kennedy, Mr D Millar, Mr P Oldham.</p> <p>On there being an equality of votes, the Chair cast his second and determining vote in favour of the 2nd amendment which became the finding of the meeting.</p>
	<p>Decision: The Committee AGREED:</p> <ul style="list-style-type: none"> i. that there are no changes to Tariffs 1, 2, 3, 4 or 5, and no changes to waiting time, booking ahead, bridge/ferry charges, airport charges, soiling or luggage charges for public consultation; The only change is to remove the reference to 3 miles in the supplementary booking charge section; and ii. that an advertisement be placed in the Press & Journal (Highland Edition) detailing the Licensing Committee's proposal in relation to the maximum rates of fares in respect of taxi and private hire car licensing (where the private hire cars are fixed with taxi meters) and inviting representations.
7.	<p>Civic Government (Scotland) Act 1982 Taxi driver's / operator's licences Achd Riaghaltais Chatharra (Alba) 1982 Ceadachdan Dhràibhearan / Oibrichean Tagsaidh</p>
7.1	<p>Taxi driver's licence – John Gallacher</p> <p>The Committee NOTED this item had been withdrawn.</p>
8.	<p>Civic Government (Scotland) Act 1982 Private hire car driver's / operator's licences Achd Riaghaltais Chatharra (Alba) 1982 Iartasan airson ceadachdan do dhràibhearan / oibrichean chàraichean airson fastadh prìobhaideach</p>
8.1	<p>Application for a private hire car operator's licence – Hamdi Ahmad</p> <p>The applicant was not in attendance.</p>
	<p>Decision: The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application should the applicant not present his vehicle for inspection and meter test and to submit a copy of his insurance certificate prior to 30 May 2024.</p>
9.	<p>Civic Government (Scotland) Act 1982 Market operator licence Achd Riaghaltais Chatharra (Alba) 1982 Cead obraiche margaidh</p>
9.1	<p>Premises – Wildwoodz Activity Park, Littleburn, By Munloch, IV8 8PE</p> <p>The Committee heard from Charlotte Stewart, applicant.</p>
	<p>Decision: The Committee AGREED to GRANT the application subject to the additional condition that the licensable activities do not take place without a valid Building Completion Certificate being in place in respect of any structure.</p>
10.	<p>Civic Government (Scotland) Act 1982</p>

	<p>Short Term Let licensing Achd Riaghaltais Chatharra (Alba) 1982 Ceadachd Aontaidhean Màil Geàrr-ùine</p>
10.1	<p>Application for grant of a short term let licence – Loch Ness Hideaway, Craigwell, 1 West Lewiston, Drumnadrochit, IV63 6UW</p> <p>The Committee heard from Stewart Dickison, applicant.</p>
	<p>Decision: The Committee AGREED to GRANT the licence subject to the mandatory conditions, additional standard conditions, and further additional condition that the premises are not to be used for the licensable activity prior to issuance of a Building Completion Certificate.</p>
10.2	<p>Application for grant of a short term let licence – School Hill Croft, School Brae, Dornoch, IV25 3PF</p> <p>The Committee heard from Neil Dalton, objector, and Gareth Townend, applicant.</p>
	<p>Decision: The Committee AGREED to GRANT the licence subject to the mandatory conditions and additional standard conditions.</p>
10.3	<p>Application for grant of a short term let licence – 23 Caledonia Place, Aviemore, PH22 1NW</p> <p>A late objection to the application was received on 9 February 2024 from James Flanagan. The objector not present and late objection not heard. The Committee heard from Colin Maciver, applicant.</p>
	<p>Decision: The Committee AGREED to GRANT the licence subject to the mandatory conditions and additional standard conditions.</p>
10.4	<p>Application for grant of a short term let licence – An Cabar, 38 Corbett Place, Aviemore, PH22 1NZ</p> <p>The Committee NOTED this item had been withdrawn.</p>
11.	<p>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.</p>
12.	<p>Civic Government (Scotland) Act 1982 Taxi driver's / operator's licences Achd Riaghaltais Chatharra (Alba) 1982 Ceadachdan Dhràibhearan / Oibrichean Tagsaidh</p>
12.1	<p>Application for a taxi driver's licence – Robert Watson</p> <p>The Committee heard from Police Scotland and Robert Watson, applicant.</p> <p>Motion: Mr P Oldham seconded by Mr S Kennedy moved to approve the application for a taxi driver's licence on the grounds the applicant was a fit and proper person to hold a licence.</p>

	<p>Amendment: Mrs J Hendry seconded by Ms L Johnston moved to refuse the application for a taxi driver's licence on the grounds the applicant is not a fit and proper person to hold a licence by for the reasons given by Police Scotland in their letter of objection.</p> <p>For the motion (4): Mr S Kennedy, Mr W Mackay, Mr D Millar, Mr P Oldham</p> <p>For the amendment (6): Mr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Ms E Knox.</p>
	<p>Decision: The Committee AGREED to REFUSE the application for a taxi driver's licence on the grounds that the applicant is not a fit and proper person for the reasons given by Police Scotland in their letter of objection.</p>
12.2	<p>Application for a taxi driver's licence – David Toth</p> <p>The Committee heard from Police Scotland and David Toth, applicant, via an interpreter.</p> <p>Motion: Mr C Birt seconded by Mrs J Hendry moved to refuse the application on the grounds the applicant was not a fit and proper person to hold a licence.</p> <p>Amendment: Mr W Mackay seconded by Mr D Millar moved to grant delegated powers to the principal solicitor to refuse the application should the applicant not complete a right to work check, taxi driver's knowledge test and foreign convictions check by 12 December 2024.</p> <p>For the motion (3): Mr C Birt, Mrs J Hendry, Mr P Oldham</p> <p>For the amendment (7): Mr J Bruce, Mr J Grafton, Ms L Johnston, Mr S Kennedy, Ms E Knox, Mr W Mackay, Mr D Millar.</p>
	<p>Decision: The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application should the applicant not complete a right to work check, taxi driver's knowledge test and foreign convictions check by 12 December 2024.</p>
13.	<p>Civic Government (Scotland) Act 1982 Private hire car driver's / operator's licences Achd Riaghaltais Chatharra (Alba) 1982 Iartasan airson ceadachdan do dhràibhearan / oibrichean chàraichean airson fastadh priobhaideach</p>
13.1	<p>Application for a private hire car operator's licence – Thomas Swan</p> <p>The Committee AGREED to DEFER the application to a future hearing at Applicant's request.</p>
14.	<p>Civic Government (Scotland) Act 1982 Short Term Let licensing Achd Riaghaltais Chatharra (Alba) 1982</p>

	Ceadachd Aontaidhean Mài Geàrr-ùine
14.1	<p>Application for grant of short term let licence – Badnaheen, Altnabreac, Halkirk, KW12 6UR</p> <p>The Committee heard from Police Scotland and Kevin Booth, applicant.</p> <p>Motion: Ms L Johnson seconded by Ms E Knox to refuse the application on the grounds that the applicant is not a fit and proper person for the reasons given by Police Scotland in their letter of objection.</p> <p>Amendment: Mr S Kennedy moved that the application be approved on the grounds the applicant was a fit and proper person to hold a short term let licence but on failing to find a seconder the amendment fell.</p>
	<p>Decision: The Committee REFUSED the application for a short term let licence on the grounds that the applicant is not a fit and proper person for the reasons given by Police Scotland in their letter of objection.</p>
	<p>The meeting ended at 3.40pm.</p>