

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 6 August 2024 at 11.30am.

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 (remote), 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 P Oldham, Mr K Rosie (joined at 11:45am)

In Attendance:

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

Also Attending:

Sergeant Paterson, Police Scotland

Item 6.1: Victor Cameron, applicant

Item 8.1: Jacquie Hutchison and Jim Elder, applicant's representatives, Gordon Shand, Muir of Ord Community Council, objector

Item 9.2: Tahir Anwar, applicant

Item 9.3: Tracy Smith, applicant

Item 9.4: Annabel Findlay and Colleen Scott, applicant's representatives, and Mr & Mrs Johnson, objectors

Item 9.5: Ken Prichard, applicant's representative and Mr & Mrs Johnson, objectors

Item 11.1: Anik Gomes, applicant

Item 12.1: Jarrad Forsyth, applicant

Item 13.1: Bryan Donald, applicant

Item 14.1: Richard Rankin, 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

An apology for absence was intimated on behalf of Mr D Macpherson.

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

Items 8.1 & 9.3: Mr S Kennedy.

**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 25 June 2024 which was **APPROVED**.

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

There had been circulated **Report No HLC/68/24** by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 13 June 2024 to 24 July 2024.

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**

There had been circulated **Report No HLC/69/24** by the Principal Solicitor which detailed all Short Term Let Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 13 June 2024 to 24 July 2024.

The Committee **NOTED** the report.

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

There had been circulated **Report No HLC/70/24** by the Principal Solicitor relating to applications which are currently pending for the grant or renewal of licences under the Civic Government (Scotland) Act 1982.

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**

There had been circulated **Report No HLC/71/24** by the Principal Solicitor outlining the Short Term Let applications which are currently pending for the grant or renewal of licences under the Civic Government (Scotland) Act 1982.

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
Street Traders licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtas airson ceadachd neach-malairt sràide**

6.1 Application for the grant of a street trader's licence – Victor Cameron

There had been circulated **Report No HLC/72/24** by the Principal Solicitor relating to an application which has been received from Victor Cameron for the grant of a street traders licence (Ward 14 – Inverness Central). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Victor Cameron, applicant, in support of the application.

The Committee **AGREED** to **GRANT** the licence subject to the standard conditions.

**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 the renewal of a taxi driver's licence – Zohaib Ahmed

There had been circulated **Report No HLC/73/24** by the Principal Solicitor relating to an application which has been received from Zohaib Ahmed for the renewal of a taxi driver's licence (Ward 15 – Inverness Ness-side). The Committee was invited to determine this matter in accordance with the

Council's Hearings Procedure.

On hearing from the Senior Licensing Officer, the Committee **NOTED** that the applicant had now completed the right to work check and the licence would be granted under delegated powers.

**8. Housing (Scotland) Act 2006 – Part 5
Licensing of Houses in multiple occupation
Achd an Taigheadais (Alba) 2006 – Pàirt 5
Ceadachd thaighean ann an ioma-chòmhnaidh**

8.1 Application for the grant of a licence for a house in multiple occupation – Tarradale School House, Black Isle Road, Muir of Ord

Declaration of Interest: Mr S Kennedy declared interest in this item on the grounds of his involvement in a community council meeting in relation to this item, and, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item. Mrs J Hendry took the Chair for this item.

There had been circulated **Report No HLC/74/24** by the Principal Solicitor relating to an application which has been received from The Highland Council for the grant of a licence for a house in multiple occupation (Ward 8 – Dingwall and Seaforth). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Gordon Shand, on behalf of Muir of Ord Community Council, in relation to its representation to the application and from Jim Elder and Jacquie Hutchinson, on behalf of the applicants, in support of the application.

The Committee **AGREED** to **GRANT** the licence subject to the standard conditions.

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

9.1 Application for grant of a short term let licence – Birches Lodge, 2 Camusnagaul, Dundonnell, IV23 2QT

There had been circulated **Report No HLC/75/24** by the Principal Solicitor relating to an application which has been received from Mrs Sinclair and Mr Angus Sinclair for the grant of a short term let licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that the application had been withdrawn from the agenda and could now be dealt with under delegated powers.

9.2 Application for grant of a short term let licence – Fassifern Bed and Breakfast, 2 Caberfeidh, Fassifern Road, Fort William, PH33 6BF

There had been circulated **Report No HLC/76/24** by the Principal Solicitor relating to an application which has been received from Mr Tahir Anwar for the grant of a short term let licence (Ward 21 – Fort William and Ardnamurchan). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Tahir Anwar, applicant, in support of the application.

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

9.3 Application for grant of a short term let licence – 20 Reay Street, Inverness, IV2 3AL

Declaration of Interest: Mr S Kennedy declared interest in this item on the grounds he knew one of the objectors personally and, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item. Mrs J Hendry took the Chair.

There had been circulated **Report No HLC/77/24** by the Principal Solicitor relating to an application which has been received from Ms Tracy Angela Smith for the grant of a short term let licence (Ward 14 – Inverness Central). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Tracy Smith, applicant, in support of the application.

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

9.4 Application for grant of a short term let licence – Tom's Lodge, Balvattan Beag, Boat of Garten, PH24 3BX

There had been circulated **Report No HLC/78/24** by the Principal Solicitor relating to an application which has been received from Lets Do Scotland Limited for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Mr Martin Johnson and Mrs P Johnson, objectors, in relation to their objection, and from Colleen Scott and Annabel Findlay on behalf of Lets Do Scotland Ltd, in support of the application.

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

9.5 Application for grant of a short term let licence – Balvattan Farmhouse, Boat of Garten, PH24 3BX

There had been circulated **Report No HLC/79/24** by the Principal Solicitor relating to an application which has been received from Mrs Baggaley and Mr Jason Baggaley for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Mr Martin Johnson and Mrs P Johnson, objectors, in relation to their objection, and from Mr Ken Prichard, on behalf of the applicant, in support of the application.

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

- 10. The Committee is asked to resolve 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 involve 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
Taxi driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Dhràibhearán / Oibrichean Tagsaidh**

11.1 Application for the grant of a taxi driver's licence – Anik Gomes

There had been circulated **to members only Report No HLC/80/24** by the Principal Solicitor relating to an application which has been received from Anik Gomes for the grant of a taxi driver's licence (Ward 14 – Inverness Central). The Committee is invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and Anik Gomes, applicant.

Mr P Oldham seconded by Mr J Grafton **moved** to refuse the application for a taxi driver's licence on the grounds the applicant was not a fit and proper person to hold a licence for the reasons given by Police Scotland in their letter of objection.

As an **amendment** Mr S Kennedy seconded by Mr W MacKay 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.

On a vote being taken, the **motion** received **4** votes, the **amendment** received **2** votes, and there were no abstentions, and the motion was therefore carried, the votes having being cast as follows:

For the motion (4): Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr P Oldham

For the amendment (5): Mr C Birt, Mr J Bruce, Mr S Kennedy, Mr W MacKay, Mr K Rosie

Decision

The Committee **AGREED** to **GRANT** the licence subject to the applicant passing:

- (1) the taxi knowledge test; and
- (2) right to work check.

The Committee also agreed to **GRANT DELEGATED POWERS** to the Principal Solicitor to refuse the application should the applicant not pass either:

- (1) the taxi knowledge test; or
- (2) right to work check.

by 21 February 2025.

**12. Civic Government (Scotland) Act 1982
Private hire car driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean
airson fastadh priobhaideach**

12.1 Private hire car driver's licence – Jarrad Forsyth

There had been circulated to members only **Report No HLC/81/24** by the Principal Solicitor relating to Jarrad Forsyth the holder of a private hire car driver's licence (Ward 06 – Cromarty Firth). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and Jarrad Forsyth, applicant.

The Committee **AGREED** to **SUSPEND** the licence holder's private hire car driver's licence under paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 ("the 1982 Act") for the unexpired portion of the duration of the licence and that the circumstances of this case justified an immediate suspension under paragraph 11(10) of the 1982 Act.

This was on the grounds that the Committee determined that the licence holder was no longer a fit and proper person to hold the licence.

**13. Civic Government (Scotland) Act 1982
Street Traders licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtas airson ceadachd neach-malairt sràide**

13.1 Application for the grant of a street trader's licence – Bryan Donald

There had been circulated **to members only Report No HLC/82/24** by the Principal Solicitor relating to an application for the grant of a street trader's licence for Bryan Donald (Ward 8 – Dingwall and Seaforth).

The Committee heard from Police Scotland and Bryan Donald, applicant.

The Committee **AGREED** to **GRANT** the application for a street trader's licence subject to:

- (1) The Council's Environmental Health Service receiving a satisfactory gas and electrical certificate for the vehicle; and
- (2) The Council's Environmental Health Service inspecting the vehicle and issuing it with a pass certificate.

**14. Housing (Scotland) Act 2006 – Part 5
Licensing of Houses in multiple occupation
Achd an Taigheadais (Alba) 2006 – Pàirt 5
Ceadachd thaighean ann an ioma-chòmhnaidh**

14.1 Application for the renewal of a licence for a house in multiple occupation – 66 Telford Road, Inverness

There had been circulated **to members only Report No HLC/83/24** by the Principal Solicitor relating to an application which has been received from The Highland Council for the renewal of a licence for a house in multiple occupation (Ward 14 – Inverness Central). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and Richard Rankin, applicant.

Mr S Kennedy seconded by Mr C Birt **moved** to approve the licence renewal on the grounds the applicant was a fit and proper person to hold the licence.

As an **amendment**: Mr P Oldham seconded by Ms E Knox moved to refuse the licence renewal on the grounds the applicant was not a fit and proper person to hold a licence for the reasons given by Police Scotland in their letter of objection.

On a vote being taken, the **motion** received **3** votes, the **amendment** received **6** votes, and there were no abstentions, and the motion was therefore carried, the votes having being cast as follows:

For the motion (3): Mr C Birt, Mr S Kennedy, Mr W Mackay

For the amendment (6): Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Ms E Knox, Mr P Oldham.

Decision

The Committee **AGREED** to **REFUSE** the renewal of a licence for a house in multiple occupation under section 130(1)(b) of the Housing (Scotland) Act 2006. This was on the grounds that Mr Rankin was not deemed a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO.

The meeting ended at 3.55pm.
