

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 8 October 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, Mr J Bruce (remote), Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Ms E Knox (remote), Mr W Mackay (remote), Mr D Macpherson, Mr P Oldham, Mr K Rosie (remote).

In Attendance:

Ms C McArthur, Principal Solicitor, Regulatory Services
Mr I Meredith, Solicitor, Regulatory Services
Mr G Somers, Solicitor, Regulatory Services
Mr M Elsey, Senior Licensing Officer
Ms A Macrae, Senior Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland

Item 9.1: Alan Overend (applicant)

Items 11.1 to 11.4: Richard Rankin (applicant), Mr Mackenzie (applicant's solicitor)

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 R Stewart.

2. Declarations of interest Foillseachaidhean Com-pàirt

There were no declarations of interest.

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 3 September 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/94/24 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 22 August 2024 to 25 September 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/95/24 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 21 August 2024 to 25 September 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/96/24 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/97/24 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

Private hire car driver's / operator's licences

Achd Riaghaltais Chatharra (Alba) 1982

Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean airson fastadh prìobhaideach

6.1 Application for a private hire car operator's licence – Kindertons Ltd

There had been circulated Report No HLC/98/24 by the Principal Solicitor relating to an application which had been received from Kindertons Ltd. for a private hire car operator's licence. The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor – Regulatory Service to refuse the application should the applicant not undertake the following by 14 November 2024:

- Present the vehicle for inspection and meter test
- Submit a copy of the insurance certificate
- Submit the MOT certificate
- Submit the vehicle registration document

6.2 Application for a private hire car operator's licence – Munawar Ahmad

There had been circulated Report No HLC/99/24 by the Principal Solicitor relating to an application which had been received from Munawar Ahmad for a private hire car operator's licence (Ward 16 – Inverness Millburn). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor – Regulatory Service to refuse the application should the applicant not undertake the following by 6 November 2024:

- Present the vehicle for inspection and meter test
- Submit a copy of the insurance certificate
- Submit the MOT certificate
- Submit the vehicle registration document

7. Civic Government (Scotland) Act 1982

Short Term Let licensing

Achd Riaghaltais Chatharra (Alba) 1982

Ceadachd Aontaidhean Màil Geàrr-ùine

7.1 Application for grant of a short term let licence – Tulach Ard House, Kirkton, Balmacara, IV40 8EG

There had been circulated Report No HLC/100/24 by the Principal Solicitor relating to an application which had been received from Stella Stewart for the grant of a short term let licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that the outstanding matters had now been resolved and the licence could be granted under delegated powers.

7.2 Application for grant of a short term let licence – Glencalvie Lodge, Ardgay, IV24 3BS

There had been circulated Report No HLC/101/24 by the Principal Solicitor relating to an application which had been received from Glencavie Estate for the grant of a short term let licence (Ward 1 – North, West and Central Sutherland). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that the outstanding matters had now been resolved and the licence could be granted under delegated powers.

7.3 Application for grant of a short term let licence – Studio Flat, Strathisla, 28 Island Bank Road, Inverness, IV2 4QS

There had been circulated Report No HLC/102/24 by the Principal Solicitor relating to an application which had been received from Nittaya Gray for the grant of a short term let licence (Ward 15 – Inverness Ness-side). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that the outstanding matters had now been resolved and the licence could be granted under delegated powers.

8. The Committee AGREED 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 involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

9. Civic Government (Scotland) Act 1982

Taxi driver's / operator's licences

Achd Riaghaltais Chatharra (Alba) 1982

Ceadachdan Dhràibhearan / Oibrichean Tagsaidh

9.1 Taxi driver/taxi operator licences – Alan Overend

There had been circulated to members only Report No HLC/103/24 by the Principal Solicitor relating to Alan Overend who is the holder of a taxi driver and taxi operator licences (Ward 21 – Fort William). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the Licence holder.

Taxi driver licence

The Committee **AGREED** to **SUSPEND** the taxi driver's licence with immediate effect for the remaining portion of the duration of the licence under paragraph 11 (2)(a) and paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Taxi operator licence

Thereafter, Mr P Oldham seconded by Mr S Kennedy **moved** to recall the suspension of both taxi operator licences.

As an **amendment** Ms E Knox seconded by Mrs J Hendry moved to suspend both taxi operator's licences with immediate effect for the remaining portion of the duration of the licence under paragraph 11 (2)(a) and paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a vote being taken, the **motion** received **6** votes, the **amendment** received **4** votes, and there were no abstentions, and the motion was therefore carried, the votes having being cast as follows:

For the motion (6): Mr C Birt, Mr J Bruce, Mr J Grafton, Mr S Kennedy, Mr W Mackay, Mr P Oldham.

For the amendment (4): Mrs J Hendry, Ms L Johnston, Ms E Knox, Mr K Rosie.

The Committee **AGREED** to **RECALL** the suspension of both taxi operator licences.

10. 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

10.1 Private hire car operator's licence – Michal Szklarz

There had been circulated to members only Report No HLC/104/24 by the Principal Solicitor report relating to Michal Szklarz who is the holder of a private hire car

operator's licence (Ward 13 – Inverness West). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland.

The Committee **AGREED** to **REVOKE** the private hire car operator's licence with immediate effect under paragraph 11 (2)(a) and paragraph 11(2)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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 a short term let licence – 2A Carse Road, Inverness, IV3 8QB

There had been circulated to members only Report No HLC/105/24 by the Principal Solicitor relating to an application which had been received from Richard Rankin for the grant of a short term let 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 Police Scotland and the applicant's solicitor.

Mr S Kennedy seconded by Mr C Birt **moved** to grant the application subject to the mandatory licence conditions, the additional licence conditions and a further conditional licence condition as follows:

- The property shall not be used for short term letting purposes until such time as the Scottish Fire and Rescue Service have confirmed they are satisfied that the outstanding improvement measures have been addressed.

As an **amendment** Mr D Macpherson seconded by Ms E Knox moved to refuse the application on the grounds the applicant was not a fit and proper person to hold a short term let licence.

On a vote being taken, the **motion** received **8** votes, the **amendment** received **3** votes, and there were no abstentions, and the motion was therefore carried, the votes having being cast as follows:

For the motion (8): Mr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy, Mr W Mackay, Mr K Rosie.

For the amendment (3): Ms E Knox, Mr D Macpherson, Mr P Oldham.

Decision:

The Committee **AGREED** to **GRANT** the licence subject to the mandatory licence conditions, the additional licence conditions and a further conditional licence condition as follows:

- The property shall not be used for short term letting purposes until such time as the Scottish Fire and Rescue Service have confirmed they are satisfied that the outstanding improvement measures have been addressed.

11.2 Application for grant of a short term let licence – 6 Telford Court, Telford Road, Inverness, IV3 8LN

There had been circulated to members only Report No HLC/106/24 by the Principal Solicitor relating to an application which had been received from Richard Rankin for the grant of a short term let 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 Police Scotland and the applicant's solicitor.

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

11.3 Application for grant of a short term let licence – 64 Bught Drive, Inverness, IV3 5ST

There had been circulated to members only Report No HLC/107/24 by the Principal Solicitor relating to an application which had been received from Richard Rankin for the grant of a short term let licence (Ward 13 – Inverness West). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

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

11.4 Application for grant of a short term let licence – Riverbank Cottage and Annex, Riverbank, Broadford, Isle of Skye, IV49 9AB

There had been circulated to members only Report No HLC/108/24 by the Principal Solicitor relating to an application which had been received from Ardness Developments Limited for the grant of a short term let licence (Ward 10 – Eilean a Cheo). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

The Committee **AGREED** to **GRANT** the licence subject to the mandatory licence conditions, the additional licence conditions and a further conditional licence condition as follows:

- The property shall not be used for short term letting purposes until such time as the Council's Building Standards service have issued an acceptance of completion certificate for the outstanding building warrant, ref 23/00746/NDOM5 for the erection of the letting unit.

11.5 Application for grant of a short term let licence – Kantara, Viewfield Road, Portree, IV51 9ES

There had been circulated to members only Report No HLC/109/24 by the Principal Solicitor relating to an application which had been received from Murdo Mackenzie for the grant of a short term let licence (Ward 10 – Eilean a Cheo). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **DEFER** the application to the meeting of the Highland Licensing Committee on 26 November 2024, at the applicant's request.

The meeting ended at 2.10pm.
