

**The Highland Council
Highland Licensing Committee**

**Council Chamber, Council Headquarters, Inverness
on
Tuesday, 25 June 2024 at 11.45am
Minutes**

Listed below are the decisions taken by the Highland Licensing Committee at their meeting on 25 June 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 Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Mr W Mackay (remote), Mr D Macpherson (remote), Mr D Millar (remote), Mr P Oldham.

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 S Paterson, Police Scotland
Mr M McGinty, Trading Standards Team Leader
Mr A Murray, Building Standards Team Leader
Mr B Parkins, Environment Health Officer

Item 7.1: David Still (applicant)
Item 8.1: Dorota Palicka (applicant)
Item 9.2: Maria Rosa (applicant), Mr Rosa (interpreter)
Item 10.2: Grzegorz Kunicki (licence holder)
Item 11.1: Kelvin Hill (applicant)
Item 11.2: Kathleen Ann Whyte (applicant)
Item 11.3: Linda Taylor (applicant), Allan McLeod, Paul Kerr, Alison Dougherty (objectors)
Item 11.5: Rodger Higgins and Abigail Brodie (applicants) and Margaret Macleod (objector)
Item 11.6: James Mackintosh (objector)
Item 14.1: Thomas Swan (applicant), John Urquhart (objector), L Irvine (objector), S Scarff (objector)
Item 15.1: Mohammed Atiq Mir (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	<u>DECISION</u>
1.	Apologies for Absence

	<p>Leisgeulan</p> <p>Mr J Bruce, Ms E Knox, Mr K Rosie.</p>
2.	<p>Declarations of Interest Foilseachaidhean Com-pàirt</p> <p>Item 11.3: Mr J Grafton</p>
3.	<p>Confirmation of Minutes Dearbhadh a' gheàrr-chunntais</p> <p>There had been circulated and APPROVED the Minutes of the Meeting held on 7 May 2024.</p>
4.	<p>Licences granted under delegated powers Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh</p> <p>The Committee NOTED the report.</p>
4.1	<p>Short Term Let Licences granted under delegated powers Ceadachd Aontaidhean Màil Geàrr-ùine Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh</p> <p>The Committee NOTED the report.</p>
5.	<p>Pending applications – 3 monthly considerations Iarrtasan ri thighinn – beachdachaidhean 3 mìosach</p> <p>The Committee AGREED to defer the determination of the applications, either:</p> <p>(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</p> <p>(b) to a future meeting of the Committee when the applications will be determined in terms of the Hearings Procedure.</p>
5.1	<p>Short Term Let Pending applications – 3 monthly considerations Ceadachd Aontaidhean Màil Geàrr-ùine Iarrtasan ri thighinn – beachdachaidhean 3 mìosach</p> <p>The Committee AGREED to defer the determination of the applications, either:</p> <p>(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</p> <p>(b) to a future meeting of the Committee when the applications will be determined in terms of the Hearings Procedure.</p>
6	<p>Civic Government (Scotland) Act 1982 Review of taxi tariff 2024/2025</p>

	<p>Decision The Committee AGREED:</p> <p>i. the final tariff agreed as per draft tariff approved by the Committee on 7 May 2024 (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). The only amendment was in relation to the supplementary booking charge where the reference to '3 miles' was removed;</p> <p>ii. that the tariff will take effect from 13 August 2024, subject to any appeal being lodged as per section 7.2 of the report and the caveats set out as per section 8.1 of the report.</p>
7	<p>Civic Government (Scotland) Act 1982 Street Traders licence</p>
7.1	<p>Application for the renewal of a street trader's licence – David Still</p> <p>The Committee heard from David Still, applicant and Barry Parkins, Environmental Health Officer.</p> <p>Decision The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application if points 2-7 detailed in Appendix 1 of the Report are not completed and signed off by Environmental Health by 21 July 2024. Points 1 and 8 within Appendix 1 also to be completed within one month of the date of the Committee meeting.</p>
8	<p>Civic Government (Scotland) Act 1982 Application for the grant of a public entertainment licence</p>
8.1	<p>Application for the grant of a public entertainment licence (UV Sunbeds) – Beauty Paradise, Unit 1, Diamond House, Bank Street, Fort William, PH33 6AB</p> <p>The Committee heard from Dorota Palicka, applicant.</p> <p>Decision The Committee AGREED to GRANT the licence subject to the mandatory conditions and an additional condition that:</p> <ul style="list-style-type: none"> the premises are not to be used for the licensable activity prior to the issue of the Building Completion Certificate
9	<p>Civic Government (Scotland) Act 1982 Taxi driver's / operator's licences</p>
9.1	<p>Application for a taxi driver's licence – Jaime Heraclio Narvaez Alcantara</p> <p>The applicant was not in attendance.</p> <p>Decision</p>

	The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application should the applicant not pass the knowledge test prior to 27 June 2024 .
9.2	<p>Application for a taxi driver's licence – Maria Rosa</p> <p>The Committee heard from Maria Rosa, applicant, via her interpreter, Mr Rosa.</p> <p>Decision The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application should the applicant not pass the knowledge test prior to 17 July 2024.</p>
10	<p>Civic Government (Scotland) Act 1982 Private hire car driver's / operator's licences</p>
10.1	<p>Application for a private hire car driver's licence – Mahmud Ghani</p> <p>Decision The Committee AGREED to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the application should the applicant not provide a satisfactory foreign convictions check and right to work check prior to 3 July 2024.</p>
10.2	<p>Private hire car operator's licence – Grzegorz Kunicki</p> <p>The Committee heard from Grzegorz Kunicki, licence holder, and Mark McGinty, Trading Standards Team Leader.</p> <p>Decision The Committee AGREED to require the operator to present the vehicle for inspection at 3 monthly intervals for the duration of the licence.</p>
11	<p>Civic Government (Scotland) Act 1982 Short Term Let licensing</p>
11.1	<p>Application for grant of a short term let licence – Red Park, Invermoriston, IV63 7YF</p> <p>The Committee heard from, Kelvin Hill. applicant and Alistair Murray, Building Standards.</p> <p>Motion: Mr S Kennedy seconded by Mr J Grafton moved to grant the licence subject to the standard conditions and a further additional condition that the premises are not to be used for the licensable activity prior to issuance of the Building Warrant by the Council's Building Standards service.</p> <p>Amendment: Mr D Millar seconded by Mr W Mackay moved to refuse the application on the grounds that the premises are not suitable for the licensable activity in terms of paragraph 5(3)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the property did not have a Building Warrant in place and therefore could not be deemed safe and suitable for use as a short term let.</p> <p>For the motion (6): Mr C Birt, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy, Mr D Macpherson.</p>

	<p>For the amendment (3): Mr W Mackay, Mr D Millar, Mr P Oldham.</p> <p>Decision The Committee AGREED to GRANT the licence subject to the standard conditions and a further additional condition that the premises are not to be used for the licensable activity prior to issuance of the Building Warrant by the Council's Building Standards service.</p>
11.2	<p>Application for grant of a short term let licence – 2A Scorguie Road, Inverness, IV3 8QP</p> <p>The Committee heard from Kathleen Ann Whyte, applicant and Alistair Murray, Building Standards.</p> <p>Decision The Committee AGREED subject to the maximum occupancy being amended to 4 guests to GRANT DELEGATED POWERS to the Principal Solicitor to REFUSE the licence application if no Compliance Certificate is supplied prior to 4 July 2024.</p>
11.3	<p>Application for grant of a short term let licence – 108 Old Edinburgh Road, Inverness, IV2 3HT</p> <p>Declaration of Interest: Mr J Grafton declared an interest in this item on the grounds he knew a family member of one of the objectors and had prior knowledge of the application and he left the Chamber for the determination of this item.</p> <p>The Committee heard from Linda Taylor, applicant and Allan McLeod, Paul Kerr and Alison Dougherty, objectors.</p> <p>Decision The Committee AGREED to GRANT the licence subject to the mandatory conditions and additional conditions.</p>
11.4	<p>Application for grant of a short term let licence – 2A Grove Terrace, Paton Street, Inverness, IV2 4SW</p> <p>The Committee NOTED this item had been withdrawn.</p>
11.5	<p>Application for grant of a short term let licence – Studleigh, 9A Auldcastle Road, Inverness, IV2 3PZ</p> <p>The Committee heard from Margaret MacLeod, objector, as to the reason why her late objection had been submitted after the 28 day period for objections had elapsed, and from Rodger Higgins and Abigail Brodie, applicants who confirmed that they were content for the late objection to be heard.</p> <p>The Committee AGREED to hear the late objection and a copy was circulated to all parties.</p> <p>Decision The Committee AGREED to GRANT the licence subject to the mandatory conditions and additional conditions.</p>

11.6	<p>Application for grant of a short term let licence – 5 Druid Temple Courtyard, Druid Temple Road, Inverness, IV2 6UZ</p> <p>The applicant was not in attendance.</p> <p>The Committee heard from James Mackintosh, objector.</p> <p>Decision The Committee AGREED to GRANT the licence subject to the mandatory conditions and additional conditions.</p>
12.	<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>
13	<p>Civic Government (Scotland) Act 1982 Taxi driver’s / operator’s licences</p>
13.1	<p>Taxi driver’s licence – Roy Cumming</p> <p>The licence holder was not in attendance.</p> <p>Decision The Committee AGREED to SUSPEND the licence for the remainder of the licence duration on the grounds that the applicant is not a fit and proper person to hold a taxi driver’s licence under Paragraph 5 (3)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 and further, to GRANT delegated authority to the Principal Solicitor to RECALL the suspension if, during the period of the suspension, the licence holder submits confirmation they meet the Group 2 (PSV) standards.</p>
14	<p>Civic Government (Scotland) Act 1982 Private hire car driver’s / operator’s licences</p>
14.1	<p>Application for a private hire car operator’s licence – Thomas Swan</p> <p>The Committee heard from Police Scotland and Thomas Swan, applicant.</p> <p>Decision The Committee AGREED to REFUSE the application for a private hire car operator’s licence on the grounds that the applicant is not a fit and proper person under Paragraph 5 (3)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.</p>
15	<p>Civic Government (Scotland) Act 1982 Street Traders licence</p>
15.1	<p>Application for the grant of a street trader’s licence – Mohammed Atiq Mir</p> <p>The Committee heard from Police Scotland and Mohammed Atiq Mir, applicant.</p>

Motion: Mr P Oldham seconded by Ms L Johnston moved to grant the application for a street trader's licence.

Amendment: Mr D Millar seconded by Mr W Mackay moved to defer consideration of the application.

For the motion (5): Mr J Grafton, Ms L Johnston, Mr S Kennedy, Mr D Macpherson, Mr P Oldham.

For the amendment (4): Mr C Birt, Mrs J Hendry, Mr W Mackay, Mr D Millar.

Decision

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

The meeting ended at 5.50pm.