

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 26 November 2024 at 11.45am.

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: Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Ms E Knox, Mr W MacKay, Mr D Macpherson, Mr K Rosie, Mr R Stewart.

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 G MacPherson, Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland

Item 8.1: Gillian Christie (applicant), David and Anne Housby (objectors)

Item 8.3: Samuel Herbert (applicant)

Item 8.4: Lynsey Ann McPhee (applicant) and Fraser Matheson (on behalf of Seonaid Campbell, objector)

Item 10.3: Jean Etoundi (licence holder), Adam Heath (solicitor on behalf of licence holder)

Item 10.4: Usman Ahmed (licence holder), Martin Smith (solicitor on behalf of licence holder)

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

There were no apologies for absence.

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 minutes of meetings of the Committee held on 8 October and 10 October 2024, the terms of which were **APPROVED**.

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

There had been circulated Report No HLC/121/24 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 26 September 2024 to 13 November 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/122/24 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 26 September 2024 to 12 November 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/123/24 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/124/24 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
Public Entertainment Licence
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Aoigheachd Phoblaich**

6.1 Premises: Culloden Academy Community Complex, Keppoch Road, Culloden, Inverness

There had been circulated **Report No HLC/125/24** by the Principal Solicitor relating to an application for the renewal of a public entertainment licence for Culloden Academy Community Complex, Keppoch Road, Culloden, Inverness (Ward 17 – Culloden & Ardersier). 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 application had been granted under delegated powers.

6.2 Premises: North Coast Leisure Centre, Munro Place, Bettyhill

There had been circulated **Report No HLC/126/24** by the Principal Solicitor relating to an application for the renewal of a public entertainment licence for North Coast Leisure Centre, Munro Place, Bettyhill (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 application had been granted under delegated powers.

**7. 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**

7.1 Application for a private hire car driver's licence – Umar Aziz

There had been circulated **Report No HLC/127/24** by the Principal Solicitor relating to an application which has been received from Umar Aziz for a private hire car driver'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 to refuse the application should the applicant not pass the right to work check by 19 December 2024.

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

8.1 Application for grant of a short term let licence – Mulroy, 14 Carn Elrig View, Aviemore, PH22 1UL

There had been circulated **Report No HLC/128/24** by the Principal Solicitor relating to an application which has been received from Mrs Gillian Christie for the grant of a short term let licence (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Gillian Christie, applicant, and David and Anne Housby, objectors.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the mandatory conditions and standard additional conditions and the following further additional condition:

- that the licence holder must take reasonable steps to ensure that guests do not use the hot tub after 10pm.

8.2 Application for grant of a short term let licence – Grey Stag Apartment, Flat 6, Charlotte Court, Nairn, IV12 5BF

There had been circulated **Report No HLC/129/24** by the Principal Solicitor relating to an application which has been received from Mrs Sharon Kerr for the grant of a short term let licence (Ward 14 – Nairn and Cawdor). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the mandatory conditions and additional standard conditions.

8.3 Application for grant of a short term let licence – Kinloch Lodge Guest House, 13 Ardconnel Street, Inverness, IV2 3EU

There had been circulated **Report No HLC/130/24** by the Principal Solicitor relating to an application which has been received from Mr Samuel James Herbert on behalf of Melrose Villa Limited 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 Samuel Herbert, applicant. The objector was not in attendance.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the mandatory conditions and additional standard conditions.

8.4 Application for grant of a short term let licence – 36 Broomhall Court, Inverness, IV2 5JJ

There had been circulated **Report No HLC/131/24** by the Principal Solicitor relating to an application which has been received from Mrs Lynsey Ann McPhee for the grant of a short term let licence (Ward 19 – Inverness South). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Lynsey Ann McPhee, applicant and .Fraser Matheson on behalf of Seonaid Campbell, objector. It was confirmed the objection received from Ann Macdonald had been withdrawn.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the mandatory conditions and additional standard conditions.

8.5 Application for grant of a short term let licence – Garrisdale Cottage, MacArthur's Cottage and Burnbank Cottage, Isle of Canna, PH44 4RS

There had been circulated **Report No HLC/132/24** by the Principal Solicitor relating to an application which has been received from Mr Murdo Jack for the grant of a short term let licence (Ward 11 – Caol and Mallaig). 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 application had been granted under delegated powers.

9. 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.

**10. Civic Government (Scotland) Act 1982
Taxi driver's / operator's licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Dhràibhearán / Oibrichean Tagsaidh**

10.1 Application for a taxi driver's licence – Alan Coe

There had been circulated **to members only Report No HLC/133/24** by the Principal Solicitor relating to relating to an application for the grant of a taxi

driver's licence by Alan Coe (Ward 15 – Inverness Ness-side). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 7 January 2025 to allow the applicant to be present.

10.2 Application for a taxi operator's licence – Caroline McKeown

There had been circulated **to members only Report No HLC/134/24** by the Principal Solicitor relating to relating to an application for the renewal of a taxi operator's licence by Caroline McKeown (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 7 January 2025 to allow the applicant to be present.

10.3 Taxi driver's licence – Jean Etoundi

There had been circulated **to members only Report No HLC/135/24** by the Principal Solicitor relating to Jean Etoundi who is the holder of a taxi driver's licence (Ward 17 – Culloden & Ardersier). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the licence holder.

Ms E Knox seconded by Mr D Macpherson **moved** to lift the suspension of the taxi driver's licence with immediate effect and to issue a written warning to the licence holder regarding his future conduct.

As an **amendment**, Mrs J Hendry seconded by Mr R Stewart moved to continue the suspension of the taxi driver's licence for a period of two months.

On a vote being taken, the **motion** received **7** 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 (7): Dr C Birt, Mr J Bruce, Mr S Kennedy, Ms E Knox, Mr W MacKay, Mr D Macpherson, Mr K Rosie

For the amendment (2): Mrs J Hendry, Mr R Stewart

Decision

The Committee **AGREED** to **RECALL THE SUSPENSION** and to issue a written warning to the licence holder regarding his future conduct.

10.4 Taxi driver's licence – Usman Ahmed

There had been circulated **to members only Report No HLC/136/24** by the Principal Solicitor relating to Usman Ahmed who is the holder of a taxi driver's 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 licence holder.

The Committee **AGREED** to **RECALL THE SUSPENSION** and to issue a written warning to the licence holder regarding his future conduct.

11. 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

11.1 Application for a private hire car driver's licence – Danyal Baber

There had been circulated **to members only Report No HLC/137/24** by the Principal Solicitor relating to an application for the grant of a private hire car driver's licence by Danyal Baber (Ward 17 – Culloden & Ardersier). 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 **GRANT** the application for a private hire car driver's licence, subject to the standard conditions, once the applicant has completed a satisfactory right to work check, otherwise delegated powers granted to the to the Principal Solicitor to refuse the application should the right to work check not be completed by 8 June 2025.

11.2 Application for a private hire car driver's licence – Tony Renfrew

There had been circulated **to members only Report No HLC/138/24** by the Principal Solicitor relating to an application for the grant of a private hire car driver's licence by Tony Renfrew (Ward 17 – Culloden & Ardersier). 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 **GRANT** the application for a private hire car driver's licence subject to the standard conditions once the applicant has completed a satisfactory right to work check, otherwise delegated powers granted to the to the Principal Solicitor to refuse the application should the right to work check not be completed by 16 June 2025.

11.3 Private hire car driver's licence – Elaine Coll

There had been circulated **to members only Report No HLC/139/24** by the Principal Solicitor relating to Elaine Coll who is the holder of a private hire car driver's 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 heard from Police Scotland.

The Committee **AGREED** to **SUSPEND** the licence holder's private hire car driver's licence with immediate effect, until the meeting of the Highland Licensing Committee on 7 January 2025 to allow the licence holder to be present.

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

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

There had been circulated **Report No HLC/140/24** by the Principal Solicitor relating to an application which has been received from Mr Murdo Thompson 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.

Mr R Stewart seconded by Ms E Knox **moved** that the Committee proceed to determine the application without the applicant being present.

As an **amendment**, Mr S Kennedy seconded by Mr J Bruce moved to defer consideration of the application to the meeting of the Committee on 7 January 2025 to allow the applicant to be present.

On a vote being taken, the **motion** received **3** votes, the **amendment** received **5** votes, and there were no abstentions, and the amendment was therefore carried, the votes having being cast as follows:

For the motion (3): Mr J Grafton, Ms E Knox, Mr R Stewart.

For the amendment (5): Dr C Birt, Mr J Bruce, Mrs J Hendry, Mr S Kennedy, Mr W MacKay.

Decision

The Committee **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 7 January 2025 to allow the applicant to be present

The meeting ended at 5.55pm.
