

Agenda item	9.1
Report no	HLC/071/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 December 2019

Report title: Application for the grant of a skin piercing and tattooing licence – The Speyside Business Centre, Unit 13 Dalfaber Industrial Estate, Dalfaber Road, Aviemore (Ward 20 – Badenoch and Strathspey)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

1.1 This report relates to an application for the grant of a skin piercing and tattooing licence.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the hearings procedure.

3. Background

3.1 A skin piercing and tattooing licence, issued under the Civic Government (Scotland) Act 1982 (“the 1982 Act”), is required for the carrying on of a business which provides skin piercing or tattooing.

4. Application

4.1 On 6 December 2018 an application for the grant of a skin piercing and tattooing licence was received from Eleanor Wilson in respect of premises at The Speyside Business Centre, Unit 13 Dalfaber Industrial Estate, Dalfaber Road, Aviemore.

4.2 In terms of the 1982 Act, the Licensing Authority has twelve months from receipt of the application to determine the same, therefore this application must be determined by 5 December 2019. Failure to determine the application by this time would result in the application being subject of a ‘deemed grant’ which means that a licence would require to be issued for a period of 1 year.

5. Process

5.1 Following receipt of the application a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service

5.2 Police Scotland, Scottish Fire and Rescue Service and the Council’s Community Services Environmental Health and Planning Services have confirmed that they have no objections to the licence being granted.

5.3 At the time of writing of this report, Building Standards have advised that they cannot sign off the application as there has been unauthorised building works and a building warrant application is currently pending for those works.

6. Determining issues

6.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to

- (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

6.2 In the absence of the sign off from Building Standards, the Principal Solicitor is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 4.2 the application requires to be determined by 5 December 2019.

6.3 A copy of this report has been sent to the applicant, who in terms of paragraph 4(2) of the 1982 Act, has been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

7. Policies

7.1 The following policies are relevant to this application:

7.2 Standard skin piercing and tattooing licence conditions. A copy of these can be accessed at https://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing/category/499/shop_and_trader

or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 15 November 2019

Author: Michael Elsey

Ref: SPT

Background Papers: Civic Government (Scotland) Act 1982