

Agenda item	11.1
Report no	HLC/054/21

## THE HIGHLAND COUNCIL

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 7 September 2021

**Report title:** Application for the grant of a window cleaner's licence – Kai Bryan – Ward 17 – Culloden & Ardersier

**Report by:** The Principal Solicitor – Regulatory Services

### 1. Purpose/Executive summary

1.1 This report relates to the application for the grant of a window cleaner's licence.

This item is subject to a formal hearing procedure.

### 2. Recommendation

2.1 Members are asked to determine the application in accordance with the Council's hearings procedure.

### **3. Background**

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the "Act") a licence will be required for operating as a window cleaner. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

### **4. Application**

4.1 On 28 September 2020 an application for the grant of a window cleaner's licence was received from Kai Bryan. The application requires to be determined by 27 September 2021.

### **5. Process**

5.1 Following receipt of the application a copy of the same was circulated to the following Agency for consultation:

- Police Scotland

5.2 There have been no objections or representations received in relation to the application.

### **6. Insurance**

6.1 Part of the application process requires the applicant to provide the Licensing Authority with a copy of their public liability insurance certificate.

6.2 Licensing staff have tried on a number of occasions to contact Mr Bryan by phone and email to request his certificate but he has not responded to date.

6.3 In the absence of this certificate the Principal Solicitor is unable to issue the licence under delegated powers.

### **7. Determining issues**

7.1 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.

**7.2** A copy of this report has been sent to the applicant who has been invited to attend and will be provided with an opportunity to be heard by the Committee. He has also been advised of the procedure which will be followed at the meeting.

## **8. Policies**

**8.1** The following policies are relevant to this case:

Standard window cleaner's licence conditions. A copy of these can accessed at [https://www.highland.gov.uk/directory\\_record/738771/window\\_cleaner/category/499/shop\\_and\\_trader](https://www.highland.gov.uk/directory_record/738771/window_cleaner/category/499/shop_and_trader) or a hard copy can be supplied where requested.

## **9. Implications**

**9.1** Not applicable.

Date: 11 August 2021

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