

Highland Council

Minute of the remote meeting of the **Highland Licensing Committee** held via Microsoft Teams on Monday 25 April 2022 at 10.00 am.

Present:

Mr J Bruce, Mr A Jarvie, Mrs L MacDonald (Chair), Mr D Macpherson, Mr K Rosie.

In attendance:

Mr I Meredith, Solicitor, Regulatory Services, Performance and Governance
Ms R Banfro, Solicitor, Regulatory Services, Performance and Governance
Mr A Fowler, Trainee Solicitor, Performance and Governance
Mr M Elsey, Senior Licensing Officer, Performance and Governance
Mrs A MacArthur, Administrative Assistant, Performance and Governance

Also attending:

Sergeant A Cooper, Police Scotland
Mr M MacDonald, Police Scotland
Mr P Dent, Environmental Health Officer
Mr J Dougherty, Principal Building Standards Officer

Item 6 – Mrs J Hood, Private Eyes representative; Ms M Ombredane, dancer and Trade Union member for United Sex Workers, and Ms I Taylor, dancer
Item 9.1 – Ms P Cameron, Mr R Cameron, applicants and Mr R Kensley
Item 11.1 – Mr O Henderson, applicant

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

Apologies for absence were intimated on behalf of Mr W MacKay and Mr Sinclair.

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 29 March 2022 which was **APPROVED**.

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

There had been circulated **Report No HLC/021/22** by the Principal Solicitor which details all Licences which have been granted under delegated powers under the Civic Government (Scotland) Act 1982 granted in the period from 7 March 2022 to 13 April 2022.

The Committee **NOTED** the report.

**5. Pending applications – 3 monthly considerations
Iarrtasan ri thighinn – beachdachaidhean 3 mìosach**

There had been circulated **Report No HLC/022/22** 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.

**6. Sex Entertainment Venues
Ionadan Fèisteach Feise**

There had been circulated **Report No HLC/023/22** by the Principal Solicitor seeking consideration of the responses received in respect of the draft Sexual Entertainment Venue Policy Statement.

Two late representations had been received and these were circulated.

Mrs J Hood then spoke on behalf of her clients, Private Eyes, Inverness. Mrs Hood also represented the Association of Adult Venues in Scotland. Her clients had run gentleman's clubs for 25 years with no issues arising. There were no issues of violence, no issues of a sexual nature, no links to prostitution or human trafficking. They ran safe venues and the girls were stewarded within the premises. Her clients operated with a tool kit very similar to the policy set out by the Committee. There are codes of conduct for both the dancers and customers and these were strictly adhered to. The girls have private changing facilities and are sent home safely. Clubs are a safe place for dancers to dance in, a safe place without fear of violence and for customers to enjoy the dancing.

Ms Margot Ombredane, a dancer and Trade Union member for United Sex Workers stated that she would encourage the Council not to set a cap on the number of sexual entertainment venues in Inverness. Statistics suggest that

cities that had set a cap had seen a rise in violent crime and assault rates. A cap pushes girls into unsafe places such as air bnb's, B and B premises, and private homes. There is no evidence to suggest that sex clubs contribute towards the violence against women but that the absence pushes women into unregulated, unsafe and underground work places without the protection of workers rights, CCTV and security. The Council are invited to consult with the Trade Union in any future policy decisions.

In answer to a question from Members, Mrs Hood advised that a copy of the tool kit used at Private Eyes would be forwarded for circulating to Members. Mrs Hood commended the Scottish Government for bringing in licensing to Sexual Venues.

The solicitor advised that Members had previously agreed that there would be no cap on the number of premises in Highland and each application would be made on its own merits.

The Committee **AGREED**:

- i. to approve the changes to the draft policy statement.
- ii. to approve the standard conditions for Sexual Entertainment Venues
- iii. to approve the draft fee structure for Sexual Entertainment Venues
- iv. to publish a notice that a resolution has been passed to licence Sexual Entertainment Venues
- v. to finalise and publish the Sexual Entertainment Venue policy.
- (i) agree to finalise and publish the Sexual Entertainment Venue Policy Statement.

**7. Housing (Scotland) Act 2006
Applications for house in multiple occupation licence
Achd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachd thaighean ann an ioma-sheilbh**

7.1 Premises – 15c Young Street, Inverness

There had been circulated **Report No HLC/024/22** by the Principal Solicitor relating to the grant of a house in multiple occupation licence from Michael Clark in respect of premises at 15c Young Street, Inverness (Inverness West Ward).

The Senior Licensing Officer advised that as the outstanding documentation had now been received the licence had been granted under delegated powers.

The Committee **NOTED** that the application had now been granted under delegated powers.

**8. Civic Government (Scotland) Act 1982
Late hours catering licence
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Solarachaidh Uairean Anmoch –**

8.1 Premises – Highland Kebab House, 105 High Street, Wick

There had been circulated **Report No HLC/025/22** by the Principal Solicitor relating to an application for the grant of a late hours catering licence in respect of premises at Highland Kebab House, 105 High Street, Wick (Ward 3 – Wick and East Caithness Ward). The applicant did not attend.

The Senior Licensing Officer advised that the necessary gas and electrical certification had yet to be received.

Two late letters of objection had been received. The objectors were unable to attend but had submitted reasons for their late objections. Members were satisfied that there was sufficient reason for these objections not being made on time and they should be heard and they were circulated.

As the premises were located adjacent to the sea, Members requested that the premises should provide bins to ensure the area was kept litter free and that the litter was not blown out to sea.

The Committee **AGREED** to **GRANT** the application subject to:

- an additional condition that the licensable activity will not take place until gas and electrical safety certificates are submitted to the Council to the satisfaction of the Environmental Health Service; and
- an additional condition that the applicant will provide suitable bin facilities outside the premises to the satisfaction of the licensing authority.

**9. Market Operators Licences
Ceadachdan Obraichean Margaidh**

9.1 Premises – Dell Holiday Cottages, The Dell of Abernethy, Dell Road, Nethy Bridge

There had been circulated **Report No HLC/026/22** by the Principal Solicitor relating to an application from Dell Holiday Cottages for a market operator's licence (Ward 20 – Badenoch and Strathspey Ward).

The Senior Licensing Officer advised that there was documentation from the applicants which had yet to be received. Supporting documents from the applicant and a letter of support had been circulated.

The Committee heard from the applicants and the Building Standards Officer. It was noted that tepees were now classed by Building Standards as a permanent structure. However this was an unusual case as it was not a permanent structure as it would be taken down for three months every year during the winter. Building Standards advise that they would require to undertake further research on the certification required.

The Committee **AGREED** to **GRANT** the application for a market operator's licence subject to the condition that no licensable activity take place until the food hygiene compliance, gas appliance certification, completed EH market operator vendor checklists and confirmation of public liability insurance cover are submitted to the local authority.

10. 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.

**11. Civic Government (Scotland) Act 1982
Street Trader's Licences
Achd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Luchd-malairt Sràide**

11.1 Application for a street trader's licence – Oliver Henderson

There had been circulated **to members only Report No HLC/027/22** by the Principal Solicitor relating to an application which has been received from Oliver Henderson for the grant of a street trader's licence (Ward 2 – Thurso and Northwest Caithness Ward).

The Senior Licensing Officer advised that a further letter of objection had been submitted by Police Scotland but had been received after the 28 day objection period. Police Scotland provided the reasons for their late objection. Members were satisfied that there was sufficient reason for this objection not being made on time and it was duly circulated to the Committee.

The applicant had also yet to submit gas and electrical certification.

The Committee then heard from Police Scotland and the applicant.

The Committee **AGREED** to **GRANT** the application for a street trader's licence subject to the condition that the licensable activity not be carried out until gas and electrical certificates have been submitted to the local authority to the satisfaction of the Environmental Health service

**12. Civic Government (Scotland) Act 1982
Applications for private hire car driver's / operator's licences
Ahd Riaghaltais Chatharra (Alba) 1982
Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean
airson fastadh priobhaideach**

12.1 Application for private hire car driver's licence – Jozsef Simo

There had been circulated **to members only Report No HLC/028/22** by the Principal Solicitor relating to an application which has been received from Jozsef Simo for a private hire car driver's licence (Inverness Ness-Side Ward).

The applicant was not in attendance.

The Senior Licensing Officer advised that a letter of representation had been received from Police Scotland.

The Committee then heard from Police Scotland.

The Committee **AGREED** to **REFUSE** the application on the grounds that the application is not a fit and proper person to hold a licence.

The meeting closed at 13.05 pm.