

## Highland Council

Minute of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 6 September 2022 at 10.00am.

### Present:

Mr C Birt, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy, Mr W Mackay, Mr D Macpherson, Mr D Millar, Mr P Oldham and Mr K Rosie.

### In attendance:

Ms C McArthur, Principal Solicitor, Regulatory Services, Performance and Governance

Mr I Meredith, Principal Solicitor, Regulatory Services, Performance and Governance

Mr M Elsey, Senior Licensing Officer, Performance and Governance

Ms A Macrae, Committee Administrator, Performance and Governance

### Also attending:

Inspector G Brown, Police Scotland

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

An apology for absence was intimated on behalf of Ms E Knox.

### 2. Declarations of interest Foillseachaidhean Com-pàirt

Item 7: Mr K Rosie

### 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 9 August 2022 which was **APPROVED**.

### 4. Licences granted under delegated powers Ceadachdan a bhuilic.eadh fo ùghdarras air a thiomnadh

There had been circulated **Report No HLC/037/22** by the Principal Solicitor which detailed all Licences which had been granted under delegated powers under the Civic Government (Scotland) Act 1982 granted in the period from 27 July 2022 to 24 August 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/038/22** by the Principal Solicitor relating to applications which were currently pending for the grant or renewal of licences under the Civic Government (Scotland) Act 1982.

The Committee **AGREED** to defer determination of the applications, either to:

(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 hearing procedure.

**6. Civic Government (Scotland) Act 1982  
Review of Taxi Tariff 2022/23  
Ath-bhreithneachadh air Taraif Tagsaidh 2022/23**

There had been circulated Report No HLC/041/22 by the Principal Solicitor relating to the statutory requirement to undertake, and complete, a review of the Council's taxi tariff within 18 months of the current tariff coming into effect.

Following discussion, Mr P Oldham seconded by Ms L Johnston **moved** to increase tariffs 1 to 3 by 20% and to remove tariffs 4 and 5.

Mr D Macpherson seconded by Mr J Grafton **moved** as an **amendment** to increase all tariffs by 20%.

On a vote being taken, the motion received 3 votes and the amendment received 7 votes, with no abstentions, and the **amendment** was therefore **carried**, the votes having been cast as follows:-

**Motion (3):** Ms L Johnston, Mr D Millar, Mr P Oldham

**Amendment (7):** Mr C Birt, Mr J Grafton, Ms J Hendry, Mr S Kennedy, Mr W Mackay, Mr D Macpherson, Mr K Rosie.

During further discussion, Members expressed their support for the booking fee, supplementary booking and call out but not used charges being retained at their current level and to the soiling charge being increased from a maximum of £120 to a maximum of £150.

Thereafter, it was proposed that a £5 maximum charge be introduced for the carriage of bulky items that could not be reasonably accommodated in the boot of the vehicle being hired, on the basis this charge may only be demanded if the customer was informed of the amount of the charge at the time of booking. Members indicated that for the avoidance of any doubt, this would not apply to any items designed to assist the mobility of users such as wheelchairs or walking aids.

## Decision

The Committee **AGREED** a draft tariff to go out for public consultation for a period of 28 days with the following proposed changes to the existing tariffs and to the additional charges as follows:

- a 20% increase to all tariffs;
- the soiling charge be increased from a maximum of £120 to a maximum of £150; and
- the introduction of a £5 maximum charge for the carriage of bulky items that cannot be reasonably accommodated in the boot of the vehicle being hired. This charge may only be demanded if the customer is informed of the amount of the charge at the time of booking. For the avoidance of any doubt, this will not apply to any items designed to assist the mobility of users such as wheelchairs or walking aids.

### 7. Short Term Let Licensing Ceadachd Aontaidhean Màil Geàrr-ùine

**Declaration of Interest: Mr K Rosie declared an interest in this item and in accordance with paragraph 5.6 of the revised Code of Conduct and left the meeting for this item.**

There had been circulated Report No HLC/042/22 by the Principal Solicitor in relation to the consultation responses received in respect of the draft Short Term Let Licensing Policy Statement and, in light of those responses, determine whether any changes should be made to the draft Policy Statement.

In discussion, Members commended the Principal Solicitor and Licensing Team on the volume of work undertaken over a short time period in relation to short term let licensing.

Thereafter, and in response to a number of questions, the Principal Solicitor clarified:-

- the definition and types of short term let licences are set out in the legislation.
- Premises which held a premises licence and had accommodation listed in their operating plan are exempt from the short term let licensing regime;
- the short term let licensing webpage would go live on the Council's website by the end of the week. This provided all the information that applicants required to submit as part of their application.
- that information on the scheme would also be issued via the Council's social media channels and a dedicated short term lets inbox for enquiries had been established. Assistance via the Council's service centre could be provided if required;

- existing operators had from 1 October 2022 to 1 April 2023 to apply for a licence;
- the process for carrying out a fit and proper person test would be the same as for all other civic government licences;
- the fee structure had been set at a level sufficient to cover the Council's administrative expenses and would be reviewed annually. The fee would be required to be paid at the point of application;
- information on short term lets could be sent to particular organisations. A number of tourist organisations were being kept up to date in relation to the scheme;
- declarations and documentation would be required as part of the application process to confirm adherence to the mandatory licence conditions in relation to the safety of the premises; and
- there was a list of separate additional conditions which may be applied following on from investigations of concern regarding noise where the issue had not been resolved.

Following further discussion, the Committee **AGREED**:

- (i) the proposed changes to the draft Policy Statement
- (ii) the proposed changes to the draft additional conditions
- (iii) the fee structure; and
- (iv) to finalise and publish the documentation

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

**8.1 Application for renewal of taxi operator's licence – Norman Reid**

There had been circulated Report No HLC/043/22 by the Principal Solicitor relating to an application which has been received from Norman Reid for the renewal of a taxi operator's licence (Ward 19 – Inverness South).

On hearing from the Senior Licensing Officer, the Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor – Regulatory Services to refuse the application if the licence holder does not (1) submit and have his vehicle pass a Council taxi inspection and (2) provide an up to date copy of his insurance certificate, all by 9 September 2022.

**9. Civic Government (Scotland) Act 1982  
Public Entertainment Licences  
Riaghaltais Chatharra (Alba) 1982  
Ceadachdan Aoigheachd Phoblaich**

**9.1 Premises: Cawdor Community Centre**

There had been circulated Report No HLC/044/22 by the Principal Solicitor relating to an application for a renewal of a public entertainment licence for Cawdor Community Centre by Cawdor Community Association (Ward 18 – Nairn and Cawdor).

Following discussion, the Committee **AGREED** to **GRANT** the application subject to the following additional conditions:

1. No public entertainment activities shall take place at the Community Centre until the following documentation has been submitted and deemed satisfactory by the local authority:

- Gas boiler service certificate
- Health and Safety policy
- Risk assessments
- Certificate of Compliance to confirm that the 21 day public notice was displayed
- Welfare provision
- An up to date PAT certificate

2. No firework display shall take place at the premises until such time as the following documentation has been submitted and deemed satisfactory by the local authority:

- Event Management Plan
- Site layout plans
- Public liability insurance certificate
- Scottish Fire and Rescue Service temporary structures checklist
- Risk assessments
- Health and Safety policy
- Environmental Health fireworks and food vendor checklists
- Welfare provision checklist
- Certificate of Compliance to confirm that the 21 day public notice was displayed
- Landowners permission

A fireworks display can only take place if **all** consultees confirm that they have no objections, or that any requirements they do have are satisfactorily undertaken prior to the display.

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

**10.1 Premises – Police Hostel, Aviemore Police Station**

There had been circulated Report No HLC/045/22 by the Principal Solicitor relating to the renewal of a house in multiple occupation licence from Scottish Policy Authority in respect of premises at Aviemore Police Station (Ward 20 – Badenoch and Strathspey)/

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

The meeting closed at 11.55am.