

## Highland Council

Minute of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 10 January 2023 at 10.00am.

### **Present:**

Mr C Birt, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy, Ms E Knox, 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  
Mr I Meredith, Solicitor, Regulatory Services  
Mr M Elsey, Senior Licensing Officer  
Mr K Gibson, Principal Planner  
Mr D McKay, Technical Officer (HMO)  
Ms A Macrae, Committee Administrator

### **Also attending:**

Sergeant A Bryce, Police Scotland

Item 6.1: Dmitri Sobczak, applicant

Item 7.1: Rebecca Yorston, applicant

Item 9.1: Ali Dreyer, applicant

Item 11.1: Jamie Stitt, applicant, Victoria Stitt, applicant's partner

Item 11.2: Mr W Grant, 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 minute of meeting of the Committee held on 29 November 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/001/22** 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 17 November 2022 to 14 December 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/002/22** 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  
Skin Piercing and Tattooing licence  
Achd Riaghaltais Chatharra (Alba) 1982  
Ceadachdan Dhràibhearain / Oibrichean Tagsaidh**

**6.1 Application for the grant of a skin piercing and tattooing licence – Unit 13 Dalfaber Industrial Estate, Aviemore.**

There had been circulated **Report No HLC/003/23** by the Principal Solicitor relating to an application which had been received from Dmitri Sobczak for the grant of a skin piercing and tattooing licence in respect of premises at Unit 13 Dalfaber Industrial Estate, Aviemore (Ward 20 – Badenoch & Strathspey). The report advised that an objection to the application had been received from the Planning Service. The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Mr Dmitri Sobczak, applicant, in support of his application during which he advised that an application for planning permission for change of use of the premises had now been submitted.

In response to questions, the Solicitor confirmed that consideration would be given to making it clearer in the Council's guidance notes for skin piercing and tattooing licences that planning permission for premises may be required. However, he stressed it was important that a clear distinction between licensing

and planning was maintained. The Committee could grant the licence in the event they were satisfied the application was compliant on licensing grounds. However, to operate lawfully and as a separate matter, the applicant would be required to obtain planning consent for change of use of the premises.

The Committee **AGREED** to **GRANT** the application subject to the standard conditions.

## **6.2 Application for the grant of a skin piercing and tattooing licence – Unit 14 and 15 Grampian Road, Aviemore.**

There had been circulated **Report No HLC/004/23** by the Principal Solicitor relating to an application which had been received from Loch Ness Coffee Company Ltd. for Aviemore Gift Company, for the grant of a skin piercing and tattooing licence in respect of premises at Unit 14 and 15 Grampian Road, Aviemore (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Senior Licensing Officer confirmed that a satisfactory Public Liability Insurance Certificate and Certificate of Compliance had now been received and therefore the application could be granted under delegated powers.

The Committee **NOTED** that the licence could now be granted under delegated powers.

## **7. Civic Government (Scotland) Act 1982 Second hand vehicle dealers licence Achd Riaghaltais Chatharra (Alba) 1982 Ceadachdan luchd-malairt ath-làimhe**

### **7.1 Application for the grant of a second hand vehicle dealers licence – 61 Glenurquhart Road, Inverness**

There had been circulated **Report No HLC/005/23** by the Principal Solicitor relating to an application which had been received from Rebecca Yorston for the grant of a second hand vehicle dealers licence in respect of premises at 61 Glenurquhart Road, Inverness (Ward 13 – Inverness West). The report advised that an objection to the application had been received from the Planning Service. The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Mr K Gibson, Principal Planner in relation to the Planning Service's objection and Rebecca Yorston, applicant, in support of the application.

In response to questions, the Principal Planner explained that planning permission for change of use was required on the basis vehicles were being stored at the premises. Ms R Yorston applicant explained that her business would essentially be online and that vehicles would be taken to the customer

by appointment for viewing. This was to protect her own privacy and that of her neighbours. Vehicles would be held in an enclosed holding area at the premises details of which she provided. Thereafter, she provided an overview of the trading hours of the business and the location of the premises relative to that of her neighbours.

In response to further questions, the Solicitor confirmed that the licence related to the suitability of the premises and not the person in this case. No evidence had been put forward to the Committee that the premises was unsuitable for the proposed licenced activity. The Committee could grant the licence in the event they were satisfied the application was compliant on licensing grounds. However, to operate lawfully and as a separate matter, the applicant would be required to obtain planning consent for the change of use of the premises.

In discussion, Members commented that there were no issues with the application on licensing grounds and therefore the application be granted.

The Committee **AGREED** to **GRANT** the application subject to the standard conditions.

**8. Civic Government (Scotland) Act 1982  
Private hire car driver's / operator's licences  
Ahd Riaghaltais Chatharra (Alba) 1982  
Iarrtasan airson ceadachdan do dhràibhearan / oibrichean chàraichean  
airson fastadh prìobhaideach**

**8.1 Application for a private hire car driver's licence – Ian Ostrau**

There had been circulated **Report No HLC/006/23** by the Principal Solicitor relating to an application which had been received from Ian Ostrau for a private hire car driver's licence (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

On hearing from the Senior Licensing Officer, the Committee **NOTED** that the application had been withdrawn by the applicant.

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

**9.1 Premises – Staff House, Abernethy, Nethy Bridge**

There had been circulated **Report No HLC/007/23** by the Principal Solicitor relating to the grant of a house in multiple occupation licence from Abernethy Trust Ltd. in respect of premises at Staff House, Abernethy, Nethy Bridge (Ward 20 Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Senior Licensing Officer advised that the Electrical Installation Condition Report (EICR) remedial report to confirm the C2 faults have been rectified and PAT certificate had now been received. The Environmental Health Service would require to check and sign off these documents. The requirement to provide a minimum of six sockets in each bedroom remained outstanding.

Mr A Dreyer, for the applicant advised that all of the outstanding documents had now been submitted and the works in relation to the provision of sockets had been completed.

- The Committee **AGREED** to **GRANT** the application subject to an additional condition that the premises shall not be used as a house in multiple occupation until all outstanding certification has been submitted and approved to the satisfaction of the Council's Environmental Health service.
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**  
**Taxi driver's / operator's licences**  
**Achd Riaghaltais Chatharra (Alba) 1982**  
**Ceadachdan Dhràibhearan / Oibrichean Tagsaidh**

#### **11.1 Application for grant of taxi driver's licence – Jamie Stitt**

There had been circulated **to members only Report No HLC/008/23** by the Principal Solicitor relating to an application which has been received from Jamie Stitt for the grant of a taxi driver's licence (Ward 11 – Caol and Mallaig). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant and his wife in relation to the application.

The Committee **AGREED** to **GRANT** the application for a period of 1 year, subject to the applicant passing a Knowledge Test and a Right to Work check.

#### **11.2 Taxi driver's licence – William Grant**

There had been circulated **to members only Report No HLC/009/23** by the Principal Solicitor relating to William Grant who is the holder of a taxi driver's licence (Ward 2 – Thurso and Northwest Caithness). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from William Grant in relation to his licence.

The Committee **AGREED** to **SUSPEND** the licence for the unexpired portion of the duration of the licence with immediate effect on the basis that he is no longer a fit and proper person to hold such a licence.

The Committee further agreed to grant delegated powers to the Principal Solicitor to recall the suspension should the licence holder provide medical evidence that he is able to meet the DVLA Group 2 standard.

The meeting closed at 1.15pm.