

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 1 April 2025 at Noon.

The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

Present: Dr C Birt, Mr J Bruce, Mr J Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Ms E Knox (remote), Mr W Mackay (remote), Ms K Maclean, Mr D Macpherson, Mr K Rosie, Mr R Stewart.

In Attendance:

Ms C McArthur, Principal Solicitor, Regulatory Services
Mr I Meredith, Solicitor, Regulatory Services
Mr G Somers, Solicitor, Regulatory Services
Ms M Duffy, Solicitor, Regulatory Services
Mr M Elsey, Senior Licensing Officer
Ms G Macpherson, Committee Officer
Kirsty Arnott, Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland
Paul Freeman, Scottish Fire & Rescue Service
Eleanor Hood, Environmental Health
Chloe MacDonald, Environmental Health
Lisa Stuart, Environmental Health

Item 6.1: Alasdair Tibbitt (applicant)

Item 7.1: Lara Elder (applicant's representative)

Item 7.2: Iain MacKay (applicant) & Mr D MacKenzie (applicant's representative)

Item 9.2: Lorne MacLeod Ferguson (applicant)

Item 9.3: Iain Cahill (applicant's solicitor)

Item 9.4: Iain Cahill (applicant's solicitor)

Item 9.5: Iain Cahill (applicant's solicitor)

Item 10.1: Michael Maggs (applicant) & Joanna Sikora (applicant's employer)

Item 11.1: George Fox (applicant) & Donald MacKenzie (applicant's solicitor)

Item 11.2: Bilal Qayyum (applicant)

Item 12.2: James Williamson (applicant)

Item 12.3: James Williamson (applicant)

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 minutes of meeting of the Committee held on 25 February 2025, the terms of which were **APPROVED**.

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

There had been circulated Report No HLC/46/25 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 13 February to 19 March 2025.

The Committee **NOTED** the report.

**4.1 Short Term Let Licences granted under delegated powers
Ceadachd Aontaidhean Màil Geàrr-ùine Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh**

There had been circulated Report No HLC/47/25 by the Principal Solicitor which detailed all Short Term Let Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 13 February to 16 March 2025.

The Committee **NOTED** the report.

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

There had been circulated Report No HLC/48/25 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.

**5.1 Short Term Let Pending applications – 3 monthly considerations
Ceadachd Aontaidhean Màil Geàrr-ùine Iarrtasan ri thighinn –
beachdachaidhean 3 mìosach**

There had been circulated Report No HLC/49/25 by the Principal Solicitor outlining the Short Term Let 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. Civic Government (Scotland) Act 1982 Short Term Let licensing
Achd Riaghaltais Chatharra (Alba) 1982 Ceadachd Aontaidhean Màil
Geàrr-ùine**

**6.1 Application for grant of a short term let licence – 2 South Erradale,
Gairloch, IV21 2AU**

There had been circulated Report No HLC/50/25 by the Principal Solicitor relating to an application which had been received from Mrs Iona Tibbitt for the grant of a short term let licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

Following discussion, the Committee **AGREED** not to consider the late public objection from Mr Nicholson.

Thereafter, the Committee **AGREED** to **GRANT** the licence subject to the mandatory conditions and additional licence conditions.

**6.2 Application for grant of a short term let licence – Culligran Chalets,
Kiltarlity, IV4 7JX**

There had been circulated Report No HLC/51/25 by the Principal Solicitor relating to an application which had been received from Mr Christopher Frank Spencer-Nairn for the grant of a short term let licence (Ward 12 - Aird and Loch Ness). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that all outstanding matters had now been resolved and the licence had been granted under delegated powers.

7. Civic Government (Scotland) Act 1982 Public Entertainment Licence Achd Riaghaltais Chatharra (Alba) 1982 Ceadachdan Aoigheachd Phoblaich

7.1 Premises: Cawdor Castle, Cawdor, Nairn

There had been circulated Report No HLC/52/25 by the Principal Solicitor relating to an application from Cawdor Castle Ltd in respect of the renewal of a public entertainment licence for Cawdor Castle, Cawdor, Nairn (Ward 18 – Nairn and Cawdor area). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Lara Elder, applicant's representative.

The Committee **AGREED** to **GRANT** the licence with an additional condition that:

- no public entertainment activities will take place until an electrical installation condition report (EICR) has been submitted and deemed satisfactory.

7.2 Premises: Leanach Farm, Inverness

There had been circulated Report No HLC/53/25 by the Principal Solicitor relating to an application from Iain MacKay in respect of the renewal of a public entertainment licence for Leanach Farm, Inverness (Ward 19 – Inverness South). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Mr D MacKenzie, applicant's representative.

The Committee **AGREED** to **GRANT** the application with an additional condition that:

- no public entertainment activities will take place until:
 1. the applicant has confirmed in writing that all permanent structures, temporary structures and the toilet block are identical to the previous application;
 2. a Certificate of Compliance has been submitted; and
 3. an updated Health and Safety policy and updated Child protection and Vulnerable Persons policy have been submitted and deemed satisfactory.

8. 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.

**9. Civic Government (Scotland) Act 1982 Short Term Let licensing
Achd Riaghaltais Chatharra (Alba) 1982 Ceadachd Aontaidhean Màil
Geàrr-ùine**

**9.1 Application for grant of a short term let licence – Market Brae
Guesthouse, 15, Ardconnel Street, Inverness, IV2 3EU**

There had been circulated to members only Report No HLC/54/25 by the Principal Solicitor relating to an application which had been received from Miss Nancy Wilson for the grant of a short term let licence (Ward 14 – Inverness Central). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and Highland Council Environmental Health.

The Committee **AGREED** to consider details of the non-timeous objections received from Police Scotland, Highland Council Environmental Health and Highland Council Building Standards.

Thereafter, the Committee **AGREED** to **REFUSE** the application for a short term let licence on the grounds that:

1. the applicant is not a fit and proper person to hold a licence; and
2. the premises are not suitable for the conduct of the activity having regard to public safety due to the lack of provision of the required certification and documentation.

**9.2 Application for grant of a short term let licence – 1 Altvaid, Dunvegan,
IV55 8ZF**

There had been circulated to members only Report No HLC/55/25 by the Principal Solicitor relating to an application which had been received from Mr Lorne MacLeod Ferguson for the grant of a short term let licence (Ward 10 – Eilean a' Cheò). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland, Scottish Fire & Rescue Service, Highland Council Environmental Health and the applicant.

The Committee **AGREED** to consider the non-timeous objections received from the Scottish Fire Rescue Service and Highland Council Environmental Health.

Thereafter, the Committee **AGREED** to **DEFER** consideration of the application to the meeting of the Highland Licensing Committee on 13 May 2025 for the applicant to provide all outstanding documentation in relation to the suitability of the premises and to submit evidence relating to his rehabilitation and any character references.

9.3 Application for grant of a short term let licence – Badnaheen, Altnabreac, Halkirk, KW12 6UR

There had been circulated to members only Report No HLC/56/25 by the Principal Solicitor relating to an application which had been received from Ms Onelisiwe Ngxumza for the grant of a short term let licence (Ward 3 - Wick and East Caithness). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

The Committee **AGREED** to **REFUSE** the application for a short term let licence on the grounds set out in paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982 being there is other good reason for refusing the application; those reasons being the preservation of public safety.

9.4 Short term let licence holder - Ms Onelisiwe Ngxumza - Keeper's Cottage, Altnabreac, Halkirk, KW12 6UR

There had been circulated to members only Report No HLC/57/25 by the Principal Solicitor relating to Ms Onelisiwe Ngxumza who is the holder of a short term let licence (Ward 3 - Wick and East Caithness). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

The Committee **AGREED** to **REVOKE** the short term let licence with **IMMEDIATE EFFECT** under paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, being that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety.

9.5 Short term let licence holder - Ms Onelisiwe Ngxumza - Langa Cottage, Altnabreac, Halkirk, KW12 6UR

There had been circulated to members only Report No HLC/58/25 by the Principal Solicitor relating to Ms Onelisiwe Ngxumza who is the holder of a short term let licence (Ward 3 - Wick and East Caithness). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

The Committee **AGREED** to **REVOKE** the short term let licence with **IMMEDIATE EFFECT** under paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, being that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety.

**10. Civic Government (Scotland) Act 1982 Street Traders Licence
Achd Riaghaltais Chatharra (Alba) 1982 Iartas airson ceadachd neach-
malairt sràide**

10.1 Application for a street traders employee licence – Michael Maggs

There had been circulated to members only Report No HLC/59/25 by the Principal Solicitor relating to an application which had been received from Michael Maggs for a street traders employee licence (Ward 7 – Tain and Easter Ross). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland, the applicant and the applicant's employer.

The Committee **AGREED** to **GRANT** the application for a street trader employee licence.

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

11.1 Taxi driver's and taxi operator's licence – George Fox

There had been circulated to members only Report No HLC/60/25 by the Principal Solicitor relating to George Fox who is the holder of a taxi driver's licence and taxi operator's licence (Ward 19 – Inverness South). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant's solicitor.

The Committee **AGREED** to **TAKE NO ACTION** regarding the licence holder's taxi driver and taxi operator's licences.

11.2 Taxi driver's and taxi operator's licence - Bilal Qayyum

There had been circulated to members only Report No HLC/61/25 by the Principal Solicitor relating to Bilal Qayyum who is the holder of a taxi driver's licence and taxi operator's licence (Ward 13 – Inverness West). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to:

1. **TAKE NO ACTION** regarding the licence holder's taxi operator's licence;

2. **SUSPEND** the licence holder's taxi driver's licence with **IMMEDIATE EFFECT** for the unexpired portion of the duration of the licence under paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety,

11.3 Taxi operator's licences – Caroline McKeown

There had been circulated to members only Report No HLC/62/25 by the Principal Solicitor relating to Caroline McKeown who is the holder of two taxi operator's licences (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine this matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland.

The Committee **AGREED** to **REVOKE** with **IMMEDIATE EFFECT** both of the licence holder's taxi operator's licences under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the licence holder is no longer a fit and proper person to hold a licence.

12. Civic Government (Scotland) Act 1982 Private hire car driver's / operator's licences

Achd Riaghaltais Chatharra (Alba) 1982 Iartasan airson ceadachdan do dhràibhearan / oibrichean chàraichean airson fastadh prìobhaideach

12.1 Application for a temporary private hire car operator's licence – Umer Aziz

There had been circulated to members only Report No HLC/63/25 by the Principal Solicitor relating to an application which had been received from Umer Aziz for a temporary private hire car operator's licence (Ward 14 – Inverness Central). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** the application had been withdrawn, at the applicant's request.

12.2 Application for a private hire car driver's licence – James Williamson

There had been circulated to members only Report No HLC/64/25 by the Principal Solicitor relating to an application which had been received from James Williamson for a private hire car driver's licence (Ward 14 – Inverness Central). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **GRANT** the application subject to the applicant passing a right to work check.

12.3 Application for a private hire car operator's licence – James Williamson

There had been circulated to members only Report No HLC/65/25 by the Principal Solicitor relating to an application which had been received from James Williamson for a private hire car operator's licence (Ward 14 – Inverness Central). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **GRANT** the application subject to the applicant presenting his vehicle for inspection, and it complying with Council standards and submission of satisfactory insurance, MOT and vehicle registration documents.

The meeting ended at 5.30pm.