

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 25 February 2025 at 11.00am.

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 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
Ms A Macrae, Senior Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland
Group Commander M Stubbs, Scottish Fire & Rescue Service

Item 6: Mr G Johnston, Inverness Taxis

Item 7.1: Calum Kerr (applicant)

Item 7.7: Alastair Tibbitt (applicant's representative)

Item 8.1: Desmond Gillies (applicant), Kevin Mayne (applicant's representative)

Item 11.1: Caroline McKeown (applicant)

Item 11.2: Phillipe Brooks (applicant)

Item 11.3: MHD Sarsar (licence holder), Martin Smith (licence holder's solicitor)

Item 12.1: MHD Sarsar (licence holder), Martin Smith (licence holder's solicitor)

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 Ms E Knox and Mr W Mackay.

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 7 January 2025, the terms of which were **APPROVED** subject to Mr P Oldham being deleted from the list of those present.

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

There had been circulated Report No HLC/27/25 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 17 December 2024 to 12 February 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/28/25 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 17 December 2024 to 12 February 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/29/25 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/30/25 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 Private hire car driver knowledge testing

There had been circulated Report No HLC/31/25 by the Principal Solicitor inviting the Committee to consider (a) whether to introduce knowledge testing for private hire car drivers in the Highland area and, if so, the knowledge testing requirements which should apply, or (b) whether to go out to public consultation before reaching any decision on these questions.

In discussion, the Committee heard from Mr G Johnson, Inverness Taxis. Thereafter, it was noted that while not part of this consultation, the potential for wider training for taxi and private hire car drivers would be considered.

The Committee **AGREED** to put the question of whether to introduce knowledge testing of applicants for a PHC driver's licence out to public consultation and to include the questions listed at paragraph 4 of the report.

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

**7.1 Application for grant of a short term let licence – Parliament House
Reiff, Achiltibuie, IV26 2YS**

There had been circulated Report No HLC/32/25 by the Principal Solicitor relating to an application which has been received from Mr Calum Kerr 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.

The Committee heard from M Stubbs, Scottish Fire & Rescue Service as to the reason the Service's objection was received after the period for objections had elapsed. Thereafter, Calum Kerr, applicant confirmed that he was content for the late objection to be accepted.

The Committee **AGREED** to accept the late objection and a copy was circulated to all parties.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the standard conditions, and the following additional condition:

- The premises must not be used as a short term let until all outstanding work and documentation has been completed to the satisfaction of the Scottish Fire and Rescue Service.

7.2 Application for grant of a short term let licence – Netherton Farm B&B, Netherton, Culbokie, IV7 8JH

There had been circulated Report No HLC/33/25 by the Principal Solicitor relating to an application which has been received from Ms Romay Margaret Garcia for the grant of a short term let licence (Ward 9 – Black Isle). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee **NOTED** that the application had been withdrawn from the agenda.

7.3 Application for grant of a short term let licence – Star Croft, Watten, Wick, KW1 5XW

There had been circulated Report No HLC/34/25 by the Principal Solicitor relating to an application which has been received from Mrs Elizabeth Evelyn Davison 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 **NOTED** that all outstanding matters had been resolved and the licence has been granted under delegated powers.

7.4 Application for grant of a short term let licence – Craigard House, Kinchurdy Road, Boat Of Garten, PH24 3BP

There had been circulated Report No HLC/35/25 by the Principal Solicitor relating to an application which has been received from Mr Keith Burns for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

The Committee heard from M Stubbs, Scottish Fire & Rescue Service as to the reason the Service's objection was received after the period for objections had elapsed.

The Committee **AGREED** to accept the late objection and a copy was circulated to all parties.

The Committee **AGREED** to **GRANT** the application for a short term let licence subject to the standard conditions and following additional conditions:

- The premises must not be used as a short term let until the successful completion of a Scottish Fire and Rescue Service audit.

7.5 Application for grant of a short term let licence – Balnakeil Farm Bothy, Balnakeil, Durness, IV27 4PX

There had been circulated Report No HLC/36/25 by the Principal Solicitor relating to an application which has been received from Mrs Elizabeth Elliot for the grant of a short term let licence (Ward 1 – North, West and Central Sutherland). The Committee was invited to determine the application in accordance with the Council's Hearings Procedure.

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

7.6 Application for grant of a short term let licence – Cove Sea, Kyleakin, IV41 8PN

There had been circulated Report No HLC/37/25 by the Principal Solicitor relating to an application which has been received from Mrs Shelagh Fraser for the grant of a short term let licence (Ward 10 – Eilean a' Cheò). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

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

There had been circulated Report No HLC/38/25 by the Principal Solicitor relating to an application which has 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.

The Committee **AGREED** to **DEFER** consideration of the application to the meeting of the Highland Licensing Committee on 1 April 2025 to allow the

objector Mr Nicholson to receive all documentation, in a suitable format to accommodate his requirements.

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

8.1 Application for a taxi driver's licence – Desmond Gillies

There had been circulated to members only Report No HLC/39/25 by the Principal Solicitor relating to an application for the grant of a taxi driver's licence (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine the matter in accordance with the Council's Hearings Procedure.

The Committee heard from the applicant and his representative.

Mr R Stewart seconded by Mr J Grafton **moved** to grant the application.

As an **amendment**, Mrs J Hendry seconded by Dr C Birt moved to allow the applicant a fourth attempt at passing the local section of the knowledge test, and to grant delegated powers to refuse the application should he fail to pass the local section of the knowledge test after this additional attempt. The reasons for departing from policy was on the basis the applicant would be a good ambassador for the Highlands and should explore additional support for the test.

On a vote being taken, the **motion** received **3** votes, the **amendment** received **6** votes, and there was **1** abstention, and the **amendment** was therefore carried, the votes having being cast as follows:

Motion (3):

Mr J Grafton, Ms K Maclean, Mr R Stewart

Amendment (6):

Dr C Birt, Mr J Bruce, Mrs J Hendry, Ms L Johnston, Mr S Kennedy, Mr K Rosie

Abstention (1):

Mr D Macpherson

Decision

The Committee **AGREED** to allow the applicant a fourth attempt at passing the local section of the knowledge test, and to grant delegated powers to refuse the application should he fail to pass the local section of the knowledge test after this additional attempt.

**9. Civic Government (Scotland) Act 1982 Street Traders licence
Achd Riaghaltais Chatharra (Alba) 1982 Iarrtas airson ceadachd neach-
malairt sràide**

9.1 Application for a street trader's licence – Connor Rae

There had been circulated Report No HLC/40/25 by the Principal Solicitor relating to an application for the grant of a street trader's licence by Connor Rae (Ward 14 – Inverness Central). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

9.2 Application for a temporary street trader's licence – Archie Bagshaw

There had been circulated Report No HLC/41/25 by the Principal Solicitor relating to an application for the grant of a temporary street trader's licence by Archie Bagshaw. The Committee was invited to determine the application matter in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor to **REFUSE** the application for a temporary street trader's licence should the applicant fail to present a vehicle to the satisfaction of the Environmental Health service by 16 March 2025

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 a taxi operator's licence – Caroline McKeown

There had been circulated to members only Report No HLC/42/25 by the Principal Solicitor relating to an application for the renewal of a taxi operator's licence by Caroline McKeown (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

On hearing from Police Scotland and the applicant, the Committee **AGREED** to accept the late objection received from the Police and a copy was circulated to all parties.

Mr S Kennedy, seconded by Mr R Stewart **moved** to grant the application for the renewal of a taxi operator's licence.

As an **amendment**, Ms L Johnston, seconded by Mrs J Hendry moved to refuse the application for the renewal of a taxi operator's licence under paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the applicant is not a fit and proper person to hold a licence.

On a vote being taken, the **motion** received **4** votes, the **amendment** received **5** votes, and there was **1** abstention, and the **amendment** was therefore carried, the votes having being cast as follows:

Motion (4):

Dr C Birt, Mr S Kennedy, Mr R Stewart, Mr K Rosie

Amendment (5):

Mr J Grafton, Mrs J Hendry, Ms L Johnston, Ms K Maclean, Mr D Macpherson

Abstention (1):

Mr J Bruce

Decision

The Committee **AGREED** to **REFUSE** the application for the renewal of a taxi operator's licence under paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the applicant is not a fit and proper person to hold a licence.

11.2 Taxi operator's and taxi driver's licence – Phillipe Brooks

There had been circulated to members only Report No HLC/43/25 by the Principal Solicitor relating to Phillipe Brooks who is the holder of a taxi operator's licence and taxi driver's licence (Ward 20 – Badenoch & Strathspey). The Committee was invited to determine the matter in accordance with the Council's Hearings Procedure.

The Committee heard from Police Scotland and the licence holder.

Mr S Kennedy seconded by Dr C Birt **moved** not to suspend the licence holder's taxi operator's licence.

As an **amendment**, Ms L Johnston seconded by Mrs J Hendry moved to suspend the licence holder's taxi operator's licence for the unexpired portion of the licence under paragraph 11(2)(a) and paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that he is not a fit and proper person to hold the licence.

On a vote being taken, the **motion** received **5** votes, the **amendment** received **4** votes, with no abstentions, and the **motion** was therefore carried, the votes having being cast as follows:

Motion (5):

Dr C Birt, Mr J Bruce, Mr J Grafton, Mr S Kennedy, Mr R Stewart.

Amendment (4):

Mrs J Hendry, Ms L Johnston, Ms K Maclean, Mr K Rosie

Thereafter, Mr S Kennedy seconded by Mr J Bruce **moved** not to suspend the licence holder's taxi driver's licence.

As an **amendment**, Ms L Johnston seconded by Mrs J Hendry moved to suspend the licence holder's taxi driver's licence for the unexpired portion of the licence under paragraph 11(2)(a) and paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that he is not a fit and proper person to hold the licence.

On a vote being taken, the **motion** received **4** votes, the **amendment** received **5** votes, with no abstentions, and the **amendment** was therefore carried, the votes having being cast as follows:

Motion (4):

Mr J Bruce, Mr J Grafton, Mr S Kennedy, Mr R Stewart

Amendment (5):

Dr C Birt, Mrs J Hendry, Ms L Johnston, Ms K Maclean, Mr K Rosie

Decision

The Committee **AGREED:**

(1) to **TAKE NO ACTION** regarding the licence holder's taxi operator's licence.

(2) to **SUSPEND** the licence holder's taxi driver's licence for the unexpired portion of the licence under paragraph 11(2)(a) and paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that he is not a fit and proper person to hold the licence.

11.3 Taxi operator's and taxi driver's licence – MHD Sarsar

There had been circulated to members only Report No HLC/44/25 by the Principal Solicitor relating to MHD Sarsar who is the holder of a taxi operator's licence and taxi driver's licence (Ward 13 – Inverness West). The Committee was invited to determine the matter in accordance with the Council's Hearings Procedure.

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

The Committee **AGREED** to **SUSPEND** the licence holder's taxi operator's licence under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence on the grounds that the licence holder is not a fit and proper person to hold the licence.

The Committee **AGREED** to **SUSPEND** the licence holder's taxi driver's licence under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence on the grounds that the licence holder is not a fit and proper person to hold the licence and also under paragraph 11(2)(c) of Schedule 1 of the 1982 Act on the grounds of public safety.

The Committee were also satisfied that the circumstances of the case justified immediate suspension of both licences under paragraph 11(10) of Schedule 1 of the 1982 Act.

12. Civic Government (Scotland) Act 1982 Street Traders licence Achd Riaghaltais Chatharra (Alba) 1982 Iartras airson ceadachd neach- malairt sràide

12.1 Street Trader's Licence – MHD Sarsar

There had been circulated to members only Report No HLC/45/25 by the Principal Solicitor relating to a street trader's licence held by MHD Sarsar (Ward 13 – Inverness West). The Committee was invited to determine the matter in accordance with the Council's Hearings Procedure.

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

Mr R Stewart, seconded by Ms L Johnston **moved** to suspend the licence holder's street trader's licence under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence on the grounds that the licence holder is not a fit and proper to hold the licence and also under paragraph 11(2)(c) of Schedule 1 of the 1982 Act on the grounds of public safety.

As an amendment, Mr J Grafton seconded by Mr J Bruce, moved not to suspend the licence holder's street trader's licence.

On a vote being taken, the **motion** received **5** votes, the **amendment** received **4** votes, with **1** abstention, and the **motion** was therefore carried, the votes having being cast as follows:

Motion (5):

Mrs J Hendry, Ms L Johnston, Ms K Maclean, Mr K Rosie, Mr R Stewart

Amendment (4):

Dr C Birt, Mr J Bruce, Mr J Grafton, Mr S Kennedy

Abstention (1):

Mr D Macpherson

Decision

The Committee **AGREED** to **SUSPEND** the licence holder's street traders licence under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence on the grounds that the licence holder is not a fit and proper to hold the licence and also under paragraph 11(2)(c) of Schedule 1 of the 1982 Act on the grounds of public safety.

The Committee were also satisfied that the circumstances of the case justified immediate suspension of the licence under paragraph 11(10) of the 1982 Act.

The meeting ended at 4.15pm.
