

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 13 May 2025 at 11.30am.

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, Mr W MacKay, Mrs K MacLean, Mr D Macpherson, 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

Also Attending:

Sergeant Paterson, Police Scotland
Chloe MacDonald, Environmental Health
Eleanor Hood, Environmental Health

Item 6.1: Helena Smith, Applicant

Item 6.2: Deborah Warren, Applicant, John Currie, Applicant's Representative

Item 6.3: Ian Watson, Applicant

Items 10.1 and 10.2: Jean Etoundi, Licence Holder

Item 10.3: Shane Dougan, Licence Holder, Donald MacKenzie, Licence Holder's Solicitor

Item 10.4: Gerard Wright, Licence Holder, Alasdair Gillie, Licence Holder's Solicitor

Item 11.1: Lorne Ferguson, 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

An apology for absence was intimated on behalf of Mr K Rosie.

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 meetings of the Committee held on 1 April 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/76/25 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 20 March to 30 April 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/77/25 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 March to 29 April 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/78/25 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/79/25 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 – 15 Riverside Road, Kinlochleven, PH50 4QH

There had been circulated Report No HLC/80/25 by the Principal Solicitor relating to an application which had been received from Mrs Helena Mary Smith for the grant of a short term let licence (Ward 21 - Fort William and Ardnamurchan).

The applicant spoke in support of her application and outlined her commitment to being a responsible Short Term Let Licence holder. The applicant noted that visitors were encouraged to use the parking space provided and to be mindful of the nearby school and library.

The Committee **AGREED** to **GRANT** the licence subject to the mandatory conditions and additional standard licence conditions

6.2 Application for grant of a short term let licence – Grandview, 3 Elgol, Isle of Skye, IV49 9BT

There had been circulated Report No HLC/81/25 by the Principal Solicitor relating to an application which had been received from Miss Deborah Warren for the grant of a short term let licence (Ward 10 - Eilean a' Cheò).

The applicant's representative spoke in support of the application. The property had been in ownership of the applicant's family since 1986 and had undergone various repairs over the years. To recover some of the upkeep costs, the family wished to let the property for a short period during the year when the family were not using it. The applicant had been a landlord for over 20 years, and had received no complaints from other neighbours during this time.

Reference was made to the servitude of right to use the water supply, drainage and sewage, and the applicant's representative said that refuted appendix 2, paragraph 3 of the objection. The location of the septic tank was close to a building belonging to the objector and it was felt that the posting of the short term let application had been an opportunity for the objector to ask for the septic tank to be moved.

The applicants were keen to resolve any issues with the objector and pointed out that if the tank had been deemed to cause a statutory nuisance, then action would have been taken. There had been communication with Scottish Water, as evidenced in the written submissions provided by the applicant and it was confirmed that the tank was in a good state of repair and it would be maintained as recommended.

The Chair sought further information regarding the septic tank and a response was provided by the applicant's representative. It was felt that the applicant demonstrated that measures had been taken to address any issues. Further, it was noted that there was a reasonable line of communication between the applicant and the objector.

The Committee **AGREED** to **GRANT** the licence subject to the mandatory conditions and additional standard licence conditions.

6.3 Application for grant of a short term let licence – Tigh Na Cladach, Taigh Air An Aladach, Breakish, Isle of Skye, IV42 8QA

There had been circulated Report No HLC/82/25 by the Principal Solicitor relating to an application which had been received from Mr Ian Watson for the grant of a short term let licence (Ward 10 - Eilean a' Cheò).

The applicant spoke in response to the objection, and the following points were made:-

- the boundary was 10 metres from the objector's property, not 5 metres as stated in the objection. This was evidenced by a site plan;
- there would be no hen or stag parties, guests would be vetted, and the maximum number of guests would be 6;
- house rules would ask that guests respected the neighbours' right to peace and privacy, particularly during the hours of 2200 and 0800, when outside, arriving or leaving. Check-in would be at a reasonable and pre-arranged time;
- noise escaping the house should be minimal, due to sound proofing;
- there would be a maximum of 2 parking spaces;
- addressing a potential issue of guests being unable to find the property, clear directions, in addition to contact details for the applicants, would be provided; and
- barbecues would not be permitted.

In response to questions, it was confirmed that the applicant lived out of area and did not yet have local management in place. However, once they were in a position to let, and after a cleaner had been employed, it was anticipated that the cleaner would become the local contact to address any issues.

In summary, the applicant stated they had built a beautiful family home in an area dear to them. They had established good relationships with many of the neighbours and had an interest in ensuring guests respected their home and the community. The applicant noted he would provide his telephone number and email address to the objector.

The Committee **AGREED** to **GRANT** the licence subject to the mandatory conditions and additional standard licence conditions.

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

7.1 Application for grant of a taxi driver's licence – Mark Fraser

There had been circulated Report No HLC/83/25 by the Principal Solicitor relating to an application for the grant of a taxi driver's licence by Mark Fraser. (Ward 21 – Fort William and Ardnamurchan).

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor to **REFUSE** the application for a taxi driver's licence if the applicant had not passed the Taxi Driver's Knowledge Test and undergone a Right to Work check by 5pm on 13 May 2025 on the grounds that the applicant had not complied with the criteria required in order for a licence to be granted.

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

8.1 Application for the grant of a street trader's licence – Rebecca Hajdu

There had been circulated Report No HLC/84/25 by the Principal Solicitor relating to an application which had been received from Rebecca Hajdu for the grant of a street traders licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh).

The Committee **NOTED** the application was withdrawn, at the applicant's request, prior to the Committee meeting.

9. 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 involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

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

10.1 Taxi operator's licence and taxi driver's licence – Jean Etoundi

There had been circulated to members only Report No HLC/85/25 by the Principal Solicitor relating to Jean Etoundi who was the holder of a taxi operator's licence and taxi driver's licence (Ward 16 – Inverness Millburn).

The Committee heard from Police Scotland and the licence holder.

Ms L Johnston, seconded by Mrs J Hendry, **MOVED** to suspend the taxi driver's licence for the unexpired portion of the duration of the licence, with immediate effect, under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982..

There was no amendment.

Thereafter, 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 duration of the licence, with immediate effect, under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982..

As an **AMENDMENT**, Mr J Grafton, seconded by Mr S Kennedy, moved to take no further action, in terms of the licence holder's taxi operator's licence.

On a vote being taken, the **MOTION** received 4 votes and the **AMENDMENT** received 3 votes, with 1 abstention. The **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

For the Motion:

Mrs J Hendry, Ms L Johnston, Ms K MacLean, Mr R Stewart

For the Amendment:

Mr J Grafton, Mr S Kennedy, Mr W MacKay

Abstention:

Dr C Birt

Decision

The Committee **AGREED** to:-

- i. **SUSPEND** the licence holder's taxi operator's licence for the unexpired portion of the duration of the licence, with immediate effect, under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.
- ii. **SUSPEND** the licence holder's taxi driver's licence for the unexpired portion of the duration of the licence, with immediate effect, under paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

10.2 Application for a taxi operator's licence – Jean Etoundi

There had been circulated to members only Report No HLC/86/25 by the Principal Solicitor relating to an application for the grant of a taxi operator's licence (Ward 16 – Inverness Millburn).

The Committee heard from Police Scotland and the applicant.

Ms L Johnston, seconded by Mrs K MacLean, **MOVED** to refuse the application for a taxi operator's licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

There was no amendment.

The Committee **AGREED** to **REFUSE** the application for a taxi operator's licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

10.3 Taxi operator's licence and taxi driver's licence – Shaun Dougan

There had been circulated to members only Report No HLC/87/25 by the Principal Solicitor relating to Shaun Dougan who was the holder of a taxi operator's licence and taxi driver's licence (Ward 16 – Inverness Millburn).

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

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

10.4 Taxi operator's licence and taxi driver's licence – Gerard Wright

There had been circulated to members only Report No HLC/88/25 by the Principal Solicitor relating to Gerard Wright who was the holder of a taxi operator's licence and taxi driver's licence (Ward 20 – Badenoch and Strathspey).

The Committee **AGREED** to **DEFER CONSIDERATION** of this item to the meeting of the Highland Licensing Committee on 24 June 2025.

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

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

There had been circulated to members only Report No HLC/89/25 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' Cheo).

The Committee heard from Police Scotland and the applicant.

The Committee **AGREED** to **GRANT** the licence subject to the mandatory conditions and additional standard licence conditions.

**11.2 Application for grant of a short term let licence – 11, Kirkton Road,
Lochcarron, IV54 8UF**

There had been circulated to members only Report No HLC/90/25 by the Principal Solicitor relating to an application which had been received from Mr Crisdean Donald Macrae for the grant of a short term let licence (Ward 5 – Ross and Skye).

The Committee **AGREED** to hear the late objection from Environmental Health. Thereafter, **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 24 June 2025 to allow the applicant a further opportunity to appear personally.

**11.3 Application for grant of a short term let licence – 16, Kirkton Road,
Lochcarron, IV54 8UF**

There had been circulated to members only Report No HLC/91/25 by the Principal Solicitor relating to an application which had been received from Mr Crisdean Donald Macrae for the grant of a short term let licence (Ward 5 – Ross and Skye).

The Committee **AGREED** to hear the late objection from Environmental Health. Thereafter, **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 24 June 2025 to allow the applicant a further opportunity to appear personally.

**11.4 Application for grant of a short term let licence – 22, Kirkton Road,
Lochcarron, IV54 8UF**

There had been circulated to members only Report No HLC/92/25 by the Principal Solicitor relating to an application which has been received from Mr

Crisdean Donald Macrae for the grant of a short term let licence (Ward 5 – Ross and Skye).

The Committee **AGREED** to hear the late objection from Environmental Health. Thereafter, **AGREED** to **DEFER CONSIDERATION** of the application to the meeting of the Highland Licensing Committee on 24 June 2025 to allow the applicant a further opportunity to appear personally.

The meeting ended at 3.10pm.