

Agenda item	12.1
Report no	HLC/167/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 October 2025

Report title: Application for the grant of a late hours catering licence – Shakes n Cakes, Unit 1, Culduthel Avenue, Inverness (Ward 15 – Inverness Ness-Side)

Report by: Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This report relates to an application for the grant of a late hours catering licence.

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Council's hearing procedure.

3. Background

3.1 On 24 February 2025 an application for the grant of a late hours catering licence was received from Shakes n Cakes Inverness Ltd. in respect of Shakes n Cakes, Unit 1, Culduthel Avenue, Inverness. The day to day manager detailed on the application form is Mr Arnis Dembovskis. The application requires to be determined by 23 November 2025.

4. Process

4.1 Following receipt of the application a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service

4.2 Other than Building Standards, all of the above Agencies/Services have confirmed that they have no objections to the licence being issued.

5. Building Warrant

5.1 The Building Standards Service have advised that the part of the building from which Shakes'n'Cakes operate from has not had a fit out warrant issued and that the warrant was to build a shell only building, which was approved and completed. However. In view of this a warrant required to be submitted for the fit out/internal works.

5.2 The Building Standards Service have confirmed that the applicants submitted a building warrant application, and an inspection was carried out at the end of May 2025. The applicants were advised what was required to enable a completion certificate to be issued. At the time of writing the completion certificate has not been issued.

5.3 For Members information, the planning permission in relation to the premises restricts deliveries to between the hours of 07.00 to 22.00 Monday to Saturday and 10.00 to 22.00 on Sundays, with the reason being detailed as 'to protect residential amenity of housing on Culduthel Avenue'.

6. Outstanding matters

6.1 On their application form the applicants have indicated that they are looking to open after 11.00pm for delivery purposes only and that no customers will enter the premises after 11.00pm. The terminal hour for deliveries has been requested, however, to date, this has not been received from the applicants.

6.2 The applicant has also still to return the certificate of compliance confirming that the notice of application has been displayed for the required period.

7. Determining issues

7.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority shall refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7.2 A copy of this report has been sent to the applicants who have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

8. Policies

8.1 The following policies are relevant to this application:

8.2 Standard late hours catering licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738740/late_hours_catering

or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 9 October 2025

Author: Michael Elsey

Ref: LHC

Background Papers: Civic Government (Scotland) Act 1982