

Highland Council

Minutes of the **Highland Licensing Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 7 January 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 Grafton, Mrs J Hendry, Ms L Johnston, Mr S Kennedy (Chair), Mr W MacKay, 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
Ms K Arnott, Committee Officer

Also Attending:

Sergeant Paterson, Police Scotland

Item 6.1: Taran Campbell (applicant), Scott Willox, Building Standards (objector)
Item 7.2: Ryan Davison (applicant)
Item 8.1: David Cameron (applicant), Eleanor Hood, Environmental Health (objector).
Item 8.2: Salem Avan (applicant)
Item 8.3: Alasdair Findlay (applicant)
Item 12.1: Mohammed Atiq Mir (applicant)
Items 13.2 & 13.3: Onelisiwe Ngxumza (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 Ms E Knox.

2. Declarations of interest Foillseachaidhean Com-pàirt

Item 6.1: Mrs J Hendry (Transparency Statement)

**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 26 November and 3 December 2024, 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/121/24 by the Principal Solicitor which detailed all Licences granted under delegated powers under the Civic Government (Scotland) Act 1982 in the period from 14 November 2024 to 16 December 2024.

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/122/24 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 14 November 2024 to 16 December 2024.

The Committee **NOTED** the report.

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

There had been circulated Report No HLC/123/24 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/124/24 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
Public Entertainment Licence
Ahd Riaghaltais Chatharra (Alba) 1982
Ceadachdan Aoigheachd Phoblaich**

6.1 Premises: Infinity Trampoline Park, Unit D, Telford Retail Park, Inverness

There had been circulated **Report No HLC/05/25** by the Principal Solicitor relating to an application for the grant of a public entertainment licence for Infinity Trampoline Park, Unit D, Telford Retail Park, Inverness (Ward 14 – Inverness Central). The Committee was invited to determine this application in accordance with the Council’s Hearings Procedure.

The Committee heard from Taran Campbell, applicant, and Scott Willox, Building Standards, objector.

The Committee **AGREED** to **GRANT** the application subject to the standard conditions together with an additional condition attached that no public entertainment activities should take place until

- (1) the required works have been completed and;
- (2) the relevant documents have been submitted and are deemed satisfactory by the Highland Council’s Building Standards service.

6.2 Premises: Inverness Royal Academy, Culduthel Road, Inverness

There had been circulated **Report No HLC/06/25** by the Principal Solicitor relating to an application for the renewal of a public entertainment licence for Inverness Royal Academy, Culduthel Road, Inverness (Ward 15 – Inverness Ness-side).The Committee was invited to determine this application in accordance with the Council’s Hearings Procedure.

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

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

**7.1 Application for the grant of a private hire car driver's licence –
James Molyneuz**

There had been circulated **Report No HLC/07/25** by the Principal Solicitor relating to an application which has been received from James Molyneuz for the grant of a private hire car driver's licence (Ward 12 – Aird and Loch Ness). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

**7.2 Application for the grant of a private hire car driver's operator
licence – Ryan Davison**

There had been circulated **Report No HLC/08/25** by the Principal Solicitor relating to an application which has been received from Ryan Davison for the grant of a private hire car operator licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from Ryan Davidson, applicant.

The Committee **AGREED** to **GRANT DELEGATED POWERS** to the Principal Solicitor – Regulatory Services to refuse the application should the applicant (1) not present his vehicle or have his vehicle pass an inspection and (2) submit a satisfactory copy of his insurance certificate, all by 9 February 2025.

The applicant was advised that if he was not in a position to complete the outstanding matters by 8 February 2025, he could withdraw his application in writing but would need to pay an additional fee should he wish to re-apply in the future. He was further advised that he could apply to substitute the vehicle in the future should he wish to change the vehicle he wishes to operate.

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

**8.1 Application for grant of a short term let licence – Old House,
Burnside, Kentra, Acharacle, PH36 4LA**

There had been circulated **Report No HLC/09/25** by the Principal Solicitor relating to an application which has been received from David John Cameron

for the grant of a short term let licence (Ward 21 – Fort William and Ardnamurchan). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee heard from David Cameron, applicant and Eleanor Hood, Environmental Health, objector.

The Committee **AGREED** to **GRANT** the application subject to the mandatory and additional conditions together with a further condition as follows:

'No short term let activities shall take place at the premises until such time that a satisfactory electrical installation condition report (EICR) has been submitted to the Council in relation to the premises.'

8.2 Application for grant of a short term let licence – Pittyoush House, Aviemore, PH22 1RD

There had been circulated **Report No HLC/10/25** by the Principal Solicitor relating to an application which has been received from Mr Salem Avan for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

Members were advised that the Scottish Fire and Rescue Service was not in attendance to give reasons as to why its representation was submitted after the period for objections or representations had elapsed.

The Committee **AGREED** not to accept the late representation from the Scottish Fire and Rescue Service.

The Committee heard from Salem Avan, applicant.

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

An informative should also be placed on the licence stating:

Applicants are reminded that any outstanding fire safety improvement measures should be addressed prior to any short term let activities taking place.

8.3 Application for grant of a short term let licence – Crubenmore Lodge, Newtonmore, PH20 1BE

There had been circulated **Report No HLC/11/25** by the Principal Solicitor relating to an application which has been received from Mr Alasdair Findlay, agent on behalf of Ralia Enterprises for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

Members were advised that the Scottish Fire and Rescue Service was not in

attendance to give reasons as to why its representation was submitted after the period for objections or representations had elapsed.

The Committee **AGREED** not to accept the late representation from the Scottish Fire and Rescue Service.

The Committee heard from Alasdair Findlay, applicant.

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

An informative should also be placed on the licence stating:

Applicants are reminded that any outstanding fire safety improvement measures should be addressed prior to any short term let activities taking place.

8.4 Application for grant of a short term let licence – 1, Frithard Road, Plockton, IV52 8TQ

There had been circulated **Report No HLC/12/25** by the Principal Solicitor relating to an application which has been received from Mrs Sybil Margaret Cameron for the grant of a short term let licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

8.5 Application for grant of a short term let licence – Inchnadamph House, Inchnadamph, Elphin, IV27 4HL

There had been circulated **Report No HLC/13/25** by the Principal Solicitor relating to an application which has been received from Mr David Burgess, agent, acting on behalf of Mr George Vestey for the grant of a short term let licence (Ward 1 – North, West and Central Sutherland). 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.

8.6 Application for grant of a (temporary) short term let licence – Carbisdale Castle, Ardgay, IV24 3DP

There had been circulated **Report No HLC/14/25** by the Principal Solicitor relating to an application which has been received from Ms Samantha Kane on behalf of Carbisdale Castle Limited for the grant of a temporary short term let licence (Ward 1 – North, West and Central Sutherland). 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.

8.7 Application for grant of a short term let licence – Caladh Beag, 6 Roag, Dunvegan, IV55 8ZA

There had been circulated **Report No HLC/15/25** by the Principal Solicitor relating to an application which has been received from Mr Kenneth John Brown 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** that all outstanding matters had now been resolved and the licence was granted under delegated powers.

8.8 Application for grant of a short term let licence – The Bothy, 86a High Street, Grantown-on-Spey, PH26 3EL

There had been circulated **Report No HLC/16/25** by the Principal Solicitor relating to an application which has been received from Mr Simon Milligan for the grant of a short term let licence (Ward 20 – Badenoch and Strathspey). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

8.9 Application for grant of a short term let licence – First Floor and Attic Floor, 45 Hill Street, Inverness, IV2 3AN

There had been circulated **Report No HLC/17/25** by the Principal Solicitor relating to an application which had been received from Mrs Freedah Yasmin Ewen for the grant of a short term let licence (Ward 14 – Inverness Central). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

Members were advised that the Scottish Fire and Rescue Service was not in attendance to give reasons as to why its representation was submitted after the period for objections or representations had elapsed.

The Committee **AGREED** not to accept the late representation from the Scottish Fire and Rescue Service.

Members expressed disappointment the Scottish Fire & Rescue Service was not present to address the late representations and requested that their comments be fed back to the Service. It was acknowledged this may be due to resourcing issue and noted the Service's new improvement measures letter to applicants should reduce the number of applications referred to the Committee in future.

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

An informative should also be placed on the licence stating:

Applicants are reminded that any outstanding fire safety improvement measures should be addressed prior to any short term let activities taking place.

8.10 Application for grant of a short term let licence – Tigh a' Voulin, Glencoe, PH49 4HX

There had been circulated **Report No HLC/18/25** by the Principal Solicitor relating to an application which has been received from Mr Andrew Lever for the grant of a short term let licence (Ward 21 – Fort William and Ardnamurchan). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

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 involved 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 Dhràibhearain / Oibrichean Tagsaidh**

10.1 Application for a taxi operator's licence – Caroline McKeown

There had been circulated **to members only Report No HLC/19/25** by the Principal Solicitor relating to relating to an application for the renewal of a taxi operator's licence by Caroline McKeown (Ward 20 – Badenoch & Strathspey). The Committee is invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **DEFER** the application to the next meeting of the Highland Licensing Committee on 25 February 2025 to allow Police Scotland to request the late submission of additional information and to give the applicant fair notice of this.

10.2 Application for a taxi driver's licence – Alan Coe

There had been circulated **to members only Report No HLC/20/25** by the Principal Solicitor relating to relating to an application for the grant of a taxi driver's licence by Alan Coe (Ward 15 – Inverness Ness-side). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **REFUSE** the application under paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that the applicant is not deemed a fit and proper person to be the holder of the licence.

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

11.1 Application for a private hire car driver's licence – Elaine Coll

There had been circulated **to members only Report No HLC/21/25** by the Principal Solicitor relating to an application which has been received from Elaine Coll for a private hire car driver's licence (Ward 5 – Wester Ross, Strathpeffer and Lochalsh). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to continue to **SUSPEND** the licence for the remaining portion of the duration of the licence under paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

12.1 Street Trader's Licence – Mohammed Atiq Mir

There had been circulated **to members only Report No HLC/22/25** by the Principal Solicitor relating to a street trader's licence held by Mohammed Atiq Mir (Ward 10 - Eilean a' Cheò). 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.

The Committee **AGREED** to take no further action.

12.2 Street Trader's Licence (Temporary Application): James Sharp

There had been circulated **to members only Report No HLC/23/25** by the Principal Solicitor relating to an application which has been received from James Sharp for the grant of a temporary street traders licence (Ward 11 – Caol and Mallaig). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

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

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

13.1 Application for grant of a short term let licence – Kantara, Viewfield Road, Portree, IV51 9ES

There had been circulated **to members only Report No HLC/24/25** by the Principal Solicitor relating to an application which has been received from Mr Murdo Thompson Mackenzie for the grant of a short term let licence (Ward 10 – Eilean a' Cheo). The Committee was invited to determine this application in accordance with the Council's Hearings Procedure.

The Committee **AGREED** to **REFUSE** the application under paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that the applicant is not deemed a fit and proper person to be the holder of the licence

13.2 Application for grant of a short term let licence – Langa Cottage, Altnabreac, Halkirk, KW12 6UR

There had been circulated **to members only Report No HLC/25/25** by the Principal Solicitor relating to an application which has been received from Ms Onelisiwe Ngxumza for the grant of a short term let licence (Ward – 03 Wick and East Caithness). 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.

Thereafter, Mr R Stewart, seconded by Ms L Johnston **moved** to refuse the application.

As an **amendment**, Mr J Grafton seconded by Dr C Birt moved to grant the licence for a period of 12 months.

On a vote being taken, the **motion** received 4 votes, the **amendment** received 4 votes, and there were no abstentions, the votes having being cast as follows:

For the motion (4):

Mrs J Hendry, Ms L Johnston, Mr D Macpherson, Mr R Stewart

For the amendment (4):

Dr C Birt, Mr J Grafton, Mr S Kennedy, Mr W MacKay

On there being an equality of votes, the Chair cast his second and determining vote in favour of the **amendment** which became the finding of the meeting.

Decision

The Committee **AGREED** to **GRANT** the application subject to the mandatory and additional conditions for a 12 month period.

The Committee further **AGREED** that any renewal application should be determined by the Highland Licensing Committee (regardless of whether any objections or adverse representations have been received) and the applicant should provide, at that time, supporting evidence that all short term let activity is carried on for the sole benefit of the applicant.

13.3 Application for grant of a short term let licence – Keeper’s Cottage, Altnabreac, Halkirk, KW12 6UR

There had been circulated **to members only Report No HLC/26/25** by the Principal Solicitor relating to an application which has been received from Mrs Onelisiwe Ngxumza for the grant of a short term let licence (Ward – 03 Wick and East Caithness). 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.

Thereafter, Mr R Stewart, seconded by Ms L Johnston **moved** to refuse the application.

As an **amendment**, Mr J Grafton seconded by Dr C Birt moved to grant the licence for a period of 12 months.

On a vote being taken, the **motion** received 4 votes, the **amendment** received 4 votes, and there were no abstentions, the votes having being cast as follows:

For the motion (4):

Mrs J Hendry, Ms L Johnston, Mr D Macpherson, Mr R Stewart

For the amendment (4):

Dr C Birt, Mr J Grafton, Mr S Kennedy, Mr W MacKay

On there being an equality of votes, the Chair cast his second and determining vote in favour of the **amendment** which became the finding of the meeting.

Decision

The Committee **AGREED** to **GRANT** the application subject to the mandatory and additional conditions for a 12 month period.

The Committee further **AGREED** that any renewal application should be determined by the Highland Licensing Committee (regardless of whether any objections or adverse representations have been received) and the applicant should provide, at that time, supporting evidence that all short term let activity is carried on for the sole benefit of the applicant.

The meeting ended at 5.10pm.
