
Report To:	General Purposes Board	Date:	11 May 2016
Report By:	Head of Legal and Property Services	Report No:	LP/064/16
Contact Officer:	Lindsay Carrick Legal Services	Contact No:	01475 712114
Subject:	Application for licence to carry on the business of skin piercing and tattooing Ms. Stephanie Woods Premises – Bones & Smithereens, 90 Shore Street, Gourock		

1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Board to consider the application for the grant of a licence to carry on the business of skin piercing and tattooing submitted by Ms. Stephanie Woods on 27 May 2015 for premises known as Bones & Smithereens, 90 Shore Street, Gourock.
- 1.2 The Board may wish to note that the Regulations requiring a person to be licensed to carry on the business of skin piercing and/or tattooing allow the Council as licensing authority a period of 12 months before coming to a final decision on an application for licence. Therefore a decision requires to be made no later than 27 May 2016.

2.0 SUMMARY

- 2.1 The Councils Regeneration and Planning Service, Development Management Section confirmed that no planning permission exists for the use of premises at 90 Shore Street, Gourock for skin piercing and/or tattooing. The section requested that a licence is not granted in the absence of planning permission being in place. Despite correspondence from the Licensing Staff being sent to the applicant on several occasions highlighting this matter no planning application has been made.
- 2.2 Ms. Woods discussed the matter with Licensing Staff prior to Christmas 2015 and advised that the necessary paperwork would be lodged early in the New Year.
- 2.3 The Board may wish to note that the planning application fee as set by the Scottish Government is £401.00.
- 2.4 Building Standards Officers have visited the applicant at the premises on two occasions explaining that she needs to apply for a building warrant and what is needed for compliance. Again, to date no warrant application has been lodged despite letters and emails being sent to the applicant.
- 2.5 The applicant was given the opportunity in terms of the Act to make representations in writing to the objections but as yet no letter of response has been received.
- 2.6 The applicant has also been advised that she may be present or represented at this meeting to be heard should the Board decide to hear her.

3.0 RECOMMENDATIONS

- 3.1 The Board are asked to decide whether or not they wish to hear the applicant in support of her application.
- 3.2 The Board are asked to determine the application in light of the comments received by Regeneration & Planning Services and to determine whether Ms Woods' application for a licence to carry on the business of skin piercing and tattooing should be granted.

Lindsay Carrick
Legal Services

4.0 BACKGROUND

- 4.1 An application for the grant of a licence to carry on the business of skin piercing and tattooing has been made by Ms. Stephanie Woods for premises known as Bones & Smithereens, 90 Shore Street, Gourrock. This is Ms. Woods' first application for a skin piercing and tattooing licence.
- 4.2 The applicant proposes to open for the purposes of skin piercing and tattooing between the hours of 10am and 6pm Tuesdays to Saturdays.
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5.0 IMPLICATIONS

Finance

- 5.1 There are no financial implications

Legal

- 5.2 The Board will note that the provisions in the act regarding the refusal of an application stipulate that a Licensing Authority shall refuse an application, where, in their opinion certain grounds apply including:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management is either
 - (i) for the time being disqualified under section 7(6) of this Act, or
 - (ii) not a fit and proper person to be the holder of the licence;
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (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 the 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; and otherwise grant the application.

- 5.3 Ms Woods has recourse to the Sheriff Court in the event she wishes to appeal any decision of the Board.

Human Resources

- 5.4 There are no Human Resources implications.

Equalities

- 5.5 There are no equalities implications.

Repopulation

5.6 There are no repopulation implications.

6.0 CONSULTATIONS

6.1 Consultations have been undertaken with Police Scotland, Scottish Fire & Rescue Services, Safer & Inclusive Communities & Regeneration & Planning Services.

6.2 The applicant advertised the making of her application by a notice displayed at her premises.

7.0 LIST OF BACKGROUND PAPERS

7.1 None