



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Licensing Committee

A meeting of the **Licensing Committee** of North Ayrshire Council will be held remotely on **Wednesday, 18 November 2020** at **10:00** to consider the undernoted business.

### **Arrangements in Terms of COVID-19 - Licensing (partially excluded)**

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. As the business under consideration at the meeting is likely to necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the meeting will not be live streamed/recorded for access by the public.

#### **1 Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

#### **2 Minutes**

The accuracy of the Minutes of the Meeting held on 4 March 2020 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### **3 Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters**

Submit report by the Head of Democratic Services on hearings to be determined and applications for grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

#### **4 Urgent Items**

Any other items which the Chair considers to be urgent.

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## **Licensing Committee Sederunt**

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Ronnie McNicol (Chair)  
Todd Ferguson (Vice Chair)  
Robert Barr  
John Easdale  
Scott Gallacher  
Jean McClung  
Davina McTiernan  
Donald L. Reid  
Angela Stephen  
Vacancy

Chair:

Apologies:

Attending:

**IRVINE**, 4 March 2020 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Todd Ferguson, John Easdale, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

**In Attendance**

D. Robertson, Civic Licensing Standards Officer, W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector Alison Wilson, Sergeant Scott Barrie and Dawn Hastings (Police Scotland).

**Chair**

Councillor Ferguson in the Chair.

**Apologies**

Ronnie McNicol, Robert Barr and Scott Gallagher.

**1. Chair Remarks**

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of two matters raised under Appendix B (Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters) immediately after case 4 Private Hire Car Operator's Licence: PHCL/371 (New): Craig Dobbin and Stephen Dobbin, to allow Police Scotland to hear the information held by the Committee.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Todd Ferguson declared an interest in Agenda Item 5.4: Private Hire Car Licence: PHCL/371 (New): Craig and Stephen Dobbin in that the applicants are known to him, and took no part in the discussion thereon.

**3. Minutes**

The Minutes of the Ordinary Meeting held on 5 February 2020 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information

as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

## **5. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

### **Appendix A: Hearings**

#### **5.1 Late Hours Catering Licence: LHCL/125 (New): Qaisar Raza**

The Committee at its meeting held on 5 February 2020 agreed, on the basis of information presented, to (a) grant a Temporary Late Hours Catering Licence in terms of Paragraph 7 of Schedule 1 of the Civic Government (Scotland) Act 1982 for the period from Wednesday 5 February 2020 until the next Committee meeting on Wednesday 4 March 2020; and (b) proceed to a Hearing.

The licence-holder, having been duly cited to attend, was not present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence-holder.

### **Decision**

The Committee agreed to continue consideration of this item to a future meeting.

#### **5.2 Taxi Driver's Licence: TDL/02228 (New): David J Brown**

The Committee at its meeting held on 5 February 2020 agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor Easdale, seconded by Councillor Reid, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment the motion was declared carried.

### **5.3 Taxi Driver's Licence: TDL/02230: Peter D Ritchie**

The applicant, having been duly cited to attend, was present and accompanied by his Solicitor, Mr. McLaughlin. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out their objection in respect of the application. Thereafter the applicant and his Solicitor addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Reid, seconded by Councillor McTiernan, moved that the Committee refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant is not a fit and proper person to be the holder of a licence. There being no amendment the motion was declared carried.

The Chair then advised the applicant of his right to re-apply after a period of one year in terms of Paragraph 6 of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.4 Private Hire Car Operator's Licence: PHCL/371 (New): Craig Dobbin and Stephen Dobbin**

The Committee at its meeting held on 23 October 2019 agreed to delegate authority to the Solicitor (Licensing) to grant the application, subject to the vehicle being tested, and also in terms of the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants', having been duly cited to attend, were not present or represented.

The Solicitor (Licensing) set out the background to the hearing as previously intimated in writing to the applicants and advised that the vehicle test was scheduled for 9 March 2020.

## **Decision**

The Committee agreed to continue consideration of this item to a future meeting.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **5.5 TDL/02199 (New): Abdul Masood**

The Committee agreed, on the basis of information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.6 TDL/02201 (New): Iqbal Naveed**

The Committee agreed, on the basis of information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Police Scotland left the meeting at this point.

### **5.7 SPTL/039 (Renewal): Susan Marshall**

The Committee agreed to continue consideration of this item to a future meeting.

### **5.8 TDL/02229 (New): James Murray**

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.9 TDL/02233 (New): Ian Davidson**

The Committee unanimously agreed that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of 1 year.

## **Appendix C: Preliminary Consideration of possible Revocation or Suspension**

### **5.10 TDL/01756: Alan McKie**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

### **5.11 TDL/01780: John Swindle**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

## **5.12 TDL/00388: Douglas McGregor**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

## **6. Urgent Items**

The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.

### **6.1 Taxi Driver's Licence: TDL/000428: Robert Frew**

The Solicitor (Licensing) set out the background to a request for an exception to the Dress Code Policy.

#### **Decision**

The Committee unanimously agreed (a) to grant the request for an exception to the Dress Code Policy; and (b) to note that the matter would be reviewed at the time of renewal of the licence in 2022.

The meeting ended at 11.10 a.m.





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## NORTH AYRSHIRE COUNCIL

18 November 2020

### Licensing Committee

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**Title:** Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters

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**Purpose:** To advise the Committee of:  
a) Hearings to be determined;  
b) Applications for the grant or renewal of licences and permits under the Civic Government (Scotland) Act 1982 and other statutes within the Committee's remit;

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**Recommendation:** 1) That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which any of the matters in this Report are to be considered;  
2) That the Committee consider and determine the matters before them.

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## 1. Executive Summary

1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

## 2. Background

2.1 The Committee's business under the 1982 Act is as follows:

Appendix A - Licences and Permits where Hearings have been convened  
Appendix B - Applications for the grant or renewal of Licences and Permits

### Exempt Information

2.2. The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The information is covered by one or more of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 3: "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."

Paragraph 6: "Information relating to the financial or business affairs of any particular person (other than the authority)."

Paragraph 14: "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."

Paragraph 15: "The identity of a Protected Informant" - where "ProtecteInformant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.

2.3. The details of the cases in the Appendices, with any relevant documents (such as letters from the Police or objectors) are in the background papers given to Committee Members and will be sent to the respective Applicants or Licence-Holders before the Meeting. The Schedules are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information".

2.4. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

2.5. For example:

Paragraph 3 could apply in relation to information or advice requested by a member of the public.

Paragraph 6 could apply to a business activity (such as where an Applicant wants a Licence for business or employment).

Paragraphs 14 or 15 could apply where it was alleged that there was criminal conduct or anti-social behaviour committed by or against a Licence-Holder or Applicant for a Licence, or where the Committee was told that any person had committed a criminal offence (whether or not there had been concluded Court proceedings).

2.6. Accordingly, if a Resolution is made:

- (a) the publicly-accessible Minutes will exclude so much of the proceedings during which the public were excluded (Section 50C);
- (b) the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

### **3. Proposals**

3.1 It is proposed that the Committee consider and determine each of the listed cases in accordance with the required procedure.

## **4. Implications/Socio-economic Duty**

### **Financial**

4.1 There are possible financial implications in relation to any Licensing decision.

### **Human Resources**

4.2 None.

### **Legal**

4.3 There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.

### **Equality/Socio-economic**

4.4 Equality Act 2010 imposes duties on the Council:

Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council  
"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

Section 149(1) ("Public sector equality duty"): the Council

"must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act];
- (b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it;
- (c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it."

The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Clerk has considered these Duties in preparing this Report and any specific impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant impacts to be considered

### **Environmental and Sustainability**

4.5 None

### **Key Priorities**

4.6 An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders, the safety of vehicles, and the suitability of premises, helps progress

towards one of the Priority Outcomes of the North Ayrshire Council Plan 2019-2024:  
"North Ayrshire's residents and communities are safe."

### **Community Wealth Building**

4.7 There are no Community Wealth Building issues.

## **5. Consultation**

5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates.

Andrew Fraser  
Head of Democratic Services

For further information please contact **William O'Brien, Solicitor (Licensing)**, on  
**[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)**.

### **Background Papers**

None

### Hearings (Appendix A)

<b>Case 1</b>	<b>Metal Dealer's Licence</b>	<b>MDL/066 (New)</b>
<b>Applicant</b>	James <b>Downey</b>	
<b>Case 2</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01775 (New)</b>
<b>Applicant</b>	Aso <b>Jamal</b>	
<b>Case 3</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02245 (New)</b>
<b>Applicant</b>	Kyle <b>McLaughlin</b>	
<b>Case 4</b>	<b>Window Cleaner's Licence</b>	<b>WCL/098 (New)</b>
<b>Applicant</b>	Gerard <b>McArthur</b>	

### Applications for Licences/Renewal of Licences (Appendix B)

Type of Licence/Reference Number	Details of Applicant
<b>LHCL/125 (New Premises)</b>	<b>Qaisar Raza</b> BBQ Hut 7 Bridge Street Kilbirnie
<b>PHCL/374 (New)</b>	<b>Gerard Goodfellow</b>
<b>TDL/02258 (New)</b>	<b>James West</b>

Note

LHCL – Late Hours Catering Licence

PHCL – Private Hire Car Licence

TDL –Taxi Driver Licence