



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Licensing Committee

A Special Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Irvine and Kilwinning Committee Room, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 10 April 2019** at **10:00** to consider the undernoted business.

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may 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.

- 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      Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**  
Submit report by the Head of Democratic Services on a hearing to be determined in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).
- 3      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:

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**NORTH AYRSHIRE COUNCIL**

**10 April 2019**

**Licensing Committee**

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**Title:** **Civic Government (Scotland) Act 1982: Licensing Matter**

**Purpose:** To advise the Committee of Hearings to be determined under the Civic Government (Scotland) Act 1982

**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 described in the Schedule(s) to this Report.

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 "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.

2.3. The Schedule(s), with any relevant documents are in the background papers given to Committee Members and will be sent to the respective Licence-Holder(s) 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 any business activity or employment of a Licence-Holder or a third-party.

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 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

<b>Financial:</b>	There are possible financial implications in relation to any Licensing decision.
<b>Human Resources:</b>	None
<b>Legal:</b>	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
<b>Equality:</b>	The Clerk has considered the “Public Sector Equality Duty” in preparing the Appendices and any specific equalities impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant equalities impacts to be considered.
<b>Children and Young People:</b>	Any possible implications will be described in the Schedule(s) for each of the case(s).
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active").
<b>Community Benefits:</b>	Not applicable, as the Report does not relate to tendering or procurement exercises.

#### 5. Consultation

- 5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates, and will be described in the Schedule(s) for each of the case(s).

**Andrew Fraser**  
**Head of Democratic Services**

For further information please contact William O'Brien, Solicitor (Licensing) on 01294 324305

#### **Background Papers**

None (Schedule(s) are not for publication)