

Licensing Committee
Monday, 19 February 2018

Present

Ronnie McNicol, Robert Barr, John Easdale, Todd Ferguson, Scott Gallacher, Jean McClung, Donald L. Reid and Angela Stephen.

In Attendance

W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Davina McTiernan.

1 Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gallagher, as an acquaintance of the applicant, declared an interest in Hearing 2 (Gavazzeni) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

2 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 the following item of business 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 Act 1973. The 'Exempt Information' concerned is that described in Section 7A, 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 a crime") and 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).

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

Submitted report by the Chief Executive on an application for the grant of a licence in terms of the Civic Government (Scotland) Act 1982.

3.1 Taxi Driver's Licence: TDL/01876 (Renewal) – Alessandro Sirio Gavazzeni

The Committee, at its meeting held on 10 January 2018, 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 the meeting of the Committee held on 7 February 2018, was not present or represented. A written submission provided by him was, however, was circulated at the meeting. The Committee unanimously agreed to continue consideration of the application to a Special Meeting on 19 February 2018.

The applicant, having been duly cited to attend, was not present and or represented.

The Committee had regard to a letter from Police Scotland setting out a representation in respect of the application, and to the written submission by the applicant which was circulated at the last meeting.

Decision

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

The Meeting ended at 12.50 p.m.

Licensing Committee
Wednesday, 07 March 2018

Present

Ronnie McNicol, Robert Barr, John Easdale, Todd Ferguson, Scott Gallacher, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

In Attendance

C. Boyd, Team Manager (Food /Health & Safety)(Environmental Health)(Economy and Communities); and A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Sergeant D. Dougan and Sergeant E. Blackwood (Police Scotland).

Chair

Councillor McNicol in the Chair.

1 Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2 Minutes

The accuracy of the Minutes of the meeting of the Committee held on 7 February 2018 and the Special Meeting held on 19 February 2018 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 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 the following items of business 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 Act 1973. The 'Exempt Information' concerned is that described in Section 7A, 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 a crime") and 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).

4 Civic Government (Scotland) Act 1982 and other Licensing statues:

Licensing Matters

Submitted report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, in terms of the Civic Government (Scotland) Act 1982.

PART A: Hearings

4.1 Skin Piercing Licence: SPTL/042 (New) – Reid & Reid (Hairdressing) Limited

The Committee, at its meeting held on 10 January 2018, 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. At its meeting on 7 February 2018, the Committee agreed to continue consideration of the application to the next meeting.

The applicant, having been duly cited to attend, was not present or represented. However, reference was made to a written submission by the applicant.

The Solicitor (Licensing) addressed the Committee on the background to the hearing. The Team Manager (Food /Health & Safety) also addressed the Committee on outstanding issues following a recent inspection. Members asked questions of the officers and received clarification on the points raised.

Decision

Councillor Ferguson, seconded by Councillor McNicol moved that the Committee (a) continue consideration of the application to the next meeting and (b) note that, in the event of the outstanding issues in respect of the application being resolved in the meantime, the application would be determined by officers under delegated powers. There being no amendment, the motion was declared carried.

4.2 Taxi Driver's Licence: TDL/00064 – Samuel Dean

The licence holder, having been duly cited to attend, was present and accompanied by a friend.

The Solicitor (Licensing) set out the background to the Ordinary Suspension Hearing, as previously intimated in writing to the licence holder. The representatives of Police Scotland then addressed the Committee on a letter setting out a request for an Ordinary Suspension in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. Thereafter, the

applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Easdale, moved that the Committee continue consideration of the matter to a future meeting, pending the outcome of legal proceedings against the licence holder. There being no amendment, the motion was declared carried.

4.3 Taxi Driver's Licence: TDL/01253 (New) – Scott Seymour

The applicant, having been duly cited to attend, was not present, but was represented by his parents. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant's representative then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor McClung, seconded by Councillor McTiernan, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of three years. There being no amendment, the motion was declared carried.

4.4 Taxi Driver's Licence: TDL/01935 (New) - Andrew Watt

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

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Donald L. Reid, seconded by Councillor Barr, moved that the application be

granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of three years. There being no amendment, the motion was declared carried.

4.5 Taxi Driver's Licence: TDL/02076 (New) - Shaun Blakely

The Committee, at its meeting held on 7 February 2018, 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 of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Ferguson, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

The representatives of Police Scotland left the meeting at this point.

4.6 Taxi Driver's Licence: TDL/02080 (New) - Khalid Mahmood

The Committee, at its meeting held on 7 February 2018, 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.

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor McTiernan, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

Councillor Easdale left the meeting at this point.

4.7 Late Hours Catering Licence: LHCL/127 (New) - Pizza Cake (Stevenston) Limited

The Committee, at its meeting held on 7 February 2018, 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 company, having been duly cited to attend, represented by an office-bearer.

The applicant addressed the Committee on the issues raised and responded to questions.

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McTiernan, seconded by Councillor Ferguson, moved that the application on behalf of Pizza Cake (Stevenston) Limited be granted for the period from 11.00 p.m. until 1.00 a.m., Monday – Friday, subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982. There being no amendment, the motion was declared carried.

The Committee then adjourned for a short comfort break at 11.20 a.m. reconvening at 11.30 a.m. with the same Elected Members and Officers present and in attendance.

Thereafter, the Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of Appendix C to the report at this point.

PART C: Issues in respect of existing Licences and Permits

4.8 Booking Office Licence: BOL/018 - Elaine Connor

The Senior Manager, Legal Services, addressed the Committee on the background to a letter of complaint received in respect of the operation of the Booking Office Licence.

Councillor Ferguson, seconded by Councillor McTiernan, moved that, on the basis of the information presented, the Committee proceed to a Hearing under Paragraphs 11(7) and 10(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

Part A: Hearings

4.9 Temporary Public Entertainment Licence: PEL/526 (Temp) - Wesley Smith

The applicant, having been duly cited to attend, was present. The applicant has applied for a temporary Public Entertainment Licence for the whole of the car park at “The Braes”, Saltcoats, for the period from 29 March 2018 to 2 April 2018:-

Thursday 29 March: 6.00 p.m. – 9.00 p.m.

Friday 30 March: 1.00 p.m. – 9.00 p.m.

Saturday 31 March 1.00 p.m. - 9.00 p.m.

Sunday 1 April 1.00 p.m. – 9.00 p.m.

Monday 2 April 1.00 p.m. – 9.00 p.m.

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application for a temporary Public Entertainment Licence be granted, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, with the licence differing from the applicant's proposal as follows:-

(a) hours:

Thursday 29 March: 6.00 p.m. - 9.00 p.m.

Friday 30 March: 1.00 p.m. – 9.00 p.m.

Saturday 31 March: 1.00 p.m. – 9.00 p.m.

Sunday 1 April: 1.00 p.m. – 9.00 p.m.

Monday 2 April: 1.00 p.m. – 6.00 p.m.

and (b) location: the licence would only grant permission to use the part of the car park to the east of the access road from "The Braes", instead of the whole car park.

There being no amendment, the motion was declared carried.

4.10 Skin Piercing and Tattoo Licence: SPTL/026 (Renewal) - Kirsty Mackison

The Committee, at its meeting held on 7 February 2018, 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 Solicitor (Licensing) advised the Committee that the matters which were to have been the subject of a hearing had been resolved and the licence granted under delegated powers.

Decision

Noted.

4.11 Taxi Driver's Licence: TDL/02000 (Renewal) - Bernard Brannigan

The Committee, at its meeting held on 7 February 2018, 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 not present or represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

Decision

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

4.12 Taxi Driver's Licence TDL/02078 (New) - Brahim Sensri

The Committee, at its meeting held on 7 February 2018, 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.

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Donald L. Reid, seconded by Councillor McClung, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.13 Taxi Licence: TL/420 (New) - Andrew Brannan

The applicant, having been duly cited to attend, was present and accompanied by his partner.

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Ferguson, seconded by Councillor Donald L Reid, moved that the Committee (a) should treat the particular application as an exception to the Council's Taxi Numbers Limitation Policy under Section 10(3) of the Civic Government (Scotland) Act 1982; and (b) that authority should be delegated to the Solicitor (Licensing) to grant and issue the Licence if and when satisfied under Section 10(2) as to the safety, suitability and insurance of the proposed vehicle.

4.14 Temporary Public Entertainment Licence: PEL/527 (Temp) - William Newsome

The applicant, having been duly cited to attend, was present. The applicant had applied for a temporary Public Entertainment Licence for Central Avenue Park, Ardrossan for the period Wednesday 14 March to Sunday 18 March 2018:

Wednesday 6.00 pm - 9.00 pm

Thursday 6.00 pm - 9.00 pm

Friday 6.00 pm - 9.00 pm

Saturday 1.00 - 9.00 pm

Sunday 1.00 - 6.00 pm

The applicant, having been duly cited to attend, was present.

The applicant addressed the Committee on the issues raised and responded to questions.

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McClung, seconded by Councillor McNicol moved that the application for a temporary Public Entertainment Licence be refused on the grounds stated in Paragraph 5(3)(c)(i), (iv) and (v) of Schedule 1 of the Civic Government (Scotland) Act 1982.

As an amendment, Councillor Donald L. Reid, seconded by Councillor Ferguson, moved that the application be granted for the period and location requested, subject to (a) the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, and (b) the entrance being relocated to the northern part of the site, to the satisfaction of officers.

On a division, there voted for the amendment 5 and for the motion 3, and the amendment was declared carried.

Accordingly, the Committee agreed to grant the application for a temporary Public Entertainment Licence for the period and location required, subject to (a) the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 and (b) the entrance being relocated to the northern part of the site, to the satisfaction of officers.

PART B: Applications for Grant/Renewal of Licences

4.15 Skin Piercing and Tattooing Licence (Amendment) - Andrew Melvin

The Committee unanimously agreed, on the basis of the information presented, (a) to proceed to a Hearing in terms of Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 and (b) to proceed to a Hearing under Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

4.16 Taxi Driver's Licence: TDL/00190 (Renewal) - Raymond Potts

The Committee unanimously 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.

4.17 Taxi Driver's Licence: TDL/01121 (New) – Paul Forbes

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.18 Taxi Driver's Licence: TDL/02086 (New) – Fazal Hussain

The Committee unanimously 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.

4.19 Taxi Operator's Licence: TL/050 (Renewal) - Kevin Blades

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

5 Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 8

Submitted report by the Chief Executive on the circumstances relating to applications for Landlord Registration under the 2004 Act:-

5.1 J.C.

The Committee, at its meeting held on 7 February 2018, agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

The applicant, having been duly cited to attend, was present and accompanied by his solicitor.

The applicant's solicitor addressed the Committee on the issues raised and answered questions.

The applicant withdrew from the meeting to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Donald L. Reid, seconded by Councillor Stephen, moved that the Committee refuse the application on the grounds that the applicant is not a "fit and proper" person to be entered on the Landlords' Register. There being no amendment, the motion was declared carried.

5.2 G.L.

The Committee, at its meeting held on 7 February 2018, agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

The applicant, having been duly cited to attend, was not present or represented. However, reference was made to a written submission by the applicant.

The Solicitor (Licensing) addressed the Committee on the background to the hearing.

Decision

The Committee unanimously agreed to continue consideration of the application to the next meeting to allow the applicant a further opportunity to attend a hearing.

5.3 S.C.

The applicant, having been duly cited to attend, was not present or represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Solicitor (Licensing) addressed the Committee on the background to the hearing.

Decision

Councillor Barr, seconded by Councillor McClung, moved that the Committee refuse the application on the grounds that the applicant is not a “fit and proper” person to be entered on the Landlords’ Register. There being no amendment, the motion was declared carried.

The Meeting ended at 1.50 p.m.