

Licensing Committee
9 December 2020

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

Present

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

In Attendance

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 and Sergeant Scott Barrie (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Scott Gallagher and Angela Stephen.

1. Chair Remarks

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business with regard to Agenda Item 3, to allow consideration of TL/406: Russell Drummond prior Taxi Driver's Licence: TDL/00144: Sarah Connolly, as there was a delay in Ms. Connolly joining the meeting.

2. 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.

3. Minutes

The Minutes of (i) the Ordinary Meeting held on 18 November 2020 and (ii) the Special Meeting held on 25 November 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 Metal Dealer's Licence: MDL/066 (New): James Downey

The Committee at its meeting held on 18 November 2020 agreed to continue this application to the next meeting to allow additional information to be obtained from Durham County Council.

Councillor Easdale joined the meeting at this point.

The applicant, having been duly cited to attend, joined the meeting at this point.

The Solicitor (Licensing) set out for the Committee the additional information received from Durham County Council.

Councillor McClung, seconded by Councillor Ferguson, moved that the Committee grant the application for a period of 3 years, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

The applicant left the meeting at this point.

Appendix B: Applications for Licences/Renewal of Licences

5.2 TL/406: Russell Drummond

The Committee unanimously agreed to grant the application as an exemption to the Council's Vehicle Specification Policy.

Appendix A: Hearings

5.3 Taxi Driver's Licence: TDL/00144: Sarah Connolly

The Solicitor (Licensing) advised the Committee of a request from Police Scotland for the revocation/suspension of the licence in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited to attend, joined the meeting at this point accompanied by her partner Mr. Colin McGregor.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence-holder. The representatives from Police Scotland then addressed the Committee in respect of the revocation/suspension.

Thereafter the licence-holder addressed the Committee on the issues raised and responded to questions.

The licence-holder, her partner and representatives from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter the licence-holder and her partner re-joined the meeting, with the same Members and Officers present and in attendance, with the exception of Police Scotland, to hear the Committee's decision.

Decision

Councillors McNicol and Barr left the meeting briefly due to a connection issue and rejoined prior to the decision.

Councillor Ferguson, seconded by Councillor Reid, moved that the Committee revoke the licence in terms of Paragraph 11(2) of Schedule 1 of the Civic Government (Scotland) Act 1982, with immediate effect. There being no amendment the motion was declared carried.

The licence-holder and her partner left the meeting at this point.

6. Urgent Items: Appendix B

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/00563: John Laverty

Police Scotland rejoined the meeting at this point.

Councillor Ferguson, seconded by Councillor Reid, moved that the Committee should be satisfied that good cause had been shown for the Application for Renewal having been made after the expiry of the Licence, and that accordingly the Licensing Authority should deem the Application for Renewal to be an Application made before the expiry, in terms of Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 8(5A). There being no amendment, the motion was declared carried.

The meeting ended at 11.25 a.m.