

Licensing Committee
28 October 2019

IRVINE, 28 October 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 1.00 p.m.

Present

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

Also Present

Donald Reid

In Attendance

S. McKenzie, Senior Manager, and P. Brennan, Senior Environmental Health Officer (Place); A. Craig, Senior Manager W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant (Licensing) (Legal Services), M. Sugden, Communications Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Inspector David Cameron and Inspector Raymond Kerr (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. 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 Item 3 (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."

3. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters: Public Entertainment Licence: Fairground at Irvine Moor on Friday 1 November 2019

The Committee at its meeting held on 23 October 2019, agreed the application be continued to a Special Meeting where the applicant should provide a full operational plan and Police Scotland provide a risk assessment in order that the concerns of the Committee in relation to the suitability of premises might be addressed.

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

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

The Senior Manager and Senior Environmental Health Officer provided information to the Committee. Police Scotland then addressed the Committee in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

All parties, and Councillor Donald Reid, then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

On resuming, Councillor D L Reid, seconded by Councillor Easdale, moved that the application be refused for the reason stated in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c), which obliges a Licensing Authority to refuse an application to grant a licence if, in their opinion, the premises are not suitable or convenient for the conduct of the activity having regard to a number of considerations.

The considerations which applied were

- the nature and extent of the proposed activity;
- the kind of persons likely to be in the Premises;
- the possibility of undue public nuisance;
- public order; and
- public safety.

There being no amendment the motion was declared carried.

The meeting ended at 2.15 p.m.