

Licensing Committee
4 March 2015

IRVINE, 4 March 2015 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Bruce, Ian Clarkson, Grace McLean, Catherine McMillan and Donald Reid.

In Attendance

J. Wallace, Investigation Officer (Place); and W. O'Brien, Solicitor (Licensing), K. Sharkey, Trainee Solicitor, A. Toal Administrative Assistant and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Also In Attendance

Inspector Skimming and Sgt. McIntosh (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Tom Marshall and John Easdale.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of Agenda Item 7 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) to take place immediately after consideration of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) (Part A: Hearings).

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

3. Minutes

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 21 January 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Civic Government (Scotland) Act 1982: Licensing Matters

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

Part A: Hearings

4.1 House in Multiple Occupation HMO/016 - Melissa Brown

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

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

After discussion, Councillor Barr, seconded by Councillor Bruce, moved to continue consideration of this matter to the next meeting, to allow officers to submit information establishing whether the applicant is registered as a landlord for all other properties rented out by her.

As an amendment, Councillor McMillan, seconded by Councillor Reid, moved that the application be granted for a period of 2 years.

On a division, there voted for the amendment 2 and for the motion 5 and the motion was declared carried.

Decision

Accordingly, the Committee agreed to continue consideration of this matter to the next meeting, to allow officers to submit information establishing whether the applicant is registered as a landlord for all other properties rented out by her.

4.2 Taxi Driver's Licence TDL/01889 : David Clarkson

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

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the applicant. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The Solicitor (Licensing) advised that the licence had, in fact, expired and there was no requirement, therefore, for the suspension hearing to proceed further.

Decision

The Committee agreed to note that the licence had expired and there was no requirement, therefore, for the suspension hearing to proceed further.

5. Exclusion of the Public

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the Agenda Item 7 only (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8 on the grounds indicated in terms of Paragraph 14 and 15 of Part 1 of Schedule 7A of the Act.

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

Submitted report by the Chief Executive which provided information on matters raised in respect of two jointly registered Registered Landlords.

There were circulated at the meeting schedules containing information pertaining to one of the 14 properties registered which suggested that there may be a basis for the Committee to conclude that the Landlords are not 'fit and proper' in terms of landlord registration.

The complainant and her husband, the Registered Landlords and the Investigation Officer (Anti Social Behaviour Investigation Team) were in attendance.

The complainant addressed the Committee in respect of her complaint and responded to questions. The Registered Landlords then addressed the Committee and responded to questions. Thereafter, the Investigation Officer addressed the Committee on the issues raised and responded to questions.

The complainant, the Registered Landlords and the Investigation Officer (Anti Social Behaviour Investigation Team) then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

The Committee then deliberated in private for a period of five minutes. The Committee then rescinded the Resolution earlier made under Section 50A(4). All parties rejoined the meeting.

The Committee requested, and received, confirmation that the Registered Landlords have recently purchased a 15th property, for which registration has not yet been sought.

Decision

The Committee agreed to (a) continue consideration of this matter to the next meeting; and (b) give further considerations to the questions (i) of whether or not the Registered Persons should be removed from the Register of Landlords and (ii) issuing a Notice Section 94 (commonly known as a 'Rent Penalty Notice') in respect of each property occupied by Tenants of the landlords (or, where appropriate, delegating authority to the Clerk to issue such a Notice).

7. Civic Government (Scotland) Act 1982: Licensing Matters

Part B: Applications for Licences and Renewal of Licences

7.1 MOL/058 Continental Market Ltd : Dockhead Street, Saltcoats

The Committee agreed, on the basis of the information presented, to (a) proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) receive comments on the application from Police Scotland, Environmental Health, Building Standards and Roads.

7.2 MOL/057 Continental Market Ltd : Brodick, Isle of Arran

The Committee agreed, on the basis of the information presented, to (a) proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) receive comments on the application from Police Scotland, Environmental Health, Building Standards and Roads.

7.3 MOL/059 Continental Market Ltd : Bridgegate, Irvine

The Committee agreed, on the basis of the information presented, to (a) proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) receive comments on the application from Police Scotland, Environmental Health, Building Standards and Roads.

7.4 Taxi Driver's Licence TDL/01785 : Alan Boyle

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

8. Civic Government (Scotland) Act 1982: Taxi Stance at Invercloy, Isle of Arran

Submitted report by the Chief Executive on the background and legal powers in connection with the possible revocation of the appointment of the Taxi Stance near the putting green at Invercloy, Isle of Arran.

The Committee agreed to (a) support the proposal to revoke the appointment of the Taxi Stance near the putting green at Invercloy, Isle of Arran; and (b) instruct the Solicitor (Licensing) to commence the statutory procedure for intimating the proposal.

9. Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A)

Submitted report by the Chief Executive on the initial steps in the consultation procedure for the Taxi Fare Review for 2015.

The Committee agreed (a) to approve the proposed timetable for the Review and Fixing process, as set out in the appendix to the report; and (b) that it be remitted to the Solicitor (Licensing) to (i) set a date and time for the Trade Consultation meeting with Taxi Operators; and (ii) advise Members of the Committee of the arrangements, should they wish to attend.

10. Caravan Sites and Control of Development Act 1960

Submitted report by the Chief Executive on a request for the Variation of Conditions of two Site Licences at Crosbie Towers CS, West Kilbride and Seaview CS, Ardrossan Road, Seamill.

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Committee agreed to vary the conditions of the two Site Licences at Crosbie Towers CS, West Kilbride and Seaview CS, Ardrossan Road, Seamill, to allow occupancy for 11 months of the year.

The meeting ended at 1.40 p.m.