

Licensing Committee  
11 January 2023

**IRVINE**, 11 January 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Eleanor Collier, Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Donald L. Reid and Ronnie Stalker.

**In Attendance**

D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service).

**Also in Attendance**

Sergeant S. Syme and D. Hastings (Police Scotland)

**Chair**

Councillor Collier in the Chair.

**Apologies**

Angela Stephen

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on 6 December 2022 were confirmed and 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 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."

#### **4. 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**

#### **4.1 Second Hand Dealer's Licence: SHDL/187 (Renewal): ZEX Yorkshire Ltd**

At a previous meeting on 6 December 2022, the Committee agreed to continue consideration of this application.

The applicants' representatives, having been duly cited to attend, were present. Representatives from Police Scotland were also in attendance.

Representatives from Police Scotland addressed the Committee on the terms of a letter setting out their representation in respect of the application. Thereafter the applicants' representatives addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

The Committee unanimously agreed (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) to request that the applicant provide evidence of staff training and procedures in place setting out statutory requirements.

#### **5. Urgent Item**

The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.

## **5.1 Preliminary Consideration of Complaint Against a Licence-holder**

The Committee heard from the Enforcement Officer regarding a complaint made against a licence-holder.

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

The meeting ended at 12.20 p.m.