

Licensing Committee  
18 November 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 Angela Stephen.

**In Attendance**

A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Admin Officer, A. Toal, Administrative Assistant (Licensing); M. Lindsay, Senior Customer Officer (People & ICT); 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**

Donald L. Reid.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Jean McClung declared an interest in Agenda Item 4.3 Taxi Driver's Licence: TDL/02245: Kyle McLaughlin in that the applicant was known to her. Councillor McClung took no part in the discussion thereon.

**2. Minutes**

The Minutes of the Ordinary Meeting held on 4 March 2020 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 Metal Dealer's Licence: MDL/066 (New): James Downey**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant and advised of an error in the case papers which had been circulated. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

## **Decision**

Councillor Ferguson, seconded by Councillor Barr, moved that the application be continued to the next Licensing Committee meeting on 9 December 2020 to allow additional information to be obtained from Durham County Council. There being no amendment, the motion was declared carried.

The applicant left the meeting at this point.

### **4.2 Taxi Driver's Licence: TDL/01775 (New): Aso Jamal**

The applicant, having been duly cited to attend, was not present or represented. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application.

### **Decision**

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

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned for a 5-minute comfort break at 11.30 a.m. The meeting reconvened at 11.35 a.m. with the same Members and Officers present and in attendance.

#### **4.3 Taxi Driver's Licence: TDL/02245: Kyle McLaughlin**

Councillor McClung left the meeting at this point.

The applicant, having been duly cited to attend, joined the meeting at this point. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

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

The applicant left the meeting and Councillor McClung re-joined at this point.

#### **4.4 Window Cleaner's Licence: WCL/098 (New): Gerard McArthur**

The applicant, having been duly cited to attend, was not present. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application.

## **Decision**

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

Police Scotland representatives left the meeting at this point.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **4.5 LHCL/125 (New): Qaisar Raza**

The Committee unanimously agreed to continue consideration to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **4.6 PHCL/374 (New): Gerard Goodfellow**

Councillor Barr, seconded by Councillor Easdale, moved that the Committee grant the application as an exemption to the Council's Vehicle Specification Policy. There being no amendment, the motion was declared carried.

### **4.7 TDL/02258 (New): James West**

Councillor Barr, seconded by Councillor Easdale, moved that the Committee 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. There being no amendment, the motion was declared carried.

### **4.8 Second Hand Dealer's Licence: Michelle McCormick**

Councillor Ferguson, seconded by Councillor McNicol, moved that the Committee continue consideration to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

## **5. Urgent Items**

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 Application for a Temporary Street Trader Operator's Licence: STLO/515: Ian Rae**

The Solicitor (Licensing) set out the background to a request for a Temporary Street Trader's Licence for a period of 6 weeks.

**Decision**

Councillor McNicol, seconded by Councillor Ferguson, moved that the Committee continue consideration to a Hearing at a Special Meeting of the Licensing Committee to be arranged. There being no amendment, the motion was declared carried.

The meeting ended at 12.40 p.m.

Licensing Committee  
25 November 2020

At a Special 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, 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**

John Easdale and Scott Gallagher.

**1. Chair Remarks**

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of Urgent Item 4.1 Second Hand Dealer's Licence: SHDL/207: Michelle McCormick prior to item 5.1 Street Trader Operator's Licence: STL/O/515 (temp): Ian Rae, as the applicant was already in attendance in the meeting lobby.

**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. 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. Urgent Items**

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

##### **4.1 Second Hand Dealer's Licence: SHDL/207: Michelle McCormick**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

#### **Decision**

Councillor Ferguson, seconded by Councillor Barr, moved that the Committee 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. There being no amendment, the motion was declared carried.

The applicant left the meeting at this point.

#### **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 Street Trader Operator's Licence: STL/O/515 (temp): Ian Rae**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

Councillor Ferguson, seconded by Councillor McTiernan, moved that the Committee 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. There being no amendment the motion was declared carried.

The applicant left the meeting at this point.

The meeting ended at 10.50 a.m.