

Licensing Committee  
25 March 2015

**IRVINE, 25 March 2015** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

C. Forsyth, Team Manager (Transportation) and C. Bateman, Development Officer; C. Reilly, Team Manager (Food/Health and Safety); W. O'Brien, Solicitor (Licensing), G. Kellas, Senior Clerical Assistant, A. Toal, Administrative Assistant and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Inspector Conway and Sergeant McIntosh (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Easdale.

**1. Chair's Remarks**

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow (a) consideration of Agenda Item 3 Civic Government (Scotland) Act 1982: Licensing Matters: Appendix A (Hearings) to take place in the following order, Hearings 2, 3, 4, 1 and 5; and (b) that consideration of Agenda Item 5 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) take place immediately following consideration of Agenda Item 3 Civic Government (Scotland) Act 1982: Licensing Matters: Appendix 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 4 March 2015 was confirmed and the Minutes 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 in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public on the grounds indicated in terms of Paragraph 14 and 15 of Part 1 of Schedule 7A of the Act.

#### **5. 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**

##### **5.1 Market Operator's Licence MOL/057 - Continental Market Ltd**

The applicant, having been duly cited to attend, was not present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Representatives from Police Scotland, Roads and Environmental Health were also in attendance. The representatives from Police Scotland addressed the Committee on the terms of a letter dated 21 January 2015. Representatives from Roads and Environmental Health then addressed the Committee. The Committee had received copies of an email dated 24 March 2015 from the applicant.

##### **Decision**

The Committee unanimously agreed not to grant the application in connection with the proposed site at Brodick, Isle of Arran as the Committee had the opinion that the reason for refusal given in Civic Government (Scotland) Act, Schedule 1, Paragraph 5(3)(c) applied.

##### **5.2 Market Operator's Licence MOL/058 - Continental Market Ltd**

The applicant, having been duly cited to attend, was not present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Representatives from Police Scotland, Roads and Environmental Health were also in attendance. The representatives from Police Scotland addressed the Committee on the terms of a letter dated 21 January 2015. Representatives from Roads and Environmental Health then addressed the Committee. The Committee had received copies of an email dated 24 March 2015 from the applicant.

## **Decision**

The Committee unanimously agreed not to grant the application in connection with the proposed site at Dockhead Street, Saltcoats as the Committee had the opinion that the reason for refusal given in Civic Government (Scotland) Act, Schedule 1, Paragraph 5(3)(c) applied.

### **5.3 Market Operator's Licence MOL/059 - Continental Market Ltd**

The applicant, having been duly cited to attend, was not present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Representatives from Police Scotland, Roads and Environmental Health were also in attendance. The representatives from Police Scotland addressed the Committee on the terms of a letter dated 21 January 2015. Representatives from Roads and Environmental Health then addressed the Committee. The Committee had received copies of an email dated 24 March 2015 from the applicant.

After discussion, Councillor Marshall, seconded by Councillor Clarkson moved that the application in connection with the proposed site at Bridgegate, Irvine be granted for the first 3 markets applied for, each limited to a 5-day duration, but otherwise that the application for the other periods applied for be refused.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be refused.

On a division, there voted for the amendment 3 and for the motion 5 and the motion was declared carried.

## **Decision**

Accordingly, the Committee agreed (a) to grant the application in connection with the proposed site at Bridgegate, Irvine for 3 markets, each limited to a 5-day duration, for the dates 15-19 April, 10-14 June and 15-19 July 2015, from 9am until 7pm in each case, in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) to refuse the application in relation to the other periods applied for as the Committee had the opinion that the reason for refusal given in the Civic Government (Scotland) Act, Schedule 1, Paragraph 5(3)(c) applied.

#### **5.4 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 Chair read out a written submission from the applicant on the issues raised and the applicant responded to questions.

#### **Decision**

The Committee unanimously agreed (a) to grant the application under Section 129(2)(a) of the Housing (Scotland) Act 2006, subject to the Council's standard conditions under Section 133(1); and (b) to specify the duration as 1 year 11 months in terms of Section 134(1)(b).

#### **5.5 Public Entertainment Licence PEL/239 - Kelburn Productions Ltd**

The applicant was represented by Mr. David Boyle, a Director of the Company.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland addressed the Committee on the terms of a letter dated 17 March 2015. The Committee had copies of a representation from a local resident. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

#### **Decision**

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.

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

The Committee considered two cases which had first called at previous meetings.

#### **6.1 Application for Landlord Registration: Hugh Begbie**

The Committee considered (a) an application for Registration under Section 83; and (b) an application under Section 95 for revocation of the Notice issued earlier under Section 94 (commonly described as a 'Rent Penalty Notice').

The applicant and the Development Officer (Housing) were in attendance.

The Development Officer (Housing) provided an update on documentation which had not yet been received. The applicant addressed the Committee on the issues raised and responded to questions.

Councillor Marshall, seconded by Councillor McLean moved that, in the absence of all requested documentation, the applications be continued to the next meeting.

As an amendment, Councillor Reid, seconded by Councillor Clarkson, moved that the applications be continued but that delegated authority be given to the Solicitor (Licensing) to grant the applications on receipt of all the relevant paperwork.

On a division, there voted for the amendment 3 and for the motion 5 and the motion was declared carried.

Accordingly, the Committee agreed to continue consideration of the applications to the next meeting.

## **6.2 Jointly Registered Landlords: Allan Green and Amanda Green**

One of the Registered Landlords, was in attendance and provided an update on the current situation regarding one of the properties currently registered by them and the complaint addressed previously by the Committee.

The Committee agreed to take no further action with regard to this matter.

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

### **Part B: Applications for Licences and Renewal of Licences**

#### **7.1 BOL/015 (New) Kevin Blades**

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **7.2 TDL/01885 (New) Peter Brown**

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **7.3 TDL/01957 (New) Mathew Lamont**

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **7.4 TDL/01959 (New) Robert Motherwell**

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. Internal Audit: Reporting of Licence Enforcement**

Submitted report by the Chief Executive advising the Committee on progress with recommended actions arising from the routine review of the Licensing Section by Internal Audit.

All actions have been completed as detailed in the report with the exception of the updating of the Scheme of Delegation which was in progress.

Internal Audit also recommended that regular reports on compliance inspections be presented to future meetings of the Licensing Committee. The Solicitor (Licensing) advised that the Enforcement Officer had subsequently left the Council and that the job would be advertised and future reports would be presented to the Committee for their information.

There was discussion on the remit of the part-time position of Enforcement Officer within the Council and links to the work of the Licensing Standards Officer appointed under the Licensing (Scotland) Act 2005.

The Committee unanimously agreed (a) that representations be made to the Chief Executive, on behalf of the Licensing Committee, to review the hours of the Enforcement Officer post to take account of the dual role capacity included within the role profile with regard to working with the Licensing Standards Officer; and (b) otherwise to note the report.

## **9. Urgent Items**

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

### **9.1 TL/067, TL/041, TL/074, TL/116, TL/151, TL/050 and TL/043: Kevin Blades**

The Committee agreed, on the basis of the information presented, to proceed to a Suspension Hearing in terms of Paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The meeting ended at 11.50 a.m.