

Licensing Committee  
21 August 2019

**IRVINE**, 21 August 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, Scott Gallacher, Jean McClung, Davina McTiernan and Angela Stephen.

**In Attendance**

W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant (Licensing) (Legal Services) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector Colin Convery and Sergeant David Dougan (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

John Easdale, Todd Ferguson and Donald L. Reid.

**1. Chair Remarks**

The Chair welcomed Inspector Convery to the meeting and wished him well in his new post. On behalf of the Committee, he also expressed best wishes to Councillor Donald L. Reid for his recovery.

**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. Minutes**

The Minutes of the Ordinary Meeting held on 5 June 2019 and the Special Meeting held on 24 June 2019 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Licensing of Sexual Entertainment Venues – Civic Government (Scotland) Act 1982**

Submitted report by the Head of Democratic Services on the results of a public consultation in respect of the Licensing of Sexual Entertainment Venues and inviting the Committee to make a resolution to enable practical arrangements to be put in place with effect from Friday 21 August 2020 for the regulation of sexual entertainment venues as set out in section 3.1 of the report.

The Committee agreed (a) to note the results of the public consultation; and (b) to resolve that from and after Friday 21 August 2020, Schedule 2 of the Civic Government (Scotland) Act 1982 (as modified by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015) is to have effect in the Council area in relation to Sexual Entertainment Venues.

## **5. 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 5.1 – 6.1 (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."

## **6. 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**

#### **6.1 Window Cleaner's Licence: WCL/089 (New): David Clarkson**

The Committee at its meeting held on 5 June 2019 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.

The applicant, having been duly cited, was present. 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 representation in respect of the application.

The applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Gallagher, 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 for a period of three years. There being no amendment, the motion was declared carried.

### **6.2 Taxi Driver's Licence: TDL/00675: William Hamilton**

The Committee at its meeting held on 5 June 2019, agreed, on the basis of information presented, to proceed to a suspension hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited, was present. 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 licence-holder then addressed the Committee on the issues raised and responded to questions.

### **Decision**

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **6.3 Taxi Driver's Licence: TDL/01998: Paul Fleming**

The Solicitor (Licensing) advised the Committee of a request from Police Scotland for a suspension in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited, was not present or represented. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the emergency suspension as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out the representations in respect of the emergency suspension.

## **Decision**

The Committee unanimously agreed that the grounds stated in Paragraph 11 (2) (a) and (c) of Schedule 1 to the Civic Government (Scotland) Act 1982 were established (that the holder of the Licence is no longer a fit and proper person to hold the Licence; and that the carrying on of the activity to which the Licence relates has caused and is likely to cause a threat to public order or public safety), and accordingly

- (a) suspended the Licence,
- (b) ordered that the period of Suspension of a Licence shall be the unexpired portion of the duration of the Licence (under Paragraph 11(11)), and
- (c) considering that the circumstances of the case justified Immediate Suspension, ordered that the Licence shall be Suspended immediately (under Paragraph 11(10)).

Representatives from Police Scotland left the meeting at this point.

### **6.4 Taxi Driver's Licence: TDL/00657 (Renewal): Ronald McCulloch**

The Committee at its meeting held on 5 June 2019, 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.

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.

## **Decision**

The Committee unanimously agreed 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.

### **6.5 Public Charitable Collection: PCC: Homeless Veterans Project**

The applicant, having been duly cited to attend was not present but was represented by Donna Armstrong, a Trustee of the Charity.

The Solicitor (Licensing) set out the background to the application for a Public Charitable Collection permission on 31 August and 7 and 8 September 2019, in Largs.

Members asked questions and received clarification from the Trustee in respect of the areas for the collection being mainly the Square, the vicinity of Costa Coffee and Main Street areas of Largs.

## **Decision**

The Committee unanimously agreed to grant the application for a Public Charitable Collection on 31 August and 7 and 8 September 2019 in Largs in terms of Section 119(5) of the Civic Government (Scotland) Act 1982 subject to the Council's standard conditions.

### **6.6 Public Entertainment Licence PEL/614 (Temp): Martyn Henderson (Kelburn Estate)**

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

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

Police Scotland had indicated they had received the event management plan and had no objection to the event.

## **Decision**

The Committee unanimously agreed 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.

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

### **6.7 PCC (New): Kilwinning Friends of Ayrshire Hospice**

The Committee unanimously agreed to grant the application in terms of Section 119(5) of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

### **6.8 TDL/00792 (Renewal): George Williams**

The Committee unanimously 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.

### **6.9 TDL/002183 (New): David Keggan**

The Committee unanimously 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.

### **6.10 TDL/02179 (New): Phyllis Middleton**

The Committee unanimously 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.

## **Appendix C: Preliminary consideration of Revocation or Suspension complaints (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11)**

### **6.11 TDL/00695: Andrew David Johnston**

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

### **6.12 TDL/01962: Stephen Reid**

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

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

The Committee was advised that there were no Landlord Registration cases to be considered at this time.

The meeting ended at 11.15 a.m.