

Licensing Committee
5 June 2019

IRVINE, 5 June 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, Todd Ferguson, John Easdale, Scott Gallacher, Jean McClung, Donald L. Reid and Angela Stephen.

In Attendance

S. McKenzie, Senior Manager and P. Brennan, Environmental Health Officer (Economy and Communities); W. O'Brien, Solicitor (Licensing), A Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Inspector David Cameron and Sergeant David Dougan (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Davina McTiernan.

1. 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.

2. Minutes

The Minutes of the meeting held on 8 May 2019 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Civic Government (Scotland) Act 1982: Taxi Fare Scales Review

Submitted report by the Head of Democratic Services on the Taxi Fare Scales Review process. A meeting with interested parties was held on 29 March 2019 and the Minute of that meeting was circulated as Appendix A to the report. Appendix B to the report detailed the possible tariff increases previously issued to Elected Members and the attendees at the trade consultation. The Consumer Price Index was outlined in Appendix C to the report and Appendix D detailed the draft taxi fare scales.

The Committee agreed (a) to fix the new scales as detailed in Appendix D to the report; and (b) that the new taxi fare scales become effective from 22 July 2019.

4. 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 Item 5.2 – 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."

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 Taxi Driver's Licence TDL/01754: Derek J Boyd

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

At its meeting on 8 May 2019, the Committee considered a request by Police Scotland and agreed to the suspension of the licence under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982. The Committee further agreed to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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 a letter setting out a representation in respect of the application.

Decision

Councillor Ferguson, seconded by Councillor Barr, moved the Committee (a) to hold that the ground of revocation specified in Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 was established; (b) to revoke the Licence; and (c) to direct under Paragraph 11(10) that the revocation should have immediate effect. There being no amendment, the motion was declared carried.

5.2 Skin Piercing/Tattooing Licence SPTL/053 (New): Gemma Irvine

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 a letter setting out a representation in respect of the application.

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

Decision

Councillor Reid, seconded by Councillor McClung 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.

5.3 Public Entertainment Licence PEL/593 (Temp): Kelburn Arts Ltd

The Committee was advised that an amendment to the Public Entertainment Licence application had been received.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess. The meeting reconvened with the same Members and officers present and in attendance.

The applicant, having been duly cited, was present and accompanied by members of Kelburn Arts Ltd Management Team. Representatives from Police Scotland and Environmental Health were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that an amendment to the application had now been received requesting the numbers permitted to attend the event be increased from 4,999 people to 6,000.

The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application. They considered that the request to increase attendees to 6,000 would require further examination.

Representatives from Environmental Health outlined concerns that the event had grown to such an extent that more formal arrangements and procedures required to be put in place to control noise. They considered that a multi-agency meeting should be arranged to consider areas such as Heras fencing, fire safety, attendance levels, stewarding levels, policing and noise levels.

The applicant and his management team then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Reid, seconded by Councillor McClung moved that the application be continued to a future Special Meeting of the Committee, to allow a multi-agency meeting to be arranged to examine the areas discussed and to report to the Special Meeting on the arrangements that would be put in place for the event. There being no amendment, the motion was declared carried.

Councillor Easdale and Police Scotland representatives left the meeting at this point.

5.4 Public Entertainment Licence PEL/597 (Temp): Peter McNamara

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

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

Decision

The Committee agreed to continue the application to a future Special Meeting to allow the applicant to attend and respond to questions.

5.5 Private Hire Car Operator's Licence PHCL/369 (New): Kelly Scott

The applicant, having been duly cited, was present.

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

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

Decision

Councillor Reid, seconded by Councillor Ferguson moved that the Committee treat the proposed vehicle as an exception to the Committee's Vehicle Specification Policy under Section 10(2) of the Civic Government (Scotland) Act 1982, and that power should be delegated to the Clerk to grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, if satisfied that the proposed vehicle meets the inspection standards under Section 10(2). There being no amendment, the motion was declared carried.

5.6 Street Trader Operator's Licence STL/O/413: Malgorsata Lipinska

The licence holder, having been duly cited, was present and accompanied by a friend.

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

The licence holder 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.

5.7 Street Trader Operator's Licence STL/O/493 (New): Yvonne Lynch

The Committee was advised that the application had been withdrawn.

Appendix B: Applications for Licences/Renewal of Licences

5.8 Private Hire Car Licence PHCL/370 (New) Edward McCallie and Pauline Alexander

The Committee agreed to treat the proposed vehicle as an exception to the Committee's Vehicle Specification Policy under Section 10(2) of the Civic Government (Scotland) Act 1982, and delegated to the Solicitor (Licensing) to grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, if satisfied that the proposed vehicle meets the inspection standards under Section 10(2).

5.9 Taxi Driver Licence TDL/00657 (Renewal): Ronald McCulloch

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.

5.10 Taxi Driver Licence TDL/01539 (Renewal): Gordon McKenzie

The Committee 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.

5.11 Window Cleaner Licence WCL/089 (Renewal): David Clarkson

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)

5.12 Taxi Driver Licence TDL/00675: William Hamilton

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

6.1 C.S.

The Solicitor (Licensing) advised on information received in respect of the applicant, which raised the question of whether or not the applicant was a 'fit and proper' person to be entered on the Register.

The Committee agreed to grant the application for Landlord Registration.

7. 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.

7.1 Overcrowding of Private Rented Property

The Committee discussed the recent reporting in the press of overcrowding of privately rented property in North Ayrshire.

The Committee agreed that the Solicitor (Licensing) investigate further and if appropriate provide a report to a future meeting of the Committee.

The meeting ended at 12.15 p.m.