

Licensing Committee  
5 March 2014

**IRVINE, 5 March 2014** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 am.

**Present**

Ronnie McNicol, John Bruce, Tom Marshall, Robert Barr, Ian Clarkson, Catherine McMillan, Alan Munro, Donald Reid and Robert Steel.

**In Attendance**

S. McKenzie, Senior Manager Building Standards (Development and Environment); W. O'Brien, Solicitor (Licensing), K. Sharkey, Trainee Solicitor, A. Toal, Administrative Assistant, and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Inspector Jones and Sergeant McIntosh (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**1. 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.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 20 November 2013 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Chief Executive on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

**Part A: Hearings**

**3.1 Market Operator's Licence MOL/044 - Continental Market Ltd**

The Committee, at its meeting on 22 January 2014, 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 and accompanied by the Company Director of Continental Market Ltd. 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 dated 26 February 2014 setting out the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant, the Company Director of Continental Market Ltd. and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **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.

### **3.2 Public Entertainment Licence PEL/199 - Michael Stirling**

Michael Stirling has applied for a Public Entertainment Licence for an event on 10-21 March 2014.

The applicant, having been duly cited to attend, was present and accompanied by Mrs Stirling. Representatives from Police Scotland and Building Standards were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representative from Building Standards addressed the Committee in relation to the Building Standards issues in terms of the suitability of the ground for the proposed use as a funfair in relation to vehicular or pedestrian access and public safety. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant advised of a change to the date of the proposed event to 10-27 April 2014 and this was noted.

The applicant, Mrs Stirling and representatives of Police Scotland and Building Standards then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

After discussion, Councillor Barr, seconded by Councillor McMillan moved that the application should be granted subject to (i) agreement with Building Control; and (ii) the removal of the rubbish from the operating site which is generated by the applicant during the event.

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

On a division, there voted for the amendment 4 and for the motion 5 and the motion was declared carried.

Accordingly, 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.

### **3.3 Taxi Driver's Licence TDL/01384 (New) - Andrew Gillespie**

The Committee, at its meeting on 22 January 2014, 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 and accompanied by his legal representative. 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 dated 7 January 2014 setting out the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant, his legal representative and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **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.

### **3.4 Taxi Driver's Licence TDL/01773 (New) - Colin Bennett**

The Committee, at its meeting on 22 January 2014, 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. 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 dated 28 January 2014 setting out the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **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.

### **3.5 Taxi Driver's Licence TDL/00901 - William Simson**

The Committee, at its meeting on 22 January 2014 agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Committee was advised that this Hearing would be considered at its next meeting.

Noted.

### **3.6 Taxi Driver's Licence TDL/01889 (New) - David Clarkson**

The Committee, at its meeting on 22 January 2014, 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. 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 dated 3 February 2014 setting out the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

After discussion, Councillor Barr, seconded by Councillor Steel moved that the application should be refused.

As an amendment, Councillor Reid, seconded by Councillor Munro, moved that the application should be granted.

On a division, there voted for the amendment 7 and for the motion 2 and the amendment was declared carried.

### **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.

### **3.7 Public Charitable Collection - Renalda Ruginiene**

The Committee, at its meeting on 22 January 2014, agreed to continue consideration of an application for permission for a Public Charitable Collection made under Section 119 of the Civic Government (Scotland) Act, 1982 in order to obtain further information from the applicant.

The applicant, having been duly cited to attend, was not in attendance due to ill health. A representative from Appco, together with representatives from Erskine Hospital were in attendance. The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Erskine Hospital and Appco provided additional information in relation to the application hours being outwith agreed Council policy, cold calling and cost donation ratios.

After discussion, Councillor Munro, seconded by Councillor Reid moved that the application should be granted with an extension to the house-to-house collection hours from 9.00 a.m. to 7.30 p.m.

As an amendment, Councillor Clarkson, seconded by Councillor Barr, moved that the application be granted with house-to-house collection hours of 9.00 a.m. to 6.00 p.m., in line with agreed Council policy.

On a division, there voted for the amendment 7 and for the motion 2 and the amendment was declared carried.

### **Decision**

Accordingly, the Committee agreed to grant permission under Section 119(5) of the Civic Government (Scotland) Act 1982 for a house-to-house collection (Monday to Friday) from 9am to 6pm on the 10-14 March 2014, subject to the Council's usual conditions.

Following the announcement of the Committee decision, the Appco representative advised that the application for a house-to-house collection on the 10-14 March 2014 was withdrawn and that the Company would apply again in the future if it was considered that they could carry out fundraising in line with the Council's agreed policy.

#### **4. Chair's Remarks**

The Chair, in terms of Standing Order 9.1, agreed to vary the order of business to allow earlier consideration of Agenda Item 6 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8).

#### **5. Exclusion of the Public**

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the agenda item 6 only (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) on the grounds indicated in terms of Paragraph 14 of Part 1 of Schedule 7A of the Act.

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

Submitted report by the Chief Executive on circumstances relating to 3 applications for landlord registration.

##### **6.1 Application 1**

The applicant was not present but was represented.

The Committee unanimously agreed to grant the application for landlord registration.

##### **6.2 Application 2**

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Committee unanimously agreed to grant the application for landlord registration.

##### **6.3 Application 3**

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Committee unanimously agreed to grant the application for landlord registration.

The Committee thereafter resumed consideration of item 3.

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

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

##### **3.8 LHCL/084 (New) Nasir Gulem**

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.

##### **3.9 MDL/048 (New) (Itinerant) Joseph Quinn**

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.

##### **3.10 PCC (Temporary) Breast Way Round Scotland**

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.

##### **3.11 SPTL/020 (New) Stacey Galbraith**

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.

##### **3.12 TDL/000821 (Renewal) James McDowall**

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.

##### **3.13 TDL/01513 (New) Steven Robb**

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.

##### **3.14 TDL/01649 (New) Paul 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.

##### **3.15 TDL/01819 (Renewal) David Hebenton**

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.

### **3.16 TDL/01893 (New) James Carroll**

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.

### **3.17 TDL/01895 (New) David Konthuruthy**

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.

## **Part C: Issues in Respect of Existing Licences**

### **3.18 TDL/00539 George Dickson**

The Committee unanimously agreed to take no further action in connection with this application.

### **3.19 LHCL/108 Malthurst Petroleum**

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.

## **7. Urgent Items**

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

### **7.1 Public Charitable Collection for Yorkhill Children's Hospital**

The Committee was advised of an application for a Public Charitable Collection for Yorkhill Children's Hospital to be held on 4 April 2014. The street collection day requested is a Friday.

The Committee unanimously agreed to delegate to the Solicitor (Licensing) to grant the application for a Public Charitable Collection for Yorkhill Children's Hospital on the conditions that (a) there were no statutory grounds of refusal; and (b) that the application was in accordance with Council policy.



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

The Solicitor (Licensing) advised of a complaint received against a registered landlord.

The Committee agreed to proceed to a Hearing in connection with this matter.

The meeting ended at 1.20 p.m.