

Licensing Committee  
26 June 2012

**IRVINE, 26 June 2012** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Ronnie McNicol, Tom Marshall, Robert Barr, Ian Clarkson, Ruth Maguire, Alan Munro and Donald Reid.

**In Attendance**

W. O'Brien, Senior Solicitor (Licensing), A. Toal, Administrative Assistant, S. McKenzie, Assistant Building Standards Officer and R. Butler, Building Standards Surveyor (Seaward) (Corporate Services); and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Inspector A. Clark and Sergeant U. Menzies (Strathclyde Police).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Bruce, Alex McLean and Robert Steel.

**1. Declarations of Interest**

**1.1 Declarations of Interest: Advice to Elected Members**

Submitted report by the Chief Executive highlighting the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest.

Standing Order 16 provides that if any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct, and is present at any meeting at which that matter is to be considered, he/she must, as soon as practicable after the meeting starts, disclose that he/she has an interest and importantly, state the nature of this interest. Section 5 of the Code, which was appended to the report, sets out the rules in relation to declarations of interest.

To facilitate such declarations, a heading "Declarations of Interest", routinely appears as the first item on agendas for all meetings of the Council and its Committees. Any Member making a declaration is expected to make a statement which is sufficiently informative as to enable those at the meeting, or anyone reading the Minute, to understand the nature of the interest.

The Committee agreed (a) to note the report; and (b) that Members ensure (i) they are familiar with the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declaring interests and (ii) consider the need to declare financial or non-financial interests in any contract or any other matter as defined by Section 5 of the Councillors' Code of Conduct when attending meetings of the Council and its committees.

## **1.2 Declarations**

In terms of Standing Order 16, (a) Councillor Barr, as an acquaintance of the applicant Elizabeth Conway, declared an interest in Agenda Item 2, Appendix B, TDL/01244 (New) and took no part in the discussion thereon; and (b) Councillor Munro, as a customer of the taxi firm operated by the applicants Robert and Susan Chalmers, declared in interest in Agenda Item 2, Appendix B, TL/119 (Renewal) and took no part in the discussion thereon.

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

Submitted report by the Solicitor to the Council 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.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

## **3. Regulations of Public Processions**

Submitted report by the Solicitor to the Council on a proposed process of public consultation in respect of a review of the Regulation of Public Processions, with a view to revising its Standard Conditions.

The Committee agreed to continue consideration of this item to the next meeting.

## **4. Public Entertainment Licences**

Submitted report by the Solicitor to the Council on a change in the legislation in relation to Public Entertainment Licences and on the procedure for reviewing its Resolution.

Under Section 41 of the Civic Government (Scotland) Act 1982, a "Public Entertainment Licence" (PEL) is required for the use of premises as a "place of public entertainment". A PEL is required for any place (with statutory exceptions) where:

- (a) "on payment of money or money's worth", members of the public can use facilities for entertainment or recreation, if
- (b) those facilities are contained in the Council Resolution.

The payment condition quoted in (a) was removed by the Criminal Justice and Licensing (Scotland) Act 2010, with effect from 1 April 2012. Previously, an event which fell within the Resolution could avoid the need to be licensed if it was either free of charge or if it was 'donation-based', i.e. with the public being invited to make a donation. However, from 1 April 2012, all events within the current North Ayrshire Council Resolution, whether free, donation-based or fee-charging, need a PEL.

In March 2012, prior to the Local Government Elections on 3 May 2012, the Committee approved interim arrangements to operate until the post-election Committee carried out the review procedure. The interim arrangements are that:-

'A place does not require a Public Entertainment Licence if (a) it is either owned or operated by the Council (or both), or (b) all four of the following conditions are satisfied: (i) admission to the place is free of charge, (ii) there is no charge for the use of any facilities for entertainment, (iii) no donations towards the cost of the facilities or the costs of the place (such as rent, heating and lighting) are invited, and (iv) the function is held by a charitable, religious, youth, recreational, community, political or similar organisation.'

The report detailed a possible procedure for taking forward the review of the Resolution.

The Committee agreed (a) to the establishment of a Member/Officer working group, comprising Councillors McNicol, Clarkson, Marshall and Reid, to review the existing Resolution and propose a draft for the Committee's consideration; and (b) thereafter, to consider the draft and amend it as appropriate; (c) that the amended draft be used in the statutory review procedure; and (d) that after consideration of any representations from the public, the Committee adopt an amended Resolution.

The meeting ended at 3.45 p.m.

