

Licensing Committee
Wednesday, 07 February 2018

Present

Ronnie McNicol, Robert Barr, Todd Ferguson, Scott Gallacher, Jean McClung, Davina McTiernan and Donald L. Reid.

In Attendance

A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Inspector C. Convery, Sergeant D. Dougan and Sergeant E. Blackwood (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Easdale and Angela Stephen.

1 Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gallacher, as an acquaintance of the applicant, declared an interest in Hearing 2 (Gavazzeni) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

2 Minutes

The accuracy of the Minutes of the meeting of the Committee held on 10 January 2018 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Councillors McClung and McTiernan joined the meeting at this point. The Chair confirmed that they had no declaration of interest to make.

3 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 the following items of business 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 Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial or business affairs of any particular person (other than the authority)"), Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime") and Paragraph 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).

4 Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters

Submitted report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, in terms of the Civic Government (Scotland) Act 1982.

PART A: Hearings

4.1 Taxi Driver's Licence: TDL/00462 (New) – Matthew Imrie

The Committee, at its meeting held on 10 January 2018, 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 of Police Scotland were also in attendance.

The representatives of Police Scotland 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 Ferguson, seconded by Councillor McClung, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.2 Taxi Driver's Licence: TDL/01876 (Renewal) – Alessandro Sirio Gavazzeni

The Committee, at its meeting held on 10 January 2018, 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 not present or represented. A written submission provided by the applicant was, however, circulated at the meeting. Representatives of Police Scotland were in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application.

Decision

The Committee unanimously agreed to continue consideration of the application to a Special Meeting on 19 February 2018.

4.3 Taxi Driver's Licence: TDL/02074 (New) – John E McDowall

The Committee, at its meeting held on 10 January 2018, 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 not present or represented.

The representatives of Police Scotland addressed the Committee on a letter setting out an objection in respect of the application.

Decision

Councillor Barr, seconded by Councillor Reid, moved that the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence. There being no amendment, the motion was declared carried.

4.4 Skin Piercing and Tattoo Licence: SPTL/042 (New) – Reid & Reid Hairdressers Limited

The Committee, at its meeting held on 10 January 2018, 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 or represented. However, the Committee was advised of the content of a written submission provided by the applicant. Representatives of Police Scotland were in attendance.

The Solicitor (Licensing) addressed the Committee on the background to the hearing as previously intimated in writing to the applicant.

Decision

The Committee unanimously agreed to continue consideration of the application to the next meeting.

PART B: Applications for Grant/Renewal of Licences

4.5 Late Hours Catering Licence: LHCL/127 (New) - Pizza Cake (Stevenston) Ltd

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.

4.6 Skin Piercing and Tattoo Licence: SPTL/026 (Renewal) – Kirsty MacKisson (trading as “Sassy’s”)

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.

4.7 Skin Piercing and Tattoo Licence: SPTL/027 (Renewal) – Kirstie Boyd

The Solicitor (Licensing) advised that outstanding paperwork in respect of the application had now been received.

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.8 Taxi Driver's Licence: TDL/02000 (Renewal) – Bernard Brannigan

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.

4.9 Taxi Driver's Licence: TDL/02076 (New) – Shaun Blakely

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.

4.10 Taxi Licence: TDL/02078 (New) – Brahim Sensri

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.

4.11 Taxi Driver's Licence: TDL/02080 (New) - Khalid Mahmood

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.

The representatives of Police Scotland left the meeting at this point.

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

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

Submitted report by the Chief Executive on the circumstances relating to applications for Landlord Registration under the 2004 Act:-

5.1 G.L.

The Solicitor (Licensing) referred to a written submission by the applicant which was circulated at the meeting and which requested that consideration of the application be continued to the next meeting.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

5.2 M.N., A.N. and M.J.N.

The Solicitor (Licensing) and Licensing Administration Officer addressed the Committee on the background to three separate applications which covered (a) applications by A.N. and M.J.N. for Landlord Registration affecting a property where a Rent Penalty Notice had been made while it was owned by M.N., (b) application for the revocation of that Rent Penalty Notice and (c) application by M.N. for Landlord Registration affecting five other properties.

Two of the applicants (M.N. and A.N.) were in attendance and addressed the Committee on the issues raised and answered questions. M.N. also advised that, following a change in the ownership of the property common to all three applications, he wished to amend his application to delete the reference to that property.

The Committee withdrew from the meeting to deliberate, returning to make its decision.

Decision

Councillor McClung, seconded by Councillor Ferguson, moved (a) that the applications for Landlord Registration made by A.N and M.J.N. be granted; and

(b) that the Rent Penalty Notice made earlier be revoked. There being no amendment, the motion was declared carried.

Thereafter, Councillor Barr, seconded by Councillor McTiernan, moved that the application for Landlord Registration (after amendment to include only the five other properties) made by M.N. be approved. There being no amendment, the motion was declared carried.

5.3 S.C.

The Solicitor (Licensing) referred to a written submission by the applicant's Solicitor which was circulated at the meeting and which requested that consideration of the application be continued to the next meeting.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

6 Urgent Items

The Chair agreed that the Committee consider a verbal report in respect of the undernoted application as a matter of urgency in order to allow the matter to be progressed without delay.

6.1 Taxi Driver's Licence: TDL/675 (Renewal) – William Hamilton

The Solicitor (Licensing) set out matters relating to the background of the application, including a letter from the applicant's doctor in respect of his medical fitness to hold a taxi driver's licence.

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

The Meeting ended at 12.10 p.m.