
NORTH AYRSHIRE COUNCIL

24 June 2019

Licensing Committee

Title:	Civic Government (Scotland) Act 1982 and other Licensing statutes - Matters arising in relation to events.
Purpose:	To advise the Committee of Licence Applications.
Recommendation:	That the Committee consider and determine the matters before it.

1. Executive Summary

- 1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

2. Background

- 2.1 A Special Meeting of the Committee has been arranged to hold Hearings on the following Applications described in the Appendix to this Report. These all relate to events.
- 2.2 The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The information is covered by one or more of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 3: "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."

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 crime."

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.

2.3 For example:

Paragraph 3 could apply in relation to information or advice requested by a member of the public.

Paragraph 6 could apply to any business activity or employment of a Licence-Holder or a third-party.

Paragraphs 14 or 15 could apply where it was alleged that there was criminal conduct or anti-social behaviour committed by or against a Licence-Holder or in or affecting residential property, or where the Committee was told that any person had committed a criminal offence (whether or not there had been concluded Court proceedings).

2.4. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

2.5. Accordingly, if a Resolution is made:

- (a) the publicly-accessible Minutes will exclude so much of the proceedings during which the public were excluded (Section 50C); and
- (b) the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

3. Proposals

3.1 It is proposed that the Committee consider and determine each of the listed cases in accordance with the required procedure.

4. Implications/Socio-economic Duty

Financial:	There are possible financial implications in relation to the refusal of any Application.
Human Resources:	None.

Legal:	There may be legal implications whenever a Licence is granted, refused, revoked or suspended. Depending on the legislation, there may be a right of appeal.
Equality/Socio-economic Duty:	<p>The Equality Act 2010 imposes duties on the Council:</p> <p>Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council</p> <p>"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."</p> <p>Section 149(1) ("Public sector equality duty") the Council</p> <p>"must, in the exercise of its functions, have due regard to the need to—</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act]; (b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it; (c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it." <p>The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.</p> <p>The Clerk has considered these Duties in preparing this Report and any specific impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant impacts to be considered.</p>
Children and Young People:	See "Equality/Socio-economic Duty"
Environmental & Sustainability:	None.

Key Priorities:	An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders, the safety of vehicles, and the suitability of premises, helps progress towards one of the "priority areas" of the "NAC Community Planning Partnership Local Outcomes Improvement Plan 2017 – 2022 (LOIP): "A Safer North Ayrshire".
Community Benefits:	Not applicable, as the Report does not relate to tendering or procurement exercises.

5. Consultation

5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates, and where relevant the objections and representations will be in Members' papers.

Andrew Fraser
Head of Democratic Services

For further information please contact William O'Brien, Solicitor (Licensing), on tel. 01294-324305 .

Background Papers

Appendix attached

Hearings (Appendix A)

Case 1	Public Entertainment Licence	PEL/593 (Temp)
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Applicant	Kelburn Arts Ltd Kelburn Estates Fairlie Largs KA28 0BE
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Premises	Kelburn Estate
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Thursday 4th July – Monday
8th July 2019
Thursday 6.00pm until 1.00am
Friday 9.00am until 3.00am
Saturday 9.00am until 4.00am
Sunday 9.00am until 3.00am

Case 2	Public Entertainment Licence	PEL/585 (Temp)
	Market Operator's Licence	MOL/117 (Temp)

Applicant	Lamlash Events
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Premises	Lamlash Green
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Saturday 27th – Sunday 28th
July 2019
Public Entertainment
Saturday noon until 10.00pm
Sunday noon until 5.00pm

Market Operator's
11.00am until 10.00pm

Case 3	Public Entertainment Licence	PEL/597 (Temp)
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Applicant	Peter McNamara (Sounds on the Sands)
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Premises	South Crescent Ardrossan
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Saturday 3rd August 2019
12.30pm until 10.45pm
