

Licensing Committee
7 September 2016

Irvine, 7 September 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Easdale, Catherine McMillan and Donald Reid.

In Attendance

P. Kelly, Team Manager (Anti Social Behaviour and Community Safety) and E. Anderson, Team Manager (Private Sector Housing) (Place); W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), A. Toal, Administrative Assistant and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming and Sergeant G. Griffiths (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Bruce and Grace McLean.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3 agreed to vary the order of business to allow consideration of the Landlord Registration Application No. 5 as the first item within Agenda Item 4 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8).

2. 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.

3. Minutes

The accuracy of the Minutes of the ordinary meeting of the Committee held on 17 August 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Civic Government (Scotland) Act 1982: Licensing Matters

Part A: Hearings

4.1 Public Entertainment Licence (Temporary) - Kelburn Arts Ltd

The applicant, having been duly cited to attend, was represented by Z. Shaw and A. Boyd.

Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing. The representatives from Police Scotland addressed the Committee on the terms of a letter setting out proposed conditions and a recommendation in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant's representatives addressed the Committee on the issues raised in the Police letter and responded to questions. The representatives accepted the additional conditions suggested by the Police, and the exception that they wanted the time of Police attendance to be changed to 2030 - 0430. The applicant's representatives confirmed that the licensed event would end at 0.400, but they suggested that continuing Police presence would assist dispersal of event goers.

Decision

The Committee unanimously agreed to (a) 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, as modified in accordance with the Police recommendations, accepted by the applicant's representatives, subject to the exception relating to Police attendance times.

4.2 Street Trader Operator's Licence - Cumbrae Kitchen

The applicant, having been duly cited to attend was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing and advised that the premises do not have a Food Safety Certificate as required by Civic Government (Scotland) Act 1982, Section 39(4).

Decision

The Committee unanimously agreed to refuse the application in terms of Section 39(4) of the Civic Government (Scotland) Act 1982.

5. Exclusion of the Public and Press

The Licensing Committee, being of the view that it was likely, in view of the nature of the business to be transacted and the nature of the proceedings at the current meeting that if members of the public were present during consideration of that business there would be disclosure to them of 'Exempt Information', as defined in section 50J of and Schedule 7A, to the Local Government (Scotland) Act 1973, resolved under Section 50A(4) to exclude the public from that meeting and all other such meetings. The 'Exempt Information' concerned is that described in Schedule 7A,

- 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") (a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.)

6. 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:-

6.1 J. McD.

The Registered Person, having been cited to attend, was not present or represented. The Committee were given copies of correspondence from his agent.

Representatives from the Council's Anti Social Behaviour and Community Safety and Private Sector Housing Teams were in attendance.

The Committee considered the case and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 89 to remove the Registered Persons from the Register; and (b) to delegate authority to the Clerk, the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application in the event the property becomes tenanted.

6.2 W. B.

The applicant, having been cited to attend, was not present but represented by Mr J. B.

The Solicitor (Licensing) set out the background to the application. The representative provided further information in relation to Mr B. and responded to questions.

The Committee considered the application and information provided.

Decision

Councillor Marshall, seconded by Councillor Reid, moved that the application be granted and no Rent Penalty Notice issued. As an amendment, Councillor Barr, seconded by Councillor Easdale moved that the application be continued to a future meeting to allow the representative to seek legal advice.

On a division, there voted for the amendment 2 and the motion 4 and the motion was declared carried.

Accordingly, the Committee agreed (a) to grant the application; and (b) not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the property referred to in the Application.

6.3 S. C.

The applicant, having been cited to attend, was not present.

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 84(2)(b) to refuse to enter the applicant in the Register; and (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application.

6.4 B. McC.

The applicant, having been cited to attend, was not present.

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 84(2)(b) to refuse to enter the applicant in the Register; and (b) to delegate authority to the Clerk, the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application in the event the property becomes tenanted.

6.5 D. K and I. B.

The Registered Persons, having been cited to attend, were not present.

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 89 to remove the Registered Persons from the Register; and (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in Registration.

The meeting ended at 11.10 p.m.