

Licensing Committee
18 November 2020

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

Present

Ronnie McNicol, Todd Ferguson, Robert Barr, John Easdale, Jean McClung, Davina McTiernan and Angela Stephen.

In Attendance

A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Admin Officer, A. Toal, Administrative Assistant (Licensing); M. Lindsay, Senior Customer Officer (People & ICT); and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Inspector Alison Wilson and Sergeant Scott Barrie (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Donald L. Reid.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Jean McClung declared an interest in Agenda Item 4.3 Taxi Driver's Licence: TDL/02245: Kyle McLaughlin in that the applicant was known to her. Councillor McClung took no part in the discussion thereon.

2. Minutes

The Minutes of the Ordinary Meeting held on 4 March 2020 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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 Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) 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 (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
 6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
 14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
 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 Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

4.1 Metal Dealer's Licence: MDL/066 (New): James Downey

The applicant, having been duly cited to attend, joined the meeting at this point.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant and advised of an error in the case papers which had been circulated. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter both parties re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

Decision

Councillor Ferguson, seconded by Councillor Barr, moved that the application be continued to the next Licensing Committee meeting on 9 December 2020 to allow additional information to be obtained from Durham County Council. There being no amendment, the motion was declared carried.

The applicant left the meeting at this point.

4.2 Taxi Driver's Licence: TDL/01775 (New): Aso Jamal

The applicant, having been duly cited to attend, was not present or represented. Representatives from Police Scotland were 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 setting out their objection in respect of the application.

Decision

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

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned for a 5-minute comfort break at 11.30 a.m. The meeting reconvened at 11.35 a.m. with the same Members and Officers present and in attendance.

4.3 Taxi Driver's Licence: TDL/02245: Kyle McLaughlin

Councillor McClung left the meeting at this point.

The applicant, having been duly cited to attend, joined the meeting at this point. 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 setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter both parties re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

Decision

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

The applicant left the meeting and Councillor McClung re-joined at this point.

4.4 Window Cleaner's Licence: WCL/098 (New): Gerard McArthur

The applicant, having been duly cited to attend, was not present. Representatives from Police Scotland were 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 setting out their objection in respect of the application.

Decision

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

Police Scotland representatives left the meeting at this point.

Appendix B: Applications for Licences/Renewal of Licences

4.5 LHCL/125 (New): Qaisar Raza

The Committee unanimously agreed to continue consideration to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.6 PHCL/374 (New): Gerard Goodfellow

Councillor Barr, seconded by Councillor Easdale, moved that the Committee grant the application as an exemption to the Council's Vehicle Specification Policy. There being no amendment, the motion was declared carried.

4.7 TDL/02258 (New): James West

Councillor Barr, seconded by Councillor Easdale, moved that the Committee 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. There being no amendment, the motion was declared carried.

4.8 Second Hand Dealer's Licence: Michelle McCormick

Councillor Ferguson, seconded by Councillor McNicol, moved that the Committee continue consideration to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

5. Urgent Items

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

5.1 Application for a Temporary Street Trader Operator's Licence: STLO/515: Ian Rae

The Solicitor (Licensing) set out the background to a request for a Temporary Street Trader's Licence for a period of 6 weeks.

Decision

Councillor McNicol, seconded by Councillor Ferguson, moved that the Committee continue consideration to a Hearing at a Special Meeting of the Licensing Committee to be arranged. There being no amendment, the motion was declared carried.

The meeting ended at 12.40 p.m.