

Licensing Committee  
10 June 2015

**IRVINE, 10 June 2015** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

S. McKenzie, Senior Manager Protective Services and D. Robertson, Enforcement Officer (Economy and Communities); C. Bateman, Development Officer (Housing) (Place); C. Andrews, Senior Manager Legal Services (item 5.5 only), W. O'Brien, Solicitor (Licensing) (except item 5.5), A. Toal, Administrative Assistant (except item 5.5) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Inspector Conway, PC McLean and D. Hastings, Admin Licensing Assistant (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

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 Hearings within Agenda Item 5 (Civic Government (Scotland) Act 1982: Licensing Matters) (Part A: Hearings) in a specific order.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Reid, as an employee of G4S Security Services, declared an indirect financial interest in Agenda Item 5.6 (Public Entertainment Licence PEL/251 (Temp): Kelburn Productions Ltd) and withdrew from the meeting for that item of business.

**3. Minutes**

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 20 May 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Exclusion of the Public**

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public on the grounds indicated in terms of Paragraph 14 and 15 of Part 1 of Schedule 7A of the Act.

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

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

##### **Part A: Hearings**

##### **5.1 Public Charitable Collection: Animal Support and Rescue**

The Committee noted that the application had been withdrawn.

##### **5.2 Public Charitable Collection: Prince and Princess of Wales Hospice**

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Committee noted that the application for collection on Monday 20 July and Tuesday 21 July 2015 was outwith Council policy that street collections should not be permitted during the week. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

##### **Decision**

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Monday 20 July and Tuesday 21 July 2015, subject to the Council's usual conditions.

##### **5.3 Public Charitable Collection: South Ayrshire Autistic Society**

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

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

The Committee noted that the application for collection on Sunday 26 July 2015 was outwith Council policy that street collections should not be permitted on a Sunday. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

### **Decision**

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Sunday 26 July 2015, subject to the Council's usual conditions.

### **5.4 Public Entertainment Licence PEL/241 (New): Irvine Bay Events**

The Committee considered an application for a permanent Public Entertainment Licence.

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Three objectors to the application were present and addressed the Committee on the terms of their objections. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out an objection in relation to the application. Thereafter, the Team Manager (Protective Services) addressed the Committee on the requirements of Protective Services in relation to events on the site.

### **Decision**

The Committee unanimously agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Paragraph 5(3)(c)(i)(ii)(iv) and (v) of the said Schedule, that the premises are not suitable for the conduct of the activity.

W. O'Brien, Solicitor (Licensing) and A. Toal (Administrative Assistant) left the meeting and took no part in the hearing or decision in connection with Agenda Item 5.5. C. Andrews (Senior Manager Legal Services) acted as legal adviser to the Committee in connection with that item only.

### **5.5 Public Entertainment Licence PEL/246 (Temp): Ardrossan Whitlees Community Centre**

The Committee considered an application for a temporary Public Entertainment Licence for Sunday 28 June 2015 from 11.00am - 5.00pm.

The Committee was advised of a change to the applicant in terms of the Licence. The original applicant was present.

The Senior Manager Legal Services set out the background to the Hearing. Thereafter the original applicant addressed the Committee providing details of the proposed event and responded to questions.

### **Decision**

The Committee unanimously agreed to 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.

W. O'Brien, Solicitor (Licensing) and A. Toal (Administrative Assistant) rejoined the meeting for the remaining items on the Agenda.

### **5.6 Public Entertainment Licence PEL/251 (Temp): Kelburn Productions Ltd**

The Committee considered an application for a temporary Public Entertainment Licence for an event at Kelburn Country Park from 2-7 July 2015.

The applicant, having been duly cited to attend, was present and accompanied by Z. Shaw, Operations Manager and M. McQuade, G4S Security Services.

The Solicitor (Licensing) set out the background to the Hearing. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter the applicant and representatives in attendance addressed the Committee providing details of the proposed event and responded to questions. The applicant agreed to discuss with Police Scotland arrangements for policing and security prior to the event.

### **Decision**

The Committee unanimously agreed to 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.

### **5.7 Second Hand Dealer's Licence SHDL/176 (Renewal): Duskview Sales Ltd**

The applicant was neither present nor represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

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 setting out an observation in relation to the application.

## **Decision**

Councillor McNicol, seconded by Councillor McMillan, moved that the Committee refuse the application on the basis that the applicant is not a fit and proper person to be the holder of a Second Hand Dealer's Licence.

As an amendment, Councillor Barr moved that the application be granted. There being no seconder the amendment fell. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that the applicant is not a fit and proper person to be the holder of a Second Hand Dealer's Licence.

### **5.8 Taxi Driver's Licence TDL/01295 (New): Paul Cumming**

The applicant, having been duly cited to attend, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

## **Decision**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.9 Taxi Driver's Licence TDL/01963 (New): Ryan Kerr**

The applicant, having been duly cited to attend, was present.

The Chair intimated that a letter had been received from the applicant's Solicitor asking that the application be continued.

## **Decision**

The Committee agreed to continue consideration of the application to the next meeting on 12 August 2015.

### **5.10 Taxi Driver's Licence TDL/01968 (New): Alasdair Drummond**

The applicant, having been duly cited to attend, was present.

The Chair intimated that a letter had been received from the applicant's Solicitor asking that the application be continued.

## **Decision**

The Committee agreed to continue consideration of the application to the next meeting on 12 August 2015.

### **5.11 Taxi Driver's Licence TDL/01969 (New): Colette McCreadie**

The applicant, having been duly cited to attend, was present. 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 of Police Scotland then addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

## **Decision**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.12 Taxi Driver's Licence TDL/01965 (New): Rashid Kamran**

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

## **Decision**

The Committee agreed to continue consideration of the application to the next meeting on 12 August 2015.

## **Part B: Applications for Licences and Renewal of Licences**

### **5.13 TDL/01702 Barry Seymour**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **6. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8.**

### **6.1 Application for Landlord Registration: Alistair Mills**

The Committee considered (a) an application for Registration; and (b) an application under Section 95 for revocation of the two Notices issued earlier under Section 94 (commonly described as a 'Rent Penalty Notice').

The applicant was present. A written update was provided by the Development Officer (Housing). The applicant addressed the Committee on the issues raised and responded to questions.

The Committee unanimously agreed (a) to grant the application; and (b) under Section 95(2), to revoke the two Notices previously made under Section 94 (the Rent Penalty Notice).

## **7. Urgent Items**

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

### **7.1 Public Charitable Collection: Royal British Legion Scotland**

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was not present but was represented by J. Moffat and W. McMartin.

The Committee noted that the application for a collection on Saturday 27 June 2015 was outwith Council policy that more than one street collection should not be permitted on the same date of Saturday 27 June 2015, for which permission had already been granted for a street collection. The Committee considered whether or not the particular case could be treated as an exception to the Policy. The applicant intimated that a collection on Friday 26 June would be acceptable as an alternative collection date.

#### **Decision**

The Committee unanimously agreed, having regard to the information presented, to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 for the collection to take place on Friday 26 June 2015, subject to the Council's usual conditions.

### **7.2 Kerr Chapman**

At its meeting on 20 May 2015, the Committee agreed to refuse the application by Kerr Chapman for a Taxi Driver's Licence in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

The Committee considered information from the Chief Executive and agreed that a material change of circumstances existed for the purposes of Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 6 ("Restriction on Successive Applications"), and accordingly stated that the applicant would be entitled to re-apply within the 12 month period commencing on the earlier refusal.

The meeting ended at 12.40 p.m.