



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Licensing Committee

A Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 10 January 2018** at **10:00** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the meetings held on 29 November will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

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

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

4 Licensing of Window Cleaners - Civic Government (Scotland) Act 1982, Section 43

Submit report by the Chief Executive on a representation from Police Scotland which has been received regarding the licencing of window cleaners (copy enclosed).

5 Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee Sederunt

Ronnie McNicol (Chair)
Todd Ferguson (Vice Chair)
Robert Barr
John Easdale
Scott Gallacher
Jean McClung
Davina McTiernan
Donald L. Reid
Angela Stephen
Vacancy

Chair:

Apologies:

Attending:

Licensing Committee
29 November 2017

IRVINE, 29 November 2017 - At a Meeting of the Licensing Committee on North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

E. Anderson, Team Manager (Private Sector Housing), B. Ferry, Policy Officer (Private Sector) and R. Todd, Empty Homes Co-ordinator (Place); and W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), C. Pollock, Licensing Administration Officer, D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Office).

Also In Attendance

Sergeant Dougan and D. Hastings, Licensing Administrator (Police Scotland).

Chair

Councillor McNicol in the Chair.

1. Order of Business

The Chair agreed that the Committee consider two applications, namely a Street Trader's Licence and a Public Charitable Collection Licence, as a matter of urgency in order to allow these matters to be progressed without delay.

In terms of Standing Order 9.4, the Chair further agreed to vary the order of business to allow consideration of the urgent items as part of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) Part A (Hearings).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McTiernan, as a member of the SNP Group, declared an indirect, pecuniary interest in an application by Largs SNP for a Public Charitable Collection which did not necessitate her leaving the meeting during consideration of this item.

Councillor McTiernan also declared an indirect, non-pecuniary interest in a landlord registration case to be considered in terms of Agenda Item 4 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, the circumstances being that one of the landlords in question, A.M., was personally known to her, and left the meeting for that item of business.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 1 November 2017 was confirmed, and the Minutes were 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, 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 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)."

Councillor McClung joined the meeting at this point.

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

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

PART A: Hearings

5.1 Taxi Driver's Licence: TDL/2053 (New) - Stewart M Alexander

The applicant, having been duly cited to attend, was not present, but had provided a written submission in respect of his application. 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 and responded to questions.

Decision

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of 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.

5.2 Street Trader's Licence: STL/0/475 (New) - George Moreland

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 representation in respect of the application and a further letter containing further details of the conviction. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, 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) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

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

5.3 Taxi Driver Licence: TDL/02057 (New) - Ernest Mukumba

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

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

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

5.4 Public Entertainment Licence: PEL/003 (Permanent) - Shiskine Village Hall Committee

The Solicitor (Licensing) advised that the necessary certificate of compliance had been submitted by the applicant and, as a result, there was now no requirement for a hearing to be held.

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 for a period of three years.

5.5 Taxi Licence and Taxi Driver's Licence: TL/194 and TDL/01355 - Michael Ferguson

The Committee, at its meeting held on 1 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982

The licence holder, having been duly cited to attend, was not present. However, reference was made to an email from the licence holder's business partner, setting out the reason for his inability to attend the hearing.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting to allow the licence holder to attend.

PART B: Applications for Grant/Renewal of Licences

5.6 Late Hours Catering Licence: LHCL/116 (Renewal) - Mascot Scotland Limited

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.

5.7 Taxi Driver's Licence: TDL/00792 (Renewal) - George Williams

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.

5.8 Taxi Driver's Licence: TDL/02062 (New) - Craig Moffat

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.

5.9 Taxi Driver's Licence: TDL/2068 (New) - Douglas McGuire

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.

5.10 Public Charitable Collection - Alzheimer's Scotland

The applicant has applied for a Charitable Collection on Thursday 7 December 2017 between 4.00 p.m. and 9.00 p.m., which is outwith the Council policy.

The Committee unanimously agreed (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 in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

5.11 Public Charitable Collection - Largs SNP

The applicant has applied for a Charitable Collection on Thursday 7 December 2017 between 5.30 p.m. and 8.30 p.m., which is outwith the Council policy.

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to delegate authority to the Solicitor (Licensing) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to (a) the Council's standard conditions and (b) no Police objection being received in respect of the application.

In terms of Standing Order 5.7, the Chair then adjourned the hearing for a short recess to allow relevant officers to join the meeting. The meeting reconvened with the same Members present, with the exception of Councillor McTiernan, who had declared an interest in the first landlord registration case.

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

Submitted report by the Chief Executive on matters relating to Landlord Registration.

6.1 A.M

The Committee, at its meeting held on 1 November 2017, was advised of information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, to allow (i) the Registered Landlord to attend a review hearing and (ii) inspection of the property in question and, if possible, inspection of other tenanted properties owned by the Registered Landlord.

The Registered Landlord, having been cited to attend, was not present, but was represented by his solicitor.

The Registered Landlord's solicitor addressed the Committee on the issues raised and responded to questions. The Team Manager (Private Sector Housing), Policy Officer (Private Sector) and Empty Homes Co-ordinator then addressed the Committee on the terms of a report on the condition of a number of tenanted properties owned by the Registered Landlord.

Thereafter, the Registered Landlord's solicitor and Housing Officers responded to questions.

Councillor McClung, seconded by Councillor Barr, moved that the Committee proceed to determine the matter in the absence of the Registered Landlord. There being no amendment, the motion was declared carried.

The Registered Landlord's representative and the Housing Officers in attendance then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McClung, seconded by Councillor Barr, moved, in terms of Section 89 of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 to remove the Registered Person from the Register of Landlords. There being no amendment, the motion was declared carried.

Thereafter, Councillor McNicol, seconded by Councillor Ferguson, moved to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the properties included in the Registration which the Committee was satisfied were currently occupied. There being no amendment, the motion was declared carried.

Councillor McTiernan rejoined the meeting at this point.

6.2 P.H.W.

The Relevant Person, having been cited to attend, was not present, but was represented by his parents. The Relevant Person had also provided a number of written submissions, including references from previous employers.

The Relevant Person's representatives addressed the Committee on the issues raised and responded to questions.

The Relevant Person's representatives then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McNicol, seconded by Councillor Ferguson, moved, in terms of Section 84(2)(b) Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, to refuse to enter the Relevant Person on the Register of Landlords on the ground that he was not a fit and proper person to act as a Landlord. There being no amendment, the motion was declared carried.

6.3 D.D.

The Committee, at its meeting held on 1 November 2017, was advised of information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, pending the outcome of a further inspection of the property.

The Solicitor (Licensing) advised that an inspection by officers had confirmed that the required repairs had now been undertaken in respect of the Registered Landlord's property.

Decision

The Committee, having regard to the information presented, unanimously agreed to take no further action in respect of this matter.

The Meeting ended at 12.35 p.m.

NORTH Ayrshire Council

10th January 2018

Licensing Committee

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

Purpose: To advise the Committee of
(a) Hearings to be determined;
(b) Applications for the grant or renewal of licences and permits; and
(c) Issues arising in respect of existing licences, under the Civic Government (Scotland) Act 1982 and other statutes within the Committee's remit.

Recommendation: That the Committee consider and determine the matters before them.

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. The Committee's business under the 1982 Act is detailed in two Appendices:

Appendix A: Licences and Permits where Hearings have been convened;

Appendix B: Applications for the grant or renewal of Licences and Permits

3. Proposals

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

4. Implications

Financial:	There are possible financial implications in relation to any Licensing decision.
Human Resources:	None.

Legal:	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
Equality:	The Clerk has considered the "Public Sector Equality Duty" in preparing the Appendices and any specific equalities impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant equalities impacts to be considered.
Environmental & Sustainability:	None
Key Priorities:	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active").
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.



ELMA MURRAY
Chief Executive

Reference : PAT

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

Background Papers

None

Hearings		
Hearing 1	Taxi Driver's Licence	TDL/00792 (Renewal)
Applicant and Address	George Williams 19 Hunter Drive Irvine KA12 9BE	
Hearing 2	Taxi Driver's Licence	TDL/02068 (New)
Applicant and Address	Douglas McGuire 44 Millpark Dalry KA24 6BB	
Hearing 3	Taxi Driver's Licence	TDL/02062 (New)
Applicant and Address	Craig Moffat 30 Foundry Wynd Kilwinning KA13 6UF	
Hearing 4	Late Hours Catering Licence	LHCL/116 (Renewal)
Applicant and Address	Mascot Scotland Ltd 1 Glencairn Street Stevenston KA20 3BE	
Suspension Hearing 5	Taxi Operator Licence & Taxi Driver's Licence	TL/194 & TDL/01355
Licenceholder and Address	Michael Ferguson 51 Hunter Drive Irvine KA12 9BP	

Applications for Licences/Renewal of Licences	
Type of Licence/Reference Number	Details of Applicant
STL/E/116 (Renewal)	Angela Gilgannon 91 Rannoch Place Irvine KA12 9NH
SPTL/042 (New)	Reid & Reid (Hairdressers) Limited Jasons Barber Shop 28-30 Green Street Saltcoats KA21 5HQ
TDL/00462 (New)	Matthew Imrie 1 Ross Road Saltcoats KA21 6AH
TDL/00731 (Renewal)	Steven Kelly 21 Greenbank Road Irvine KA12 8EX
TDL/01876 (Renewal)	Alessandro Gavazzeni 132 Frew Terrace Irvine KA12 9EH
TDL/02067 (New)	James Ross 19 Fencedyke Way Bourtreehill North Irvine KA11 1LW
TDL/02074 (New)	John McDowall 158 High Road Saltcoats KA21 6BH
TL/420 (New)	Andrew Brannan 5 Hillhead Road Stevenston KA20 4DX

NORTH AYRSHIRE COUNCIL

10 January 2018

Licensing Committee

Title:	Licensing of Window Cleaners - Civic Government (Scotland) Act 1982, Section 43.
Purpose:	To advise the Committee of a representation from Police Scotland
Recommendation:	<p>1. That the Committee consider whether or not to propose making a Licensing Resolution;</p> <p>2. If the Committee decide to propose making a Licensing Resolution, to adopt the timetable suggested at Paragraph 3.4 of this Report for the statutory procedure.</p>

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.
- 1.2 Many activities under the 1982 Act are covered by the "Optional Provisions", which means that the activities only require a Licence if and when the local Council so resolves. Examples of the Licences covered by the "Optional Provisions" are Taxi and Private Hire Car Licences (Section 10, often called "Operator's Licences" to distinguish them from the "Driver's licences" under Section 13); Taxi Driver's and Private Hire Car Driver's Licences (Section 13) and Second-hand Dealer's Licences (Section 24).
- 1.3 In North Ayrshire, all but one of the "Optional Provisions" are included in Council Resolutions. The exception is Civic Government (Scotland) Act 1982, Section 43, which is:

"A Licence, to be known as a "window cleaner's Licence" shall be required for carrying on the trade of, or being employed as, a window cleaner."

This is because of a decision by Cunninghame District Council over 30 years ago. When the 1982 Act was commenced the Council resolved to adopt nearly all of the 'optional provisions' - the only exception being window cleaning.

- 1.4 It is possible that an activity might require a Licence in one Council area but the same activity might not need a Licence in a neighbouring Council area. An example is the position with Window Cleaners. At present, Window Cleaners do not need a Licence in North Ayrshire Council or South Ayrshire Council, but they do in East Ayrshire Council.

2. Background

- 2.1 The Committee has received a representation from Chief Inspector Brian Shaw of Police Scotland asking that NAC consider Licensing Window Cleaners. He reports that over the past 12 months there were 17 alleged offences committed by people who at time of detection gave their occupation as a window cleaner. These offences are:

- Housebreaking (two offences)
- Theft from Motor Vehicle and Fraud
- Possession of Drugs (3 offences)
- Serious Assault (3 offences, one involving Carrying an Offensive Weapon)
- Shoplifting
- Road Traffic offences
- Drinking in Public
- Stalking & Indecently communication
- Culpable & Reckless Conduct
- Drink Driving
- Abusive Behaviour offence (against a rival window cleaner)

- 2.2 He states:

"Window Cleaners have by the nature of their business opportunities to gain access to premises without necessarily drawing much suspicion and they should therefore be trusted individuals and fit and proper people to have that kind of access. I am not sure whether we can say we have that assurance currently as no checks would appear to take place. I think this could be viewed as a similar position to taxi drivers who do go through a process and are accountable for their actions to the board ultimately."

3. Proposals

- 3.1 The statutory procedure is that the Committee publishes a proposal, there is public consultation, and after considering and representations the Committee makes the Resolution. This process involves two Committee Meetings and two newspaper advertisements.
- 3.2 The Committee is invited to start the process by making a proposal to make Resolution in these terms:

"The Committee proposes to resolve, under Section 9 of the Civic Government (Scotland) Act 1982, that from and after Sunday 23 December 2018, Section 43 of that Act shall apply, so that a Window Cleaner's Licence shall be required for carrying on the trade of, or being employed as, a window cleaner."

3.3 The procedure for making a Resolution is set out in Section 9. The effective date of a new Resolution is delayed at least nine months from the date the Committee makes it (unless the Resolution is limiting or rescinding a prior Resolution, when it may take effect the following day).

3.4 If the Licensing Committee adopts the suggested Resolution as a proposal, the timetable might be:

- (a) Wednesday 10 January 2018 - First Committee Meeting: Committee proposes to make a Resolution;
- (b) Wednesday 24 January 2018 - First newspaper advertisement: giving public notice of proposed Resolution, giving 28 days for representations;
- (c) Wednesday 21 February 2018 - representation period expires;
- (d) Wednesday 7 March 2018 - Second Committee Meeting: Committee considers any representations, varies the proposed Resolution to take account of those, and makes the Resolution;
- (e) Wednesday 21 March 2018 - Second newspaper advertisement, advising:
 - that the Resolution has now been made;
 - that Window Cleaners should apply for, and have granted, a Licence before the Resolution takes effect on Sunday 23 December 2018;
 - that Window Cleaners working without a Licence would commit a criminal offence;
 - that Licence Application forms can be lodged with the Council after Saturday 7 April 2018 (One month after the Resolution was made);
- (f) Sunday 23 December 2018 - Resolution takes effect. Window Cleaners who operate from and after that date without a Licence face prosecution (the Licence must have been granted; it is not enough for the person to apply);

The dates are approximate, e.g. because different local newspapers have different publication days.

- 3.5. Any Window Cleaner should apply for a Licence as soon as possible after Saturday 7 April 2018. This is because once the Resolution takes effect on 22 December 2018, it will be a criminal offence to carry out the activity even if the person has already applied for a Licence. It will not be enough simply to apply for a Licence. The Application must have been granted by the Council before the Effective Date, or an appeal in the Sheriff Court must be pending. Therefore Window Cleaners should allow for the time that it takes for the Council to carry out statutory consultation and refer the Licence Application to the Licensing Committee for a decision. This can take up to 6 months.
- 3.6. In deciding whether or not to make a Resolution, the Committee should consider North Ayrshire Council's duties as a "Regulator" for the purposes of the Regulatory Reform (Scotland) Act 2014.

Section 4(1) is:

"In exercising its regulatory functions, each Regulator must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so."

In making a decision to create or extend a Licensing requirement, the Committee must have regard to:

(a) Guidance from Scottish Ministers - Section 4(3), and

(b) the Code of Practice issued by Scottish Ministers under Section 5.

On (b), the Code of Practice is "Scottish Regulators' Strategic Code of Practice" (approved 18 February 2015). Paragraph 2 of that Code of Practice is:

- *"2. Regulators should adopt the following high level operational approaches:*
- *Adopt a positive enabling approach in pursuing outcomes that contribute to sustainable economic growth;*
- *In pursuing their core regulatory remit be alive to other interests, including relevant community and business interests; taking business factors appropriately and proportionately into account in their decision making processes; and protecting public health and safety.*

- *Adopt risk and evidence based protocols which help target action where it's needed and help to ensure the achievement of measurable outcomes.*
- *Develop effective relationships with those they regulate and have clear two-way communication in place.*
- *Tailor their approach depending on the nature of the sector they are regulating and the desired outcomes. This includes a commitment to advice and support for those who seek to comply, allied with robust and effective enforcement when justified.*
- *Recognise, in their policies and practice, a commitment to the five principles of better regulation: regulation should be transparent, accountable, consistent, proportionate and targeted only where needed.*
- *Pursue continuous improvement in regulatory practice based on the principles of better regulation."*

3.7. Licensing of Window Cleaners would meet all 5 principles of Better Regulation:

- "transparent" - the regulation is applied by Law and is to be administered by Elected Members sitting on a Committee whose Agenda and Minutes are public (subject to the Law permitting private hearings). The Proposal for the Resolution would be publicised, and the public could make representations.
- "accountable" - any licensing function is subject to judicial control by the Sheriff
- "consistent" - the Resolution would not permit the Council to do anything other than apply the licensing requirement to all Window Cleaners
- "proportionate" - once a need for some degree of regulation is established, there is no middle ground. The Committee either has a Licensing scheme or it does not.
- "Targeted" because it is aimed at a business activity which has the potential to hide criminal conduct.

3.8. If the Resolution is made, the Council will have to:

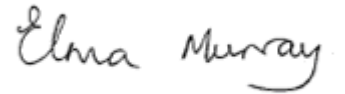
- consider the extent of third-party consultation which would precede determination of an Application;
- decide whether or not public liability insurance is required;
- approve an Application form; and
- decide a Licence fee.

4. Implications

Financial:	<p>The procedure for making a Resolution requires two separate advertisements in locally-circulating newspapers.</p> <p>There are possible financial implications in relation to any Licensing decision.</p> <p>At a later stage the Council will have to set a Licence fee to cover the administrative costs, although that issue does not arise at this preliminary stage.</p>
Human Resources:	None.
Legal:	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
Equality:	The Clerk has considered the "Public Sector Equality Duty" in preparing this Report. There are no significant equalities impacts to be considered.
Environmental & Sustainability:	None. See Paragraphs 3.6 and 3.7 about Better Regulation.
Key Priorities:	An effective licensing system, e.g. monitoring the 'fit and proper' status of business operators, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active").
Community Benefits:	Not applicable, as the Report does not relate to tendering or procurement exercises.

5. Consultation

- 5.1 No Consultations are appropriate at this stage. If the Committee decides to make a proposed Resolution, that will be advertised in newspapers and there will be a 28-day consultation period.

A handwritten signature in cursive script that reads "Elma Murray". The signature is written in dark ink and is positioned above a horizontal line.

Elma Murray,
Chief Executive

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

Background Papers

N/A