



**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, 07 March 2018** at **10:00** to consider the undernoted business.

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 (i) the meeting held on 7 February 2018 and (ii) the Special meeting held on 19 February 2018 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 the Hearings to be determined (copy enclosed).

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

Submit report by the Chief Executive on Landlord Registration matters (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:

**Present**

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

**In Attendance**

A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Inspector C. Convery, Sergeant D. Dougan and Sergeant E. Blackwood (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Easdale and Angela Stephen.

**1 Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gallacher, as an acquaintance of the applicant, declared an interest in Hearing 2 (Gavazzeni) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

**2 Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 10 January 2018 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Councillors McClung and McTiernan joined the meeting at this point. The Chair confirmed that they had no declaration of interest to make.

**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 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 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 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).

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

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

##### **PART A: Hearings**

##### **4.1 Taxi Driver's Licence: TDL/00462 (New) – Matthew Imrie**

The Committee, at its meeting held on 10 January 2018, 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.

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 a representation in respect of the application. The applicant then addressed the Committee on the issues raised and responded to questions.

##### **Decision**

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

##### **4.2 Taxi Driver's Licence: TDL/01876 (Renewal) – Alessandro Sirio Gavazzeni**

The Committee, at its meeting held on 10 January 2018, 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.

The applicant, having been duly cited to attend, was not present or represented. A written submission provided by the applicant was, however, circulated at the meeting. 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.

### **Decision**

The Committee unanimously agreed to continue consideration of the application to a Special Meeting on 19 February 2018.

#### **4.3 Taxi Driver's Licence: TDL/02074 (New) – John E McDowall**

The Committee, at its meeting held on 10 January 2018, 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.

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

The representatives of Police Scotland addressed the Committee on a letter setting out an objection in respect of the application.

### **Decision**

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

#### **4.4 Skin Piercing and Tattoo Licence: SPTL/042 (New) – Reid & Reid Hairdressers Limited**

The Committee, at its meeting held on 10 January 2018, 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.

The applicant, having been duly cited to attend, was present or represented. However, the Committee was advised of the content of a written submission provided by the applicant. Representatives of Police Scotland were in attendance.

The Solicitor (Licensing) addressed the Committee on the background to the hearing as previously intimated in writing to the applicant.

### **Decision**

The Committee unanimously agreed to continue consideration of the application to the next meeting.

## **PART B: Applications for Grant/Renewal of Licences**

### **4.5 Late Hours Catering Licence: LHCL/127 (New) - Pizza Cake (Stevenston) Ltd**

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.

### **4.6 Skin Piercing and Tattoo Licence: SPTL/026 (Renewal) – Kirsty MacKisson (trading as “Sassy’s”)**

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.

### **4.7 Skin Piercing and Tattoo Licence: SPTL/027 (Renewal) – Kirstie Boyd**

The Solicitor (Licensing) advised that outstanding paperwork in respect of the application had now been received.

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

### **4.8 Taxi Driver's Licence: TDL/02000 (Renewal) – Bernard Brannigan**

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.

### **4.9 Taxi Driver's Licence: TDL/02076 (New) – Shaun Blakely**

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.

### **4.10 Taxi Licence: TDL/02078 (New) – Brahim Sensri**

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.

### **4.11 Taxi Driver's Licence: TDL/02080 (New) - Khalid Mahmood**

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.

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

In terms of Standing Order 5.7, the Chair then adjourned the hearing for a short comfort break. The meeting reconvened with the same Members and officers present and in attendance.

## **5 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:-

### **5.1 G.L.**

The Solicitor (Licensing) referred to a written submission by the applicant which was circulated at the meeting and which requested that consideration of the application be continued to the next meeting.

#### **Decision**

The Committee unanimously agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

### **5.2 M.N., A.N. and M.J.N.**

The Solicitor (Licensing) and Licensing Administration Officer addressed the Committee on the background to three separate applications which covered (a) applications by A.N. and M.J.N. for Landlord Registration affecting a property where a Rent Penalty Notice had been made while it was owned by M.N., (b) application for the revocation of that Rent Penalty Notice and (c) application by M.N. for Landlord Registration affecting five other properties.

Two of the applicants (M.N. and A.N.) were in attendance and addressed the Committee on the issues raised and answered questions. M.N. also advised that, following a change in the ownership of the property common to all three applications, he wished to amend his application to delete the reference to that property.

The Committee withdrew from the meeting to deliberate, returning to make its decision.

#### **Decision**

Councillor McClung, seconded by Councillor Ferguson, moved (a) that the applications for Landlord Registration made by A.N and M.J.N. be granted; and



(b) that the Rent Penalty Notice made earlier be revoked. There being no amendment, the motion was declared carried.

Thereafter, Councillor Barr, seconded by Councillor McTiernan, moved that the application for Landlord Registration (after amendment to include only the five other properties) made by M.N. be approved. There being no amendment, the motion was declared carried.

### **5.3 S.C.**

The Solicitor (Licensing) referred to a written submission by the applicant's Solicitor which was circulated at the meeting and which requested that consideration of the application be continued to the next meeting.

### **Decision**

The Committee unanimously agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

## **6 Urgent Items**

The Chair agreed that the Committee consider a verbal report in respect of the undernoted application as a matter of urgency in order to allow the matter to be progressed without delay.

### **6.1 Taxi Driver's Licence: TDL/675 (Renewal) – William Hamilton**

The Solicitor (Licensing) set out matters relating to the background of the application, including a letter from the applicant's doctor in respect of his medical fitness to hold a taxi driver's licence.

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

The Meeting ended at 12.10 p.m.

**Present**

Ronnie McNicol, Robert Barr, John Easdale, Todd Ferguson, Scott Gallacher, Jean McClung, Donald L. Reid and Angela Stephen.

**In Attendance**

W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

Davina McTiernan.

**1 Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gallagher, as an acquaintance of the applicant, declared an interest in Hearing 2 (Gavazzeni) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

**2 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 item 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 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 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).

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

Submitted report by the Chief Executive on an application for the grant of a licence in terms of the Civic Government (Scotland) Act 1982.

### **3.1 Taxi Driver's Licence: TDL/01876 (Renewal) – Alessandro Sirio Gavazzeni**

The Committee, at its meeting held on 10 January 2018, 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.

The applicant, having been duly cited to attend the meeting of the Committee held on 7 February 2018, was not present or represented. A written submission provided by him was, however, was circulated at the meeting. The Committee unanimously agreed to continue consideration of the application to a Special Meeting on 19 February 2018.

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

The Committee had regard to a letter from Police Scotland setting out a representation in respect of the application, and to the written submission by the applicant which was circulated at the last meeting.

### **Decision**

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

The Meeting ended at 12.50 p.m.

---

**NORTH AYRSHIRE COUNCIL**

**7<sup>th</sup> March 2018**

**Licensing Committee**

---

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

**Purpose:** To advise the Committee of the Hearings to be determined

**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

Appendix C: Issues in respect of existing 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**

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

<b>Legal:</b>	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
<b>Equality:</b>	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.
<b>Children and Young People:</b>	None
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	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").
<b>Community Benefits:</b>	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 OBE**  
**Chief Executive**

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

## Background Papers

N/A

## Hearings (Appendix A)

<b>Hearing 1</b>	<b>Skin Piercing Licence</b>	<b>SPTL/042 (New)</b>
<b>Applicant and Address</b>	Reid & Reid (Hairdressing) Ltd Jasons Barber Shop 28-30 Green Street Saltcoats KA21 5HQ	
<b>Suspension Hearing 2</b>	<b>Taxi Driver's Licence</b>	<b>TDL/00064</b>
<b>Licenceholder and Address</b>	Samuel <b>Dean</b> 62 Ford Avenue Dreghorn Irvine KA11 4BN	
<b>Hearing 3</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01253 (New)</b>
<b>Applicant and Address</b>	Scott <b>Seymour</b> 1 Scott Drive Largs KA30 9PA	
<b>Hearing 4</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01935 (New)</b>
<b>Applicant and Address</b>	Andrew <b>Watt</b> 10 Whitehope Green Bourtreehill Irvine KA11 1LY	
<b>Hearing 5</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02076 (New)</b>
<b>Applicant and Address</b>	Shaun <b>Blakely</b> 31 Redstone Wynd Kilwinning KA13 7GZ	
<b>Hearing 6</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02080 (New)</b>
<b>Applicant and Address</b>	Khalid <b>Mahmood</b> Flat 1-2 38 Boyd Street Largs KA30 8LE	

<b>Hearing 7</b>	<b>Late Hours Catering Licence</b>	<b>LHCL/127(New)</b>
<b>Applicant and Address</b>	<b>Pizza Cake (Stevenston) Ltd</b> 4 Birkwood Place Newton Mearns Glasgow G77 5FW	
<b>Premises</b>	Domino's Pizza Stevenston Road Stevenston	
<b>Hearing 8</b>	<b>Temporary Public Entertainment Licence</b>	<b>PEL/526(Temp)</b>
<b>Applicant and Address</b>	Wesley <b>Smith</b> 212 Strathclyde Street Glasgow G40 4JR	
<b>Premises</b>	The Braes Saltcoats	
<b>Hearing 9</b>	<b>Skin Piercing and Tattoo Licence</b>	<b>SPTL/026(Renewal)</b>
<b>Applicant and Address</b>	Kirsty <b>Mackison</b> 29 Bencleuch Place Irvine KA11 1EL	
<b>Premises</b>	Sassy's East Road Irvine	
<b>Hearing 10</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02000(Renewal)</b>
<b>Applicant and Address</b>	Bernard <b>Brannigan</b> 32 Chapelhill Mount Ardrossan KA22 7LU	
<b>Hearing 11</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02078(New)</b>
<b>Applicant and Address</b>	Brahim <b>Sensri</b> 15 Braefoot Girdle Toll Irvine KA11 1BY	

<b>Hearing 12</b>	<b>Taxi Operator's Licence</b>	<b>TL/420(New)</b>
<b>Applicant and Address</b>	Andrew <b>Brannan</b> 5 Hillhead Road Stevenston KA20 4DX	
<hr/>		
<b>Hearing 13</b>	<b>Temporary Public Entertainment Licence</b>	<b>PEL/527(Temp)</b>
<b>Applicant and Address</b>	William <b>Newsome</b> 181 Swanston Street Glasgow G40 4NG	
<b>Premises</b>	Central Avenue Park Ardrossan	



## Applications for Licences/Renewal of Licences (Appendix B)

Type of Licence/Reference Number	Details of Applicant
<b>SPTL/044(Amendment)</b>	Andrew <b>Melvin</b> 27 Glenconner Road Ayr KA7 3HR
<b>Premises</b>	13 Shades Darker 18-20 Green Street Saltcoats
<b>TDL/00190(Renewal)</b>	Raymond <b>Potts</b> 20C Wilson Street Beith KA15 2BG
<b>TDL/01121(New)</b>	Paul <b>Forbes</b> 9 Garven Road Stevenston KA20 3NX
<b>TDL/02086(New)</b>	Fazal <b>Hussain</b> 17 Greenacres Ardrossan KA22 7PP
<b>TL/050(Renewal)</b>	Kevin <b>Blades</b> 15 Dale Crescent Irvine KA12 0RU

### **Issues in respect of existing Licences and Permits (Appendix C)**

**BOL/018**

Elaine **Connor**  
31 Gogo Street  
Largs  
KA30 8BU

**Premises**

Bond Cars  
31 Gogo Street  
Largs  
KA30 8BU

---

**NORTH AYRSHIRE COUNCIL**

**7 March 2018**

**Licensing Committee**

---

**Title:** **Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 8**

**Purpose:** To inform the Committee of Landlord Registration matters.

**Recommendation:**

1. That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which this Report and its Schedules is to be considered;
2. For each Application or Review Proposal described in the Schedules: That the Committee should consider each case and:
  - (a) Decide whether or not the Application should be granted, or the Relevant Person should be removed from the Register;
  - (b) If appropriate, decide whether or not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of any house, or to delegate authority to the Clerk to issue such a Notice.

---

**1. Executive Summary**

- 1.1 The Licensing Committee has delegated authority from the Council to administer the Council's functions under the Landlord Registration Scheme regulated by the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8.

**2. Background**

- 2.1 The Clerk has received information set out in the Schedules. This information suggests that there may be a basis for the Committee concluding that the Landlord is not 'fit and proper', and that either the Application should be refused or the Registration already granted should be removed.
- 2.2 The Schedules are marked "Not for Publication" and are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information" described in Schedule 7A to the Act. The Schedules are in the background papers given to Committee Members and will be sent to the respective Landlords before the Meeting.

### 3. Proposals

- 3.1 The Committee should consider each case and decide whether or not to grant the Application, or remove the Registration.
- 3.2 If the Committee decides to refuse an Application, or to remove a Registration, and if it is satisfied that the house is presently occupied by a Tenant, it should then decide whether or not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice' or 'RPN') in respect of any house referred to in the Application or Registration.
- 3.3 If it is are not so satisfied, it may delegate authority to the Clerk to issue a RPN if and when the Clerk is so satisfied. Given that there would be nothing to stop the Landlord receiving Housing Benefit even if he/she was unregistered, the Committee may wish to delegate authority to the Clerk to issue a RPN if the Clerk later receives information that any house which is currently covered by the Registration is occupied by a Tenant.

### 4. Implications

<b>Financial:</b>	If a RPN is issued, the Housing Benefit Office will be informed, so that the Landlord will no longer receive Housing Benefit.
<b>Human Resources:</b>	None.

<b>Legal:</b>	<p>Where the Council makes any decision to refuse or revoke Registration, to make a RPN, or to refuse to recall a RPN, the Landlord may appeal to the Sheriff or the First Tier Tribunal.</p> <p>If the Council issues a RPN, only the Tenant's liability to pay rent will cease. The other rights and obligations of the Lease will be unaffected: Section 94(3) &amp; (8).</p> <p>For example:</p> <ul style="list-style-type: none"> <li>(a) the Tenant will continue to have whatever security of tenure he already had (he cannot be evicted for non-payment of rent where that non-payment is due to the RPN);</li> <li>(b) the Landlord will only be entitled to evict the Tenant if the Sheriff grants a Decree;</li> <li>(c) the Landlord continues to have repairing obligations.</li> </ul> <p>If a RPN is revoked by the Sheriff or Tribunal on appeal by the Landlord, the Tenant only has to pay 'arrears' of rent if, and to the extent, ordered. If a RPN is revoked by the Council then 'arrears' are not due (Section 95(3)).</p>
<b>Equality:</b>	The Clerk has considered the "Public Sector Equality Duty" in preparing this report 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.
<b>Children and Young People:</b>	None
<b>Environmental &amp; Sustainability:</b>	None.
<b>Key Priorities:</b>	None.
<b>Community Benefits:</b>	Preventing unfit Landlords from operating may contribute to the wellbeing of the community. Preventing Housing Benefit being paid to unregistered Landlords safeguards public funds.

## 5. Consultation

- 5.1 No consultations are appropriate. Depending on the circumstances, the Schedules contain information supplied by the Police, North Ayrshire Council Directorates, or other agencies.



Elma Murray OBE  
Chief Executive

Reference WO'B/PAT

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

### Background Papers

None