

Licensing Committee
5 February 2020

IRVINE, 5 February 2020 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

R. Wilson, Team Manager (Legal Services), W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also in Attendance

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

Chair

Councillor McNicol in the Chair.

Apologies

John Easdale, Scott Gallagher and Angela Stephen.

1. Chair Remarks

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of the matter raised under Appendix C (Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters) immediately after case 3 Taxi Driver's Licence: TDL/02184: Cameron McPhail, to allow Police Scotland to hear the information held by the Committee.

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Donald L. Reid declared an indirect non-financial interest in Agenda Item 5.6: LHCL/125 (New): Qaisar Raza, having had contact from a constituent about the case, and took no part in the discussion thereon.

3. Minutes

The Minutes of the Ordinary Meeting held on 8 January 2020 were confirmed and 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 Agenda Items 5-6 (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."

5. 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

5.1 Street Trader Operator's Licence: STL/0/261 (Renewal): David Duncan McIntyre

The Committee at its meeting held on 8 January 2020, 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 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 representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Ferguson, seconded by Councillor McClung, 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.

5.2 Taxi Driver's Licence: TDL/00321 (Renewal): Thomas Smith

The Committee at its meeting held on 8 January 2020, 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 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 representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Donald L. Reid, seconded by Councillor McTiernan, 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 for a period of one year. There being no amendment the motion was declared carried.

The Chair then advised the applicant that the particular circumstances in relation to the Hearing would be taken into account should a repeat occurrence bring the applicant before the Licensing Committee.

5.3 Taxi Driver's Licence: TDL/02184: Cameron McPhail

The Solicitor (Licensing) advised the Committee of a request from Police Scotland for a suspension in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

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 emergency suspension as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out the representations in respect of the emergency suspension.

Decision

Councillor R Barr, seconded by Councillor Donald L Reid, proposed that the licence be suspended in terms of Paragraph 11(10) of Schedule 1 of the Civic Government (Scotland) Act 1982, with immediate effect and for the duration of licence. There being no amendment, the motion was declared carried.

Appendix C: Preliminary Consideration of possible Revocation or Suspension

5.4 Licenceholder

The Committee at its meeting held on 8 January 2020, agreed that this matter be continued to allow the Solicitor (Licensing) to make further enquiries.

The Solicitor (Licensing) provided additional information in connection with this matter.

The Committee unanimously agreed to take no further action.

The Police Scotland representatives left the meeting at this point.

Appendix A: Hearings

5.5 Private Hire Car Operator's Licence: PHCL/373 (New): William Spiers

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

Decision

The Committee unanimously agreed to delegate authority to the Solicitor (Licensing) to grant the application as an exception to the Council's Vehicle Specification Policy in that it does not have a hoist, subject to confirmation in relation to the purchase of a manual ramp to allow the vehicle to be wheelchair accessible.

Appendix B: Applications for Licences/Renewal of Licences

5.6 LHCL/125 (New): Qaisar Raza

The Committee agreed, on the basis of information presented, to (a) grant a Temporary Late Hours Catering Licence in terms of Paragraph 7 of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period from Wednesday 5 February 2020 until the next Committee meeting on Wednesday 4 March 2020; and (b) proceed to a Hearing.

5.7 PP/051/19: Irvine Walker Club

The Solicitor (Licensing) provided information to the Committee concerning a Notification under Civic Government (Scotland) Act 1982, Part V by Irvine Walker Club of a Public Procession in Irvine on Saturday 6 June 2020 involving about 3,000 people.

Noted.

5.8 TDL/00893 (Renewal): William Gillies

The Committee unanimously agreed 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 1 year.

5.9 TDL/02228 (New): David J Brown

The Committee 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.

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

The Committee was advised that there were no Landlord Registration cases to be considered at this time.

Noted.

The meeting ended at 11.30 a.m.