



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

19 June 2014

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 25 JUNE 2014** at **9.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

PLEASE NOTE THE AMENDED START TIME OF 9.00am ON THIS OCCASION

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 (i) the ordinary meeting of the Committee held on 30 April 2014 and (ii) the special meeting held on 6 June 2014 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

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

Submit report by the Chief Executive on (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, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

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

Submit report by the Chief Executive on the circumstances relating to an Application for Landlord Registration (copy enclosed).

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Catherine McMillan
Alan Munro
Donald Reid
Robert Steel
Vacancy

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
30 April 2014

IRVINE, 30 April 2014 - 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, Catherine McMillan and Donald Reid.

In Attendance

C. Bateman, Development Officer (Social Services and Health); W. O'Brien, Solicitor (Licensing), K. Sharkey, Trainee Solicitor, and A. Toal, Administrative Assistant (Chief Executive's Service).

Also In Attendance

Inspector Conway and Sergeant McIntosh (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Alan Munro and Robert Steel.

1. Declarations of Interest

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors, Councillor McMillan, due to her association with the complainer, declared an interest in Agenda Item 5 (Taxi Driver's Licence TDL/0901 - William Simson) and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of (i) the ordinary meeting of the Committee held on 5 March 2014; and (ii) the special meeting held on 31 March 2014 was confirmed.

3. 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; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

Part A: Hearings

3.1 Civil Marriage Approval CMORO/057 - David Boyle

David Boyle has applied for a Civil Marriage Approval.

The applicant, having been duly cited to attend, was present. The Council Registrar was also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The Council Registrar then addressed the Committee in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and the Registrar then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee granted the Period Approval requested and attached the Standard Conditions contained in the Schedule to the Marriage (Approval of Places) (Scotland) Regulations 2002 (as amended), in terms of Regulation 8.

3.2 Public Entertainment Licence PEL/207 - Kelburn Production Ltd

Kelburn Production Ltd has applied for a Public Entertainment Licence for an event on 10 May 2014.

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

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

3.3 Late Hours Catering Licence LHCL/108 - Malthurst Petroleum Ltd

Malthurst Petroleum Ltd. have applied for a Late Hours Catering Licence.

The Committee was advised that this Hearing would be considered at its next meeting.

Noted.

3.4 Metal Dealer's Licence (Itinerant) MDL/048 - Joseph Quinn

Joseph Quinn has applied for a Metal Dealer's Licence.

The applicant, having been duly cited to attend, was present. Representatives from Strathclyde Police 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 Strathclyde Police then addressed the Committee on the terms of a letter setting out the observations of the Chief Constable of Police Scotland on the applicant.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the period of one year. In terms of Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 8(2), the duration of the Licence is one year from the last day of the month immediately preceding the month of the meeting (being a period shorter than three years), as the Committee decided that that limitation was appropriate.

3.5 Skin Piercing and Tattoo Licence SPTL/020 - Stacey Galbraith

Stacey Galbraith has applied for a Skin Piercing and Tattoo Licence.

The applicant, having been duly cited to attend, was present and accompanied by a nominated employee. Representatives from Strathclyde Police 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 Strathclyde Police then addressed the Committee on the terms of a letter setting out the observations of the Chief Constable of Police Scotland on the applicant.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

3.6 Second Hand Motor Vehicle Dealer's Licence SHDL/176 - Duskview Sales Ltd

Duskview Sales Ltd. have applied for a Second Hand Motor Vehicle Dealer's Licence.

The applicant, having been duly cited to attend, was present and accompanied by a legal representative. Representatives from Strathclyde Police 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 Strathclyde Police then addressed the Committee on the terms of a letter setting out the observations of the Chief Constable of Police Scotland on the applicant.

The Chief Constable's representative advised the Committee that there were also 'spent convictions' which should not be considered by the Committee, due to Section 1(1) of the Rehabilitation of Offenders Act 1974, although he submitted that the condition in Section 7(3) was satisfied (that justice could not be done in the case except by admitting evidence relating to spent convictions). The Applicant agreed that the Committee could look at the spent conviction. The Committee was satisfied that the condition was satisfied, and accordingly agreed to consider the terms of a further letter from the Chief Constable in relation to a 'spent' conviction. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant, his legal representative and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the period of one year. In terms of Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 8(2), the duration of the Licence is one year from the last day of the month immediately preceding the month of the meeting (being a period shorter than three years), as the Committee decided that that limitation was appropriate.

3.7 Taxi Driver's Licence TDL/00821 - James McDowall

The Committee, at its meeting on 5 March 2014, 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 and accompanied by his legal representative. 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 the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant, his legal representative and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

3.8 Taxi Driver's Licence TDL/01513 - Steven Robb

The Committee, at its meeting on 5 March 2014, 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 the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant, and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

3.9 Taxi Driver's Licence TDL/01649 - Paul Williams

The Committee, at its meeting on 5 March 2014, 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 had been duly cited but was not present when the case called at 12.27pm. The Committee was advised that this Hearing would be considered at its next meeting.

Noted.

3.10 Taxi Driver's Licence TDL/01893 - James Carroll

The Committee, at its meeting on 5 March 2014, 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 the observations of the Chief Constable of Police Scotland on the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

3.11 Taxi Driver's Licence TDL/01895 - David Konthuruthy

The Committee, at its meeting on 5 March 2014, 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 and accompanied by his spouse.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

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.

3.12 Public Charitable Collection PCC - Breast Way Round

Breast Way Round have applied for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act, 1982.

The Committee were advised that the application had been withdrawn.

Part B: Applications for Licences and Renewal of Licences

3.13 MDL/050 (New) MLD Zambonini Ltd

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.

3.14 PCC (New) Guide Dogs for the Blind

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

The Committee noted that the Application was outside the Council's policy, and, instead of determining whether to grant or refuse it, directed the Clerk to contact the Applicant and invite the Applicant to amend the Application so as to conform with the policy (i.e. to apply for a Saturday only). If the Application was so amended, the Committee directed that it should be granted under delegated powers. If the Application was not so amended, it should be referred to a further meeting of the Committee.

3.15 PCC (New) Help for Heroes

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

The Committee agreed to continue consideration to a later meeting, and to invite the Applicant to make representations, prior to the Committee determining the Application.

3.16 PCC (New) Kilwinning Friends of Ayrshire Hospice

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

The Committee agreed to grant the application attaching the Council's usual conditions under Section 119(5).

3.17 STL/E/168 (New) Neil David McIntyre

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.

3.18 TDL/01878 (New) David Brown

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.

3.19 TDL/01900 (New) George MacKintosh

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.

3.20 TDL/01901 (New) John William Bruce

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.

Part C: Issues in Respect of Existing Licences

3.21 TL/189 Gerald McIver and Charlene McIver

The Committee unanimously agreed to take no further action.

3.22 TDL/01479 Bradley McGrath

The Committee unanimously agreed to take no further action.

3.23 TDL/01854 David Walsh

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Suspension Hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Committee adjourned for lunch and reconvened at 2.00 p.m.

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 for the agenda item 5 (Taxi Driver's Licence TDL/0901 - William Simson) on the grounds that otherwise "Exempt Information" of the type described in Paragraph 14 of Part 1 of Schedule 7A to the Act ("14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime") might be disclosed.

Part A: Hearings

5. Taxi Driver's Licence TDL/0901 - William Simson

The Committee, at its meeting on 22 January 2014, agreed, on the basis of the information presented, to proceed to an Ordinary Suspension Hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was present and accompanied by his legal representative. The complainer was also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder and his representative addressed the Committee on the issues raised and responded to questions. Thereafter the complainer addressed the Committee and responded to questions.

The licenceholder, his legal representative and the complainer then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no further action.

6. 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 for the agenda item 7 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) on the grounds that otherwise "Exempt Information" of the type described in Paragraphs 14 and 15 of Part 1 of Schedule 7A to the Act ("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") might be disclosed.

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

Submitted report by the Chief Executive on the circumstances relating to a landlord registration. Alastair Mills, formerly of 5 Broomfield, Largs and now of 10 Charles Street, Largs held a Registration covering 10 houses. The Committee considered whether, under Section 89, that Registration should be removed. In addition, the Landlord had applied under Section 84 to include a further house (3 Brisbane Road, Largs) in the Registration. As the Landlord was present when the Section 89 matters were considered, the Committee considered both the removal question and the application, information from Council Officers, persons with information which the Committee considered relevant, and the applicant landlord.

The Committee unanimously agreed:

- (a) under Section 84(2)(b) to refuse to enter the applicant landlord in the Register in relation to 3 Brisbane Road, Largs, in respect that he was not a fit and proper person having regard to his persistent and substantial breaches of housing law;
- (b) to remove him from the Register of Landlords in respect of all properties currently registered, for the same reason;
- (c) to serve a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the property at 3 Brisbane Road, Largs; and
- (d) to continue consideration to a later Meeting of the question of whether or not to make Section 94 Orders in relation to each of the 10 houses that had previously been registered, in order to receive reports from a Council Officer on those houses.

The meeting ended at 3.50 p.m.

Licensing Committee
6 June 2014

IRVINE, 6 June 2014 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Bruce, Catherine McMillan and Alan Munro.

In Attendance

J. McKay, Senior Manager Protective Services and D. Drennan, Team Manager Building Standards (Development and Environment); C. Andrew, Senior Manager (Legal Services), J. Armstrong, Graduate Trainee, A. Toal, Administrative Assistant and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Also In Attendance

Inspector Skimming and Sergeant McIntosh (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Tom Marshall, Ian Clarkson, Donald Reid and Robert Steel.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

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

Submitted report by the Chief Executive on a Hearing to be determined in terms of the Civic Government (Scotland) Act 1982.

Michael Lynam, Alba West, Shore Complex, Ardeer, Stevenson, has applied for a Temporary Public Entertainment license PEL/208 for a custom and classic bike show on Friday 27 - Sunday 29 June 2014.

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The Senior Manager (Legal Services) set out the background to the Hearing as previously intimated in writing to the applicant. The representative from Building Standards addressed the Committee in relation to outstanding issues raised in a letter dated 20 May 2014 to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 12 May 2014 setting out the observations of the Chief Constable of Police Scotland on the applicant. The applicant addressed the Committee on the issues raised and responded to questions.

The Committee agree to adjourn for five minutes, during which Members withdrew to receive legal advice.

The Committee agreed to continue consideration of the application to the next meeting, to allow the applicant to provide all necessary information to Officers in relation to the proposed event.

3. Urgent Item

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

3.1 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 for the Agenda item 3.2 on the grounds that otherwise "Exempt Information" of the type described in Paragraph 14 of Part 1 of Schedule 7A to the Act ("14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime might be disclosed").

3.2 TDL/1874 Paul James Gorman

The Committee considered a request from the Chief Superintendent of Police Scotland for the immediate suspension of Taxi Driver's Licence TDL/1874 held by Paul James Gorman, 47 Baidland Avenue, Dalry under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Committee unanimously agreed (a) to suspend licence TDL/1874 in terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982; and (b) on the basis of the information presented, to proceed to a hearing, within 6 weeks, in terms of Paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of licence TDL/1874.

The Meeting ended at 11.20 a.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

25 June 2014

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: 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, all in terms of the Civic Government (Scotland) Act 1982.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.
- 1.2. A meeting of a local authority is open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under:
 - (a) the rule about 'confidential information' (as defined) or
 - (b) by Resolution.

(Local Government (Scotland) Act 1973, Section 50A, and especially Subsection 50A(4)).
- 1.3. Under the Resolution procedure, the Committee is entitled to resolve to exclude from the Meeting the press and the public for any one or more items of business on the grounds that otherwise "Exempt Information" of any type described in Part 1 of Schedule 7A to the Act might be disclosed.
- 1.4. The types of "Exempt Information" which may arise during Committee business include those described in Paragraphs 14 and 15 of that Schedule:

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 to mean a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.)
- 1.5. Such a Resolution, once made, continues until the end of the Meeting unless the Committee earlier Resolves to revoke it.

2. Current Position

Appendix A:

Licences where Hearings have been convened;

Appendix B:

Applications for the grant or renewal of licences and permits; and

Appendix C:

Issues in respect of existing licences.

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

- 4.4 None

Environmental and Sustainability Implications

4.5 None

Implications for Key Priorities

4.6 None

5. Consultations

5.1 Consultations have been undertaken with Police Scotland, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

6.1 The Committee is requested to consider and dispose of the matters before it.



ELMA MURRAY
Chief Executive

Reference : PAT/JA

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

Background Papers

None

Hearings

Hearing 1	Public Charitable Collection	PCC
Applicant and Address	Trevor Gray 54 Larch Terrace Beith KA15 1EN	
Hearing 2	Taxi Driver's Licence	TDL/00717
Applicant and Address	Robert McLeish 61 Mains Road Beith KA15 2AP	
Hearing 3	Taxi Driver's Licence	TDL/01649
Applicant and Address	Paul Williams 1 Green Avenue Irvine KA12 0UQ	
Suspension Hearing 4	Taxi Driver's Licence	TDL/01854
Licenceholder and Address	David Walsh 11 Shaw Place Saltcoats KA21 6LQ	
Suspension Hearing 5	Taxi Driver's Licence	TDL/01874
Licenceholder and Address	Paul James Gorman 47 Baidland Avenue Dalry KA24 4DR	
Hearing 6	Taxi Driver's Licence	TDL/01878
Applicant and Address	David Brown 9 Broughton Green Irvine KA11 2EJ	

Hearing 7	Taxi Driver's Licence	TDL/01901
Applicant and Address	John William Bruce 30 Churchill Avenue Kilwinning KA13 7JN	
Hearing 8	Taxi Driver's Licence	TDL/01907
Applicant and Address	Gordon Anderson 220B Glasgow Street Ardrossan KA22 8JS	
Hearing 9	Taxi Driver's Licence	TDL/01911
Applicant and Address	Brent Norris 1 Kirkland Crescent Dalry KA24 5EA	
Hearing 10	Public Entertainment Licence	PEL/208
Applicant and Address	Michael George Lynam 8 Beechwood Kilwinning KA13 7HT	
Hearing 11	Street Trader Employee's Licence	STL/E/168
Applicant and Address	Neil David McIntyre 18 Dalgarvin Wynd Kilwinning KA13 6DD	
Hearing 12	Public Charitable Collection	PCC
Applicant and Address	David Payne DMD Sales Solution PO Box 1015 Aylesbury HP22 9LU	

Hearing 13

Public Entertainment Licence PEL/214

Applicant and Address

David **Boyle**
Kelburn Productions
Kelburn
Fairlie
Largs
KA29 0BE

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Comments
LHCL/115 (New)	AG Restaurants Ltd c/o Alexander Sloan CA 38 Cadogan Street Glasgow G2 7HF	Outwith Council Policy
Premises	McDonalds Riverway Retail Park New Street Irvine KA12 8NU	
TDL/00462 (New)	Matthew Imrie 13 Ellisland Place Saltcoats KA21 6ED	Police Observation received
TDL/00513 (New)	John McCubbin 33 Church Street Kilwinning KA13 6BB	Police Observation received
TDL/00705 (New)	William Alexander 3 Whitecraig Road Ardrossan KA22 7EF	Police Observation received
TDL/01915 (New)	Joseph Donnelly 4 Barony Court Girdle Toll Irvine KA11 1AX	Police Observation received and non disclosure
TDL/01920 (New)	Anthony McMillan 93C Glasgow Street Ardrossan KA22 8ER	Police Observation received and non disclosure

Issues in Respect of Existing Licences

Case 1	Street Trader Operator's Licence	STL/O/369
Licenceholder and Address	Sharon Serapiglia 75 Dundonald Crescent Auchengate Irvine KA11 5AX	
Vehicle Details	Mr Whippyman Mercedes Sprinter	
Licence dates	17 September 2012 - 31 August 2015	

NORTH AYRSHIRE COUNCIL

Agenda Item 4

25 June 2014

Licensing Committee

Subject: **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 is to be considered;
2. That the Committee should consider:
 - (a) to decide whether or not to make an order under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of any house referred to in the Registration; or
 - (b) failing (a), to delegate authority to the Clerk to make such an order.

1. Introduction

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.

1.2. The Relevant Person named in the attached Schedule was previously Registered under the 2004 Act. The rented houses concerned are listed in the Schedules.

Exempt Information

1.3. The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The Schedule contains information that suggests that the Relevant Person has breached the legal obligations on Landlords.

- 1.4. The information is within one of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 15: *"The identity of a Protected Informant."*

- 1.5. "Protected Informant" is defined in Part III of the Schedule and means:

"a person giving the Local Authority information which tends to show that -

- (a) a criminal offence,*
- (b) a breach of statutory duty,*
- (c) a breach of planning control, within the meaning of section 123(1) of the Town and Country Planning (Scotland) Act 1997, or*
- (d) a nuisance,*

has been, is being or is about to be committed".

- 1.6. For example, Paragraph 15 would apply where it was alleged:

- (a) that the state of repair of the rented house indicated that the Landlord had defaulted in his legal obligations, or
- (b) that the Landlord had defaulted in another obligation applying to Landlords, or

- 1.7. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

- 1.8. Accordingly, if a Resolution is made:

- (a) the Minutes must exclude so much of the proceedings during which the public were excluded (Section 50C);

- (b) the publicly-accessible Minutes shall include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

1.9. In Landlord Registration cases, the Summary will record:

- (a) the Relevant Person's Name,
- (b) Addresses of any house previously covered by Registration,
- (c) Committee Decision whether or not to make a Rent Penalty Notice in relation to that house or houses.

1.10. Although the Committee's Agenda and connected Reports are generally to be made public (Section 50B(1)), publication of the Schedules to this Report (but not the Report itself) has been withheld under Section 50B(2), as the proper officer has the opinion that they relate to items during consideration of which the Meeting is likely not to be open to the public, i.e. that the Committee is likely to make a Resolution to exclude the public during consideration of the Schedules.

1.11. Although the Schedule has not been published, the Relevant Person has been given appropriate copies and notice of the Committee Meeting.

2. Current Position

2.1 The Clerk has received information set out in the Schedule. This information suggests that there may be a basis for the Committee concluding that the one or more RPNs should be made.

3. Proposals

3.1. The Committee should:

- (a) determine whether it is satisfied that the house is presently occupied by a Tenant, and if so
- (b) decide whether or not to make an order under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of any house referred to in the previous Registration.

- 3.2. If it is not so satisfied, it may delegate authority to the Clerk to make 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 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

4.1 Financial Implications

If a RPN is issued, the Housing Benefit Office will be informed, so that the Landlord will no longer receive Housing Benefit.

4.2 Human Resource Implications

None.

4.3. Legal Implications

Where the Council makes any decision to make a RPN, or to refuse to recall a RPN, the Landlord may appeal to the Sheriff.

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) & (8).

For example:

- (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 Notice);
- (b) the Landlord will only be entitled to evict the Tenant if the Sheriff grants a Decree;
- (c) the Landlord continues to have repairing obligations.

4.4. Equality Implications

None.

4.5. Environmental Implications

None.

4.6. Implications for Key Priorities

None.

4.7. Community Benefit Implications

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. Consultations

- 5.1 No consultations are appropriate. The Schedule contains information supplied by a NAC Department.

6. Conclusion

- 6.1 The Committee is invited to take the actions recommended.



ELMA MURRAY
Chief Executive

Reference : WOB

For further information please contact William O'Brien, Solicitor (Licensing) on 01294-324345.

Background Papers

Schedule (not to be published)