

Licensing Committee
13 March 2024

IRVINE, 13 March 2024 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Eleanor Collier, Nairn McDonald, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Donald L. Reid and Angela Stephen.

In Attendance

R. Lynch, Senior Manager (Legal Services), D. Grier, Solicitor (Legal Services), D. Robertson, Enforcement Officer, S. Dalgoutte and A. Kellas, Senior Clerical Assistants (Licensing), A. Toal, Administration Assistant (Licensing) and M. Anderson, Senior Manager (Committee and Member Services) (Democratic Services) (Chief Executive's Service).

Also in Attendance

Sergeant S. Syme (Police Scotland).

Chair

Councillor Collier in the Chair.

Apologies

John Bell and Ronnie Stalker.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

Councillor Donald L. Reid made a transparency statement advising that he had visited the site which was the subject of a Caravan Site Licence renewal application (Case 9 in respect of Agenda Item 3: Civic Government Scotland Act 1982 and Other Licensing Statutes: Licensing Matters). Having applied the objective test, Councillor Donald L. Reid assessed that it was not an interest in terms of the Councillors' Code of Conduct, but that he nonetheless would leave the meeting during consideration of this items of business.

2. Minutes

The accuracy of the Minutes of the Meeting of the Licensing Committee held on 7 February 2024 were confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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 Agenda Item 3 (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."

4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

4.1 Taxi Driver's Licence: TDL/02437 (New): Shaun Blakely

At its meeting held on 7 February 2024, the Committee unanimously agreed to continue consideration of this application to its March 2024 meeting, to allow the applicant to submit a character reference, including any appropriate further supporting information, to assist the Committee in making its decision.

The Committee noted that the requested further information had been submitted. The applicant, having been duly cited to attend, was unable to be present.

The Committee agreed that it had sufficient information available to allow it to make a decision in respect of this matter.

Decision

Councillor McDonald, seconded by Councillor McLean, moved that the Committee agree to grant the application for a period of one year, 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.

4.2 Taxi Driver's Licence: TDL/02442 (New): Jordan Devine

The applicant, having been duly cited to attend, was not present or represented. A representative from Police Scotland was in attendance.

The representative of Police Scotland addressed the Committee on the terms of a letter setting out their objection. The Committee's attention was also drawn to a minor typographical error within the letter in respect of the applicant's date of birth and the correct date was noted.

Decision

Councillor Collier, seconded by Councillor McDonald, moved that the application be refused on the basis that the applicant was not a fit and proper person to hold the Licence applied for, in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

4.3 Short Terms Lets: NA00245P: Charles Fforde Short Term Lets: NA00257, NA00258, NA00259P, NA00260P and NA00261P: Strabane Enterprises Limited

The Senior Manager (Legal Services) introduced the Short Term Let applications, advising a letter, dated 12 March 2024, from the applicant's solicitor requesting that the Committee agree to continue consideration of the applications until its May 2024 meeting.

The representative of Police Scotland confirmed that there was no objection to the proposed continuation.

Members then asked questions of clarification of the Senior Manager (Legal Services).

Decision

The Committee unanimously agreed to continue consideration of this matter to its May 2024 meeting.

Councillor Donald L. Reid left the meeting during consideration of the following item of business and took no part in the determination.

The Senior Manager (Legal Services) also left the meeting during consideration of the following item of business in light of previous interaction in respect of the case.

4.4 Caravan Site Licence: CSL/004 (Renewal): Willow Park Mobile Homes Limited

The applicant, having been duly cited to attend, was present. Two representatives of the Willow Park Residents Association were also in attendance to address the Committee on their representations.

The Enforcement Officer addressed the Committee on the background to the application.

At the invitation of the Chair, the representatives of the Residents Association then addressed the Committee on the terms of their written submission dated 21 February 2024 with regard to:

- the site's septic tank/drainage and sanitation arrangements, including correspondence with SEPA;
- a perceived lack of clarity in respect of the site manager's remit and responsibilities;
- arrangements in relation to fire safety on the site;
- salt bin provision and arrangements for gritting

Further written submissions were circulated at the meeting, namely in respect of:

- licence conditions on site maintenance and site manager arrangements, together with associated correspondence;
- emergency planning arrangements for the site and associated correspondence;
- the siting of salt/grit bins, together with photographs of the site.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 11.00 a.m. to allow Members to read the further written submissions by the representatives of the Residents Association. The meeting reconvened at 11.20 a.m., with the same Members and officers present and in attendance as previously.

Members asked questions of clarification of the representatives of the Residents Association.

The applicant then addressed committee on the terms of her written submission dated 11 March 2024, which addressed the following:

- planning permission for the installation of a new sewerage treatment plant to serve the site;
- fire safety arrangements for the site; and
- the provision of salt bins on site.

Members then asked questions of clarification of the applicant.

The applicant and representatives of the Residents Association then withdrew to allow the Committee to deliberate, rejoining the meeting to hear the Committee's decision.

On a point of clarification, the Committee requested, and received, information from the applicant on the provision of "Protected Site Agreements" to residents/their solicitors.

Decision

Councillor McDonald, seconded by Councillor Inglis, moved that the Committee agree to grant the application under The Caravan Sites and Control of Development Act 1960. There being no amendment, the motion was declared carried and the previous licence conditions remain in force.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 12.35 p.m. The meeting reconvened at 1.10 p.m., with the same Members and officers present and in attendance, the exception of Councillor Stephen.

Councillor Donald L. Reid rejoined the meeting at this point.

4.5 Short Terms Lets: NA00298P: Jacqueline Lamb

The applicant, having been duly cited to attend, was present and represented by her solicitor.

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

Decision

Councillor McDonald, seconded by Councillor Donald L. Reid, moved that the Committee agree to grant the application under The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order") subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order; and (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing". There being no amendment, the motion was declared carried.

5. Urgent Items

There were no urgent items.

The meeting ended at 1.25 p.m.