

## **Licensing Committee 7 June 2023**

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

### **Present (Physical Participation)**

Eleanor Collier, Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Matthew McLean, Donald L. Reid and Ronnie Stalker.

### **Present (Remote Participation)**

H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service)

### **In Attendance**

R. Lynch, Senior Manager (Legal Services); W. O'Brien, Solicitor, C. Pollock Licensing Administration Officer, A. Toal, Administration Assistant, S. Dalgoutte, Senior Clerical Assistant (Licensing) and S. Wilson and C. Stewart, Committee Services Officers (Democratic Services) (Chief Executive's Service).

### **Also in Attendance**

Sergeant D. Markin and E. Blackwood (Police Scotland)

### **Chair**

Councillor Collier in the Chair.

### **Apologies**

Jean McClung and Angela Stephen

### **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.

### **2. Minutes**

The Minutes of the Meeting held on 10 May 2023 were confirmed and 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 Items 5 and 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."
- 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 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**

### **4.1 Taxi Driver's Licence: TDL/00298 (Renewal): John Phillips**

At a previous meeting on 19 April 2023, the Committee agreed to continue consideration to allow the licence-holder to attend.

The licence holder, having been duly cited to attend, was not present.

#### **Decision**

The Committee agreed to refuse the application on the grounds that the licence holder is no longer a fit and proper person to hold the licence.

### **4.2 Public Charitable Collection: Ali Mundell (Hansel)**

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

The Chair read out a letter submitted by the applicant to the Committee.

#### **Decision**

In relation to the request for a Public Charitable Collection Permission under Section 119 of the Civic Government (Scotland) Act 1982, the Committee agreed to the request to make an exception to the Committee's Policy under Sections 119(5) and (6)(a) (which provides that Street Collections are only permitted on Saturday, in the period from 9.00 a.m. to 6.00 p.m.) and granted the Permission requested subject to the Council's Standard Conditions as so modified.

#### **4.3 Public Entertainment Licence: PEL/720 (Temporary): Kelburn Arts Ltd**

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

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

#### **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

#### **4.4 Taxi Licence: TL/409 (Renewal): Catherine Wilkie**

The Committee was advised by the Solicitor (Licensing) that the application had been withdrawn.

Noted.

#### **4.5 Taxi Licence: TL/445 (New): Kirsten Stahly and Piotr Stachowski**

The applicants, having been duly cited to attend, were present.

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

#### **Decision**

The Committee agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

#### **4.6 Taxi Licence: TL/446 (New): Alasdair Drummond and Russell Drummond**

The applicants, having been duly cited to attend, were present.

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

#### **Decision**

The Committee agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

#### **4.7 Taxi Licence: TL/447 (New): Alasdair Drummond and Russell Drummond**

The applicants, having been duly cited to attend, were present.

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

##### **Decision**

The Committee agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

#### **4.8 Taxi Licence: TL/448 (New): Alasdair Drummond and Russell Drummond**

The applicants, having been duly cited to attend, were present.

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

##### **Decision**

The Committee agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

#### **4.9 Taxi Licence: TL/449 (New): Alasdair Drummond and Russell Drummond**

The applicants, having been duly cited to attend, were present.

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

##### **Decision**

The Committee agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

#### **4.10 Short Term Let Licence: NA00038N: James Heinemann**

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

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

#### **Decision**

The Committee agreed 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 the Mandatory Conditions set out in Schedule 3 to the STL Order and to 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".

#### **4.11 Short Term Let Licence: NA00055P: Steve Greatrex**

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

Objectors to the application were in attendance and their spokesperson addressed the Committee and responded to questions.

#### **Decision**

The Committee agreed 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 the Mandatory Conditions set out in Schedule 3 to the STL Order and to 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".

Councillor Bell left the meeting at this point.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 1.05 p.m. for a short comfort break, reconvening at 1.30 p.m. with the same Members and officers present and in attendance.

#### **4.12 Short Term Let Licence: NA00098P: Kevin McKay**

The applicant, having been duly cited to attend, was present as was an objector. The parties then addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee agreed 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 the Mandatory Conditions set out in Schedule 3 to the STL Order and to 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".

#### **4.13 Short Term Let Licence: NA00099P: Kevin McKay**

The applicant, having been duly cited to attend, was present as was an objector. The parties then addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee agreed 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 the Mandatory Conditions set out in Schedule 3 to the STL Order and to 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".

#### **4.14 Short Term Let Licence: NA00092P: Josephine McKenna**

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

#### **Decision**

The Committee agreed to defer consideration of this application to a future meeting to allow the applicant to attend.

The meeting ended at 3.10 p.m.