

Licensing Committee
23 October 2023

IRVINE, 23 October 2023 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 12.00 p.m.

Present

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

In Attendance

R. Lynch, Senior Manager, D. Grier, Solicitor (Legal Services), W. O'Brien, Solicitor (Licensing), A. Toal, Administration Assistant (Licensing) and C. Stewart, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also in Attendance

Sergeant D. Markin and D. Hastings (Police Scotland).

Chair

Councillor Collier in the Chair.

Apologies

Jean McClung and Matthew McLean.

1. Adjournment of Meeting

The meeting was adjourned at the commencement time of 12.00 p.m., pending the conclusion of business of the immediately preceding meeting of the Licensing Board, and reconvened at 12.35 p.m., with the same Members and officers present and in attendance.

2. 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.

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 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.

4.1 Taxi Driver's Licence: TDL/2301: Scott McKinlay

The licence-holder having been duly cited to attend, was not present. A representative from Police Scotland was in attendance.

Police Scotland addressed the Committee on the terms of a letter setting out their representation including the outcome of court proceedings in this respect.

Decision

Councillor McDonald, seconded by Councillor Reid, moved that:

- (a) the Licence be suspended under Paragraph 11(2)(a) of the Schedule 1 to the Civic Government (Scotland) Act 1982, on the basis that the licence-holder was not a fit and proper person to hold the Licence;
- (b) that the suspension should operate immediately, given that that was appropriate in the circumstances, under Paragraph 11(10); and
- (c) that the suspension should be for the whole unexpired duration of the Licence, under Paragraph 11(11).

There being no amendment, the motion was declared carried.

The meeting ended at 12.45 p.m.