

Licensing Committee  
8 May 2024

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)**

Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean and Ronnie Stalker.

**Present (Remote Participation)**

Donald L. Reid.

**In Attendance**

R. Lynch, Senior Manager, D. Grier, Solicitor (Legal Services); C. Pollock, Licensing Administration Officer, A. Toal, Administration Assistant, S. Dalgoutte and A. Kellas, Senior Clerical Assistants (Licensing); C. Boyd, Team Manager (Environmental Health) and C. Stewart, Committee Services Officer (Corporate Services).

**Also in Attendance**

Sergeant S. Syme (Police Scotland).

**Chair**

Councillor McDonald in the Chair.

**Apologies**

Eleanor Collier 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 accuracy of the Minutes of the Meeting of the Licensing Committee held on 10 April 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 Case 1 in respect of 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**

##### **4.1 Taxi Driver's Licence: TDL/02464 (New): Ian Bruce (Case 1 in Agenda)**

The applicant, having been duly cited to attend, was present. A representative from Police Scotland was in attendance.

Police Scotland addressed the Committee on the terms of a letter setting out their representation.

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

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

The applicant and representative from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter the applicant and representative from Police Scotland re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

#### **Decision**

Councillor McClung, seconded by Councillor McLean, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee 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.

##### **4.2 Short Terms Lets: NA00245P: Charles Fforde (Case 2 in Agenda) Short Term Lets: NA00257, NA00258, NA00259P, NA00260P and NA00261P: Strabane Enterprises Limited (Cases 3, 4, 5, 6 & 7 in Agenda)**

Councillor McDonald, Chair, informed the Committee that Police Scotland had withdrawn their objection in respect of the applications.

#### **Decision**

Accordingly, the Committee agreed to grant the applications 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".

#### **4.3 Short Terms Lets: NA00382P: John Campbell (Case 8 in Agenda)**

The licence-holder, having been duly cited to attend, was present. No objectors were present but their written objections in relation to the application were taken into consideration by the Committee.

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

The applicant then withdrew to allow the Committee to deliberate. Thereafter the applicant rejoined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

#### **Decision**

Councillor Reid, seconded by Councillor McLean, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, 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 (a) the Mandatory Conditions set out in Schedule 3 to the STL Order, (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" and (c) a further additional condition requiring the applicant to provide contact details to the residents/occupiers of the block of flats containing the application address.

### **5. Public Entertainment Resolution under the Civic Government (Scotland) Act 1982**

Submitted report by the Head of Democratic Services advising the Committee on the procedure for the review of its Public Entertainment Licence and to determine the terms of its Resolution on such for public consultation.

The Senior Manager (Legal Services) and the representative from Environmental Health were heard in clarification of certain matters as well as in answer to Members' questions.

The Committee agreed (a) to note the terms of the report; (b) that the List of places and activities needing a Licence in Part (A) of Appendix 2 to the report be revised on the basis discussed at the meeting, i.e. that "car cruise events or vehicle displays" be added to the List of places and activities, and also the expansion of the definition of 'exhibition' in said Appendix; (c) that the terms of the proposed resolution contained in Appendix 2, subject to the amendment referred to at (b) above, be consulted upon in terms of the required Statutory process under the Civic Government (Scotland)

Act 1982; and (e) that a further report be brought to a future meeting of the Committee in order to determine the final Resolution.

## **6. Urgent Items**

There were no urgent items.

The meeting ended at 10.50 a.m.