

Licensing Committee
9 February 2022

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

Present

Ronnie McNicol, Todd Ferguson, Robert Barr, John Easdale, Jean McClung, Davina McTiernan, Donald L. Reid and Ronnie Stalker.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing), D. Robertson, Enforcement Officer (Legal Services) and H. Clancy, Committee Services Officer (Chief Executive's Service).

Apologies

Scott Gallacher and Angela Stephen

Chair

Councillor McNicol in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 21 January 2022 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 Item 5 (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 Private Hire Car Licence: PHCL/375 (New) – Andrew Read

The applicant, having been duly cited to attend, joined the meeting at this point.

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

Decision

Councillor Ferguson, seconded by Councillor Easdale, moved that the Committee continue the application to the next meeting to allow representation by Police Scotland. There being no amendment the motion was declared carried.

4.2 Street Trader Operator's Licence: STL/O/516 & STL/O/518 – Bernadette McQuade (The Wee Fish Van)

The Licence Holder, having been duly cited to attend, was not present or represented. The Solicitor (Licensing) read out a written representation from the Licence Holder.

Decision

Councillor Barr, seconded by Councillor Ferguson, moved that the Committee:

- (1) In relation to the Licence STL/O/516: to grant the Amendment for the whole duration of the Licence, and to any renewed Licence which replaced it, to the extent of changing Standard Condition C.3 ("Movement") to refer to "60 minutes" instead of "20 minutes", under Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982; and
- (2) In relation to Licence STL/O/518: amend their policy in that case, so that the same change shall apply to the same standard condition for the whole duration of the Licence, and to any renewed Licence which replaced it, (but apart from these two Licences, that standard condition shall continue to refer to "20 minutes").

There being no amendment, the motion was declared carried.

Appendix B: Applications for Licences/Renewal of Licences

4.3 ISEL/022 (New) – Eleanor Bone

The Committee noted that this application would be dealt with under delegated authority.

4.4 TDL/00422 (Renewal) – James Cunninghame

The Committee agreed, on the basis of the information presented, to continue consideration of the case.

4.5 TDL/00737 (Renewal) – William Murray

The Committee agreed, on the basis of the information presented, to continue consideration of the case.

5. Urgent Items

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

5.1 Taxi Driver's Licence

The Committee heard from the Enforcement Officer regarding a complaint made against a licence holder.

The Committee agreed, on the basis of the information presented, to proceed to a Hearing on the possible revocation or suspension of the Licence in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

The meeting ended at 11.05 a.m.