

Licensing Committee
18 August 2021

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, Scott Gallagher, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

Also Present

Alex Gallacher

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing) (Democratic Services), A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Also in Attendance

Douglas Blair (Largs Viking Festival)

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 (i) 2 June (ii) 7 June and (iii) 14 July 2021 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

2. Largs Land Train - Street Trader Licences under Civic Government (Scotland) Act 1982, Section 39

Submitted report by the Head of Democratic Services on the application for a temporary Street Trader Licence under Civic Government (Scotland) Act 1982, Section 39 by Largs Viking Festival for a Land Train in Largs to operate from Saturday 28 August 2021 to Sunday 5 September 2021.

At its meeting on 14 July 2021, the Committee agreed that a consultation should be undertaken to inform policy on future licence applications for land trains and rickshaws. The Committee unanimously agreed, in terms of Standing Order 21.1, to suspend Standing Order 23 to allow consideration of the current Licence Application.

Mr Blair representing Largs Viking Festival addressed the Committee in support of the application, responded to the matters raised and answered questions.

Councillor Easdale, moved that, the committee grant the application for a trial period. There being no seconder, the motion fell.

Councillor Barr, seconded by Councillor McNicol moved that the Committee refuse the application on the grounds that the Premises to be used were unsuitable for their proposed use, in terms of Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c). There being no amendment the motion was declared carried, Councillor Easdale abstaining.

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 B: Applications for Licences/Renewal of Licences

4.1 TDL/00064 (New): Samuel Dean

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.2 TDL/02022 (Renewal): Connie Dunn

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.

4.3 TL/430 (New): Colin Bennett

The Committee agreed that the Solicitor (Licensing) could grant the application under delegated powers if and when satisfied that the proposed vehicle had been represented for inspection.

4.4 TL/431 (New): Hugh O'Neill

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.

5. Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 8

5.1 J.K.

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

The Committee was advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register.

The Registered Landlord then responded to the matters raised and answered questions. The Registered Landlord then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision

Decision

Councillor McClung, seconded by Councillor Ferguson, moved that the Committee remove the Registered Landlord from the register and refuse the renewal application on the grounds that the Registered Landlord was not a fit and proper person to be the holder of a licence. There being no amendment the motion was declared carried.

The meeting ended at 12.30 p.m.