



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Licensing Committee

A Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 02 April 2025** at **10:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

Licensing Exemption Para

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the Meeting of the Licensing Committee held on 5 March 2025 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters

Submit report by the Head of Democratic Services on hearings to be determined, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

4 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public will not be filmed. However, by entering the Council Chambers and using the press or public seating area, you acknowledge that you may be filmed and that any information pertaining to you contained in the video and oral recording of the meeting will be used for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. In making this use of your information the Council is processing data which is necessary for the performance of a task carried out in the public interest.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk

Licensing Committee Sederunt

Eleanor Collier (Chair)
Nairn Angus-McDonald (Vice-Chair)
John Bell
Cameron Inglis
Christina Larsen
Jean McClung
Matthew McLean
Donald L. Reid
Ronnie Stalker
Angela Stephen

Chair:

Apologies:

Attending:

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 Angus-McDonald, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Ronnie Stalker and Angela Stephen.

Present (Remote Participation)

Donald L. Reid.

In Attendance

R. Lynch, Senior Manager (Legal Services); C. Pollock, Licensing Manager and A. Kellas, Administration Assistant (Licensing); and C. Stewart, Committee Services Officer (Corporate Services).

Also in Attendance

Sergeant David Markin and Dawn Hastings (Police Scotland),

Chair

Councillor Collier in the Chair.

1. Declarations of Interest

Councillor Reid declared an interest in Case 3 on the Agenda and took no part in the decision thereon.

2. Minutes

The accuracy of the Minutes of the Meeting of the Licensing Committee held on 5 February 2025 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."

3. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

3.1 Taxi Driver Licence: TDL/02513 (NEW): James Moore (Case 2 on 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 objection.

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 Larsen, seconded by Councillor Stalker, moved that the Committee refuse the application on the basis that the applicant was not considered to be a fit and proper person to hold such a licence. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the basis that the applicant was not considered to be a fit and proper person to hold such a licence.

3.2 Taxi Driver Licence: TDL/02197: Gareth Wilkinson (Case 1 on 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 objection.

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

Decision

Councillor Stalker, seconded by Councillor Larsen, moved that the Committee agree to continue the matter to the meeting of the Licensing Committee on 4 June 2025. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to continue the matter to the meeting of the Licensing Committee on 4 June 2025.

3.3 Private Hire Car Licence: PHCL/385 (NEW): Jarred Raybould (Case 3 on Agenda)

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

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.

Decision

Councillor McLean, seconded by Councillor Stalker, moved that (1) the application be treated as an exception to the Council's Vehicle Specification Policy which required the use of a Wheelchair Accessible Vehicle; and (2) that the grant of the Private Hire Car Licence, be approved subject to the necessary checks and approvals processes undertaken by the Licensing Section. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to (a) treat the application as an exception to the Council's Vehicle Specification Policy for the purposes of Section 10(2) of the Civic Government (Scotland) Act 1982; (b) treat the case as an exception to the part of the Policy requiring the use of a Wheelchair Accessible Vehicle; (c) that the grant of the Private Hire Car Licence, be approved subject to the necessary checks and approvals processes undertaken by the Licensing Section; and (d) delegate authority to the Solicitor (Licensing) to grant the application.

3.4 Late Hours Catering Licence: LHCL/146 (NEW): BKUK Group Limited (Case 4 on Agenda)

It was noted that the application was before the Committee as the Applicant was seeking hours out with the Council's policy for grant by delegated powers (i.e. after 1.00 a.m.). The applicant, and their representative, having been duly cited to attend, were present and addressed the Committee 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.

Decision

Councillor McLean, seconded by Councillor Angus-McDonald, moved that the Committee agree to grant the Late Hours Catering Licence. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the Late Hours Catering Licence.

4. Urgent Items

There were no urgent items.

The meeting ended at 11.10 a.m.

The full meeting proceedings can be viewed at
<https://north-ayrshire.public-i.tv/core/portal/home>

NORTH AYRSHIRE COUNCIL

2 April 2025

Licensing Committee

Title: **Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters**

Purpose: To advise the Committee of:
a) Hearings to be determined

Recommendation: 1) That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which any of the matters in this Report are to be considered;
2) That the Committee consider and determine the matters before them.

1. Executive Summary

1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

2. Background

2.1 The Committee's business under the 1982 Act is as follows:

Appendix A - Licences and Permits where Hearings have been convened

Exempt Information

2.2 The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The information is covered by one or more of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 3: "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."

Paragraph 6: "Information relating to the financial or business affairs of any particular person (other than the authority)."

Paragraph 14: "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."

Paragraph 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.

2.3 The details of the cases in the Appendix, with any relevant documents (such as letters from the Police or objectors) are in the background papers given to Committee Members and will be sent to the respective Applicants or Licence-Holders before the Meeting. The Schedules are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information".

2.4. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

2.5. For example:

Paragraph 3 could apply in relation to information or advice requested by a member of the public.

Paragraph 6 could apply to a business activity (such as where an Applicant wants a Licence for business or employment).

Paragraphs 14 or 15 could apply where it was alleged that there was criminal conduct or anti-social behaviour committed by or against a Licence-Holder or Applicant for a Licence, or where the Committee was told that any person had committed a criminal offence (whether or not there had been concluded Court proceedings).

2.6. Accordingly, if a Resolution is made:

- (a) the publicly-accessible Minutes will exclude so much of the proceedings during which the public were excluded (Section 50C);
- (b) the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

3. Proposals

3.1 It is proposed that the Committee consider and determine each of the listed cases in accordance with the required procedure.

4. Implications/Socio-economic Duty

Financial

4.1 There are possible financial implications in relation to any Licensing decision.

Human Resources

4.2 None

Legal

4.3 There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.

Equality/Socio-economic

4.4 Equality Act 2010 imposes duties on the Council:

Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council

"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

Section 149(1) ("Public sector equality duty"): the Council

"must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act];
- (b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it;
- (c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it."

The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Clerk has considered these Duties in preparing this Report and any specific impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant impacts to be considered

Climate Change and Carbon

4.5 None.

Key Priorities

4.6 North Ayrshire Council has priorities for "Communities and Local Democracy" and "Wellbeing" in the Council Plan 2023-2028. An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Strategic Aim-Wellbeing.

Community Wealth Building

4.7 There are no Community Wealth Building issues.

5. Consultation

5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates.

Aileen Craig
Head of Democratic Services

For further information please contact **Raymond Lynch, Manager, Legal Services**, on **Licensing@north-ayrshire.gov.uk**.

Background Papers

None

Appendix A

Case 1	Public Entertainment Licence	PEL/789 (Temporary)
Applicant	Wesley Smith	

Case 2	Public Entertainment Licence	PEL/791 (Temporary)
Applicant	John Thomson	

Case 3	Short Term Let	NA00824N
Applicant	Ian Kirsop	

Case 4	Short Term Let	NA00841N
Applicant	Mark Tracey	
