

Licensing Committee  
20 June 2022

**IRVINE**, 20 June 2022 - At a Meeting of the Special Licensing Committee of North Ayrshire Council at 12.40 p.m. within the Council Chambers, Irvine.

**Present**

Eleanor Collier, Nairn McDonald, Stewart Ferguson, Christina Larsen, Jean McClung and Donald L. Reid.

**In Attendance**

R. Lynch, Senior Manager (Legal Services), C. Pollock, Licensing Admin Officer (Licensing) and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Collier in the Chair.

**Apologies**

John Bell 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. 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."

### **3. 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**

##### **3.1 Taxi Driver's Licence: TDL/02293 (New): John Welsh**

At a previous meeting on 1 June 2022, the Committee agreed to continue consideration of this application.

The applicant, having been duly cited to attend, was not present or represented.

The Senior Manager (Legal Services) set out the background to the Hearing as previously intimated in writing to the applicant and advised the Committee of a letter from Police Scotland setting out their representation in respect of the application.

The Senior Manager (Legal Services) advised the Committee the Applicant had a "Protected Conviction" to which the provisions of the Rehabilitation of Offenders Act 1974 applied. The Committee then carried out the procedure required under the Rehabilitation of Offenders Act 1974, Section 7(3) and determined that justice could not be done except by having regard to the Applicant's "Protected Conviction".

#### **Decision**

The Committee agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant is 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 12.45 p.m.