

Licensing Committee  
17 November 2021

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

**Present (Physical Participation)**

Ronnie McNicol, Robert Barr and Ronnie Stalker.

**Present (Remote Electronic Participation)**

John Easdale, Todd Ferguson, Jean McClung, Davina McTiernan and Angela Stephen.

**In Attendance**

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

**Apologies**

Scott Gallacher and Donald L. Reid

**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 20 October 2021 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/3768 (New) David McKnight**

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

The applicant addressed the Committee on the issues raised and responded to questions. Cllrs Ferguson and Stephen joined the meeting at this point and took no part in the decision. The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor Easdale, seconded by Councillor McNicol, moved that the Committee grant the application to treat the car as an exception to the Specification Policy and regard it as 'suitable' for use as a hire-car, in terms of the Civic Government (Scotland) Act 1982 Section 10(2). There being no amendment, the motion was declared carried.

The applicant left the meeting at this point.

#### **4.2 Taxi Licence: Scott Dalzell**

The Licence holder, having been duly cited to attend, was not present.

### **Decision**

Councillor Barr, seconded by Councillor Ferguson, moved that the Committee refuse the application on the grounds of public safety, in terms of Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **4.3 TDL/02129: Alan Mark**

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.

### **5. Urgent Item**

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: TDL/291: James Archibald Imrie Williamson**

The Solicitor (Licensing) set out the background to a request from Police Scotland for the suspension of a Taxi Driver's Licence.

#### **Decision**

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

The meeting ended at 10.45 a.m.