

Licensing Sub Committee of Corporate Services Committee
16 April 2003

IRVINE, 16 April 2003 - At a Meeting of the Licensing Sub Committee of the Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, Elizabeth McLardy, and John Moffat.

In Attendance

I T Mackay, Assistant Chief Executive, F Murray, Solicitor (Licensing) and M McCann, Administrative Assistant (Licensing) (Legal and Protective); and M McKeown, Corporate and Democratic Support Officer (Chief Executive's).

Also In Attendance

Chief Inspector N Rennie and Sergeant P Ackburn, Strathclyde Police.

Chair

Councillor Munn in the Chair.

Apologies for Absence

Jack Carson, Robert Reilly and Samuel Gooding.

1. Exclusion of Public

The Sub Committee resolved, in terms of Section 50(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following items of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Part I of Schedule 7A of the Act.

2. Civic Government (Scotland) Act 1982: Applications for Licences

Submitted report by the Assistant Chief Executive (Legal and Protective) on (a) applications for the grant or renewal of licences; (b) issues in respect of existing licenceholders which may require a Hearing; and (c) Hearings which require to be determined by the Sub Committee.

The Sub Committee agreed to dispose of these matters as indicated in the attached Appendix LS1.

The meeting ended at 3.45 p.m.

PART A: Applications for Licences/Renewals of Licences/Permits

Taxi Driver Licences

1) TDL/953 (N):

The Sub Committee unanimously agreed on the basis of the information before it, to hold a Hearing in terms of Sub-Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2) TDL/950 (N): Alexander Cairns

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3) TDL/945 (N): James A Haswell

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

4) TDL/946 (N): Scott P Haswell

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

5) TDL/948 (N): Alexander W Kennedy

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

6) TL/401 (N): David S Wilde

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Late Hours Catering

1) LHCL/037:

The Sub Committee unanimously agreed on the basis of the information before it to (a) hold a Hearing in terms of Sub-Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) seek clarification from the applicant on the extended hours being applied for.

2) LHCL/004 (N): Jane Bakshi

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Public Charitable Collection

1) PCC/29/03 (N): Kim L Proctor

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

2) PCC/32/03 (N): Elizabeth G Barbour

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Public Entertainment Licences

1) PEL/068 (N): Norma Irvin

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Market Operators Licence

1) MOL/005 (N): Camal Magon

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B: Individual Licences where the issues raised may require a Hearing

Taxi Driver Licences

1) TDL/840:

The Sub Committee unanimously agreed to take no action to suspend the licence in terms of Sub-Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2) TDL/918:

The Sub Committee unanimously agreed on the basis of the information before it, to hold a Hearing in terms of Sub-Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3) TDL/093:

The Sub Committee unanimously agreed to take no action to suspend the licence in terms of Sub-Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART C: Individual Licences where Hearings have been convened

1) TDL/934

The applicant having been duly cited was not present at the Hearing.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated to the applicant. The representative of the Chief Constable of Strathclyde Police then addressed the Sub Committee in respect of a representation from the Chief Constable, which was considered competent in terms of Paragraph 3 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

The Sub Committee agreed unanimously 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 taxi drivers licence by virtue of the convictions recorded against him.

2) TDL/659

The applicant having been duly cited was present at the Hearing.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated to the applicant. The representative of the Chief Constable of Strathclyde Police then addressed the Sub Committee in respect of a representation from the Chief Constable, which was considered competent in terms of Paragraph 3 of Schedule 1 of the Civic Government (Scotland) Act 1982. The applicant then addressed the Hearing before withdrawing together with the Solicitor (Licensing) and the Police representative to allow the Sub Committee to deliberate.

All parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3) PHCL/038

The licence-holder having been duly cited was present at the Hearing.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated to the applicant. The applicant then addressed the Hearing before withdrawing together with the Solicitor (Licensing) to allow the Sub Committee to deliberate.

Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to take no action to suspend the licence in terms of Sub Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4) TDL/939

The applicant having been duly cited was present at the Hearing.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated to the applicant and advised the Sub Committee that the applicant had spent convictions which could be considered relevant. The Sub Committee unanimously agreed to hear the spent convictions, the applicant having offered no objections.

The applicant then addressed the Hearing before withdrawing together with the Solicitor (Licensing) to allow the Sub Committee to deliberate.

Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.

5) TDL/938

The applicant having been duly cited was present at the Hearing.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated to the applicant and advised the Sub Committee that the applicant had spent convictions which could be considered relevant. The Sub Committee unanimously agreed to hear the spent convictions, the applicant having offered no objections.

The applicant then addressed the Hearing before withdrawing together with the Solicitor (Licensing) to allow the Sub Committee to deliberate.

Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application in terms of Paragraph 5 of Schedule 1 of the Civic Government (Scotland) Act 1982.