

Licensing Committee
16 April 2012

IRVINE, 16 April 2012 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Elisabeth Marshall, Ian Clarkson, Alan Hill, John Moffat and Joan Sturgeon.

In Attendance

W. O'Brien, Senior Solicitor (Licensing) and A. Toal, Administrative Assistant (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the Meeting held on 20 March 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Solicitor to the Council on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

4. Civic Government (Scotland) Act 1982: Taxi Fare Review

Submitted report by the Solicitor to the Council on the proposed new North Ayrshire Taxi Fare Tariff.

The Council is required in terms of the Civic Government (Scotland) Act 1982 to review the maximum fares that taxis operating within North Ayrshire may charge. This should be done at intervals of eighteen months.

At its meeting on 15 November 2011, the Committee approved a timetable for reviewing and setting a new taxi fare tariff. The timetable included the convening of a consultation meeting between Members and officials appointed by the Committee, and representatives from the Taxi and Private Hire Car Trades. The consultation meeting took place on 10 January 2012 and the report provided a summary of the points discussed.

The Licensing Committee agreed to approve a draft tariff (Appendix A) at its meeting on 7 February 2012. In accordance with the statutory requirements, public notice had been given of the draft taxi fare tariff as earlier approved by the Committee and representatives invited from the general public. No representations have been received in response to this public notice.

The Committee agreed to approve the proposed taxi fare tariff, to come into effect subject to Section 18A of the 1982 Act.

5. Chair's Remarks

The Chair noted that this was the last meeting of the Licensing Committee in the current administration and took the opportunity to record his thanks to Elected Members and to former and current Officers for their contribution to the work of the Committee.

The meeting ended at 3.35 p.m.

PART A

Hearings

1. TDL/00638 John William Bruce

The Committee, at its meeting on 20 March 2012, 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.

The licenceholder having been duly cited to attend was present. A complainant, Ms K, was also in attendance.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The complainant addressed the Committee setting out concerns in relation to the alleged conduct of the licenceholder. Thereafter the licenceholder addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed, on the basis of the information before it, to (a) take no action with regard to suspension at this time; and (b) provide the licenceholder with a verbal warning in respect of his conduct.

2. TDL/01188 (Renewal) Kenneth MacDonald

The Committee, at its meeting on 20 March 2012, 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.

The licenceholder having been duly cited to attend was present.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder then addressed the Committee on the issues raised and responded to questions.

The licenceholder then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to refuse the application, being of the opinion that the absence of evidence that the licenceholder both (a) held a DVLA licence on the date of the Committee's consideration; and (b) had held such a licence for a continuous period of 12 months immediately prior to the date of his application, constituted a good reason for refusing the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5 (3)(d).

3. PEL/134 and PEL/135 (New) Kelburn Productions Ltd

D. Boyle and his representative Z. Shaw were in attendance. An objector, Mr Benson, was also in attendance.

The Senior Solicitor (Licensing) set out the background to the application. The objector addressed the Committee setting out concerns in relation to noise disturbance. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant and his representative, together with the objector, then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Mr Boyle accepted the proposed conditions.

Decision

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

PART B

1. TDL/00478 (New) Deborah Bell

The Committee unanimously 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.

2. TDL/00717 (Renewal) Robert McLeish

The Committee unanimously 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.

3. TDL/01773 (New) Colin Devers Bennett

The Committee unanimously agreed to continue consideration of this item to the next meeting, to allow for further information.

4. TDL/01775 (New) Aso Jamal

The Committee unanimously 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.

PART C

1. TDL/01273 Isabella C Salvona

The Committee unanimously agreed to (a) take no action in terms of a suspension hearing and (b) remind the applicant in writing of her duty to comply with the licence condition relating to the disclosure of convictions.