



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

15 November 2012

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 2, Cunninghame House, Irvine on **WEDNESDAY 21 NOVEMBER 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

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 Minutes of the Meetings of the Licensing Committee held on 3 October and 25 October (Special) 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

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

Submit 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 (copy enclosed).

4. Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Ruth Maguire
Alex McLean
Alan Munro
Donald Reid
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
3 October 2012

IRVINE, 3 October 2012 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Ronnie McNicol, Tom Marshall, John Bruce, Ian Clarkson, Alex McLean, Alan Munro, Donald Reid and Robert Steel.

In Attendance

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

Also In Attendance

Inspector Skimming and Constable McIntosh, Strathclyde Police.

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Ruth Maguire.

1. Declarations of Interest

In terms of Standing Order 16, Councillor Steel, as an acquaintance of the applicant Ronald Tudhope, declared an interest in Agenda Item 3 (Application Ref:TDL/00451) and took no part in the discussion thereon.

2. Minutes

The Minutes of the previous meeting of the Licensing Committee held on 22 August 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. Urgent Items

The Chair agreed that the following items of business be considered as a matter of urgency to allow the matters to be actioned without delay.

4.1 TL/412 Alan Hamilton, Graham Hamilton and Elizabeth Hamilton

The Committee was advised that the above licence expired on 30 September 2012 and a renewal application had been received on 3 October 2012.

The Committee agreed to accept the late application and consider the application for renewal at a future meeting.

4.2 Taxi Fare Review

Representatives from the taxi trade in the Ardrossan area have made a representation for a further review of taxi fare tariffs as a result of escalating fuel prices.

The most recent taxi fare review commenced on 15 November 2011 and its outcome implemented with effect from 28 May 2012.

Representatives from Irvine taxi operator TOA were in attendance and expressed the view that the representation did not reflect the opinions of all taxi operators and drivers in North Ayrshire. It was suggested that consultation of TOA drivers could be undertaken to gauge their views on a taxi fare review.

The Committee agreed that the Solicitor (Licensing) report to a future meeting on the outcome of the consultation undertaken by the taxi operator TOA on a taxi fare review.

The meeting ended at 3.50 p.m.

PART A

Hearings

Itinerant Metal Dealer's licence

1. MDL/041 (New) Anthony Hamblin

The Committee, at its meeting on 22 August 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 applicant, having been duly cited to attend, was present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 8 and 19 June 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

After discussion, Councillor Clarkson, seconded by Councillor Steel, moved that the application be refused.

As an amendment, Councillor Reid, seconded by Councillor Bruce, moved that the application be granted.

On a division, there voted for the amendment 5 and for the motion 2, Councillor Munro abstaining from voting, and the amendment was declared carried.

Decision

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

Second Hand Dealer's licence

1. SHMVDL/162 (new) Pendragon Motor Group Ltd

The Committee, at its meeting on 22 August 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 applicant, having been duly cited to attend, was not present. Representatives from Strathclyde Police were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 8 June 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application.

The representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

Taxi Driver's Licences

1. TDL/01425 Leslie Watson

The Committee, at its meeting on 22 August 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. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 6 June 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the licenceholder addressed the Committee on the issues raised and responded to questions.

The licenceholder and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

2. TDL/01793 Alexander Butler

The Committee, at its meeting on 22 August 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 applicant, having been duly cited to attend, was present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 17 July and 1 August 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

3. TDL/01794 Robert Hendry

The Committee, at its meeting on 22 August 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 applicant, having been duly cited to attend, was present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 1 August and 11 August 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

4. TDL/00398 James Dean

The Committee was advised that the licenceholder's licence had expired and that no further action was required.

Noted.

PART B

1. LHCL/039 (Renewal) Arshad Ali

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. PHCL/307 (Renewal) David McComb

The Committee unanimously agreed (a) to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the Solicitor (Licensing) write to the licenceholder in relation to the licence conditions and the requirement to have a fire extinguisher in a suitable holder which is immediately accessible to the driver and in good working order.

3. TDL/00451 (New) Ronald Tudhope

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.

4. TDL/01399(New) Sandra Ward

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

5. TDL/01789 (New) Alan Thom

The Committee was advised of a pending Court case in respect of the applicant.

The Committee unanimously agreed to continue consideration of the application to a future Special Meeting of the Committee to be held prior to 10 November 2012.

6. TDL/01795 (New) William James Anderson

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

7. TDL/01799 (New) Robert Lynch

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.

8. TDL/01800 (New) Robin Vine

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

9. TL/014 (Variation) Robert Kerr

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

TDL/01493 Robert Steven Malcolmson

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.

Licensing Committee
25 October 2012

IRVINE, 25 October 2012 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 1.00 p.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alex McLean and Alan Munro.

In Attendance

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

Also In Attendance

Inspector Conway and Constable Briggs (Strathclyde Police).

Chair

Councillor McNicol in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

2. Exclusion of the Public

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 15 of Part 1 of Schedule 7A of the Act.

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

Submitted report by the Solicitor to the Council on Hearings to be determined in terms of the Civic Government (Scotland) Act 1982.

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

The meeting ended at 1.55 p.m.

PART A

Hearings

1. TDL/01789 (New) Alan Thom

The Committee, at its meeting on 3 October 2012, was advised of a pending Court case in respect of the applicant and agreed to continue consideration of the application to a future Special Meeting of the Committee to be held prior to 10 November 2012.

The applicant, having been duly cited to attend, was not present. Representatives from Strathclyde Police were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 31 May 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application.

The representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

2. TDL/01384 (New) Andrew Gillespie

Mr Gillespie's taxi driver's licence expired on 30 April 2012. He has applied for a new taxi driver's licence. A complaint has been received from a member of the public in respect of the applicant.

The applicant having been duly cited to attend was in attendance. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Committee on the issues raised and responded to questions. The representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 18 December 2007, 27 September and 16 October 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

After discussion, Councillor Munro, seconded by Councillor Clarkson moved that the application be granted.

As an amendment, Councillor Barr, seconded by Councillor Maguire, moved that the application be refused.

On a division, there voted for the amendment 3 and for the motion 3, with two abstentions. On the casting vote of the Chair, the amendment was declared carried

Decision

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

21 November 2012

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Licensing Matters**

Purpose: To advise the Committee of (a) Hearings to be determined; and (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.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

2. Current Position

- 2.1 The attached appendices detail the matters before the Committee for determination as follows:-

Appendix A:

Licences where Hearings have been convened;

Appendix B:

Applications for the grant or renewal of licences and permits; and

Appendix C:

Issues in respect of existing licences

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities

- 4.6 None

5. Consultations

- 5.1 Consultations have been undertaken with Strathclyde Police, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

- 6.1 The Committee is requested to consider and dispose of the matters before it.

A handwritten signature in black ink, appearing to read 'Ian T. Mackay', with a stylized flourish at the end.

IAN T MACKAY
Solicitor to the Council

Reference : PAT

For further information please contact William O'Brien, Solicitor (Licensing)
on 01294 324305

Background Papers

None

APPENDIX A

Hearings

Hearing 1	Public Entertainment Licence PEL/147(New)	
Applicant and Address	Albert Sedgwick 55 Duror Street Shettleston Glasgow G32 6XT	
Premises	Apollo Site Saltcoats	
Hearing 2	Late Hours Catering Licence LHCL/039 (Renewal)	
Applicant and Address	Arshad Ali 29 Whittle Road Ayr KA8 9PY	
Premises	Indian Palace 83 High Street Irvine	
Hearing 3	Taxi Driver's Licence	TDL/00451 (New 1 year licence)
Applicant and Address	Ronald Tudhope 5 Love Street Kilwinning KA13 7LQ	
Hearing 4	Taxi Driver's Licence	TDL/01799 (New 1 year licence)
Applicant and Address	Robert Lynch 17 Evelyn Terrace Kilwinning KA13 6JH	

APPENDIX A

Hearings

Suspension Hearing 5	Taxi Driver's Licence	TDL/01493
Licenceholder and Address	Robert Malcolmson 45 Woodmill Crescent Irvine KA11 1QR	
Duration of licence	1/12/2011 - 30/11/2014	
Hearing 6	Taxi Operator's Licence	TL/014 (Variation to partnership)
Applicant and Address	Robert Kerr Emily mill Crosshouse Kilmarnock KA2 0BP	
Current Licenceholder	Samuel Dean 62 Ford Avenue Dreghorn KA11 4BN	
Hearing 7	Representation in relation to current Numbers Limitation Policy for Three Towns Area	
Name and Address	Patrick McDonald 126 Dalry Road Saltcoats KA21 6DY	
Hearing 8	Representation in relation to current Numbers Limitation Policy for West Kilbride/Fairlie/Largs/Skelmorlie Area	
Name and Address	David Scully 3 Highfield Terrace Fairlie Largs KA29 0DB	

APPENDIX A

Hearings

Hearing 9

**Representation in relation to
current Vehicle Specification
Policy in respect of Private
Hire Licensing**

Brian **Deary**
8 Corrie Terrace
Corrie
Isle of Arran
KA27 8JJ

APPENDIX B

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Details of Vehicle/Premises	Comments
BOL/016 (New)	Fiona Wagstaff 31 Coyle Avenue Drongan	Phoenix 3 Portland Avenue Irvine	Police observation received
SHDL/131 (Renewal)	William Hillan 61 Merryvale Road Irvine KA12 8ET	Oor Wull's 141 High Street Irvine KA12 8AA	Police objection received
TDL/01716 (New 1 year)	Samuel Balmer 10 Camphill Drive Kilbirnie KA25 6DX		Police objection received
TDL/01802 (New 3 years)	John McMail 6C MacEwan Place Kilmarnock KA3 7ER		Police observation received
TDL/01282 (Renewal 1 year)	Andrew McNeil Flat 15 Derwent Court Hill Street Kilmarnock KA3 1HR		Police observation received

APPENDIX C

Issues in respect of Existing Licences

Case 1	Taxi Driver's licence	STL/0/325
Licenceholder & Address	Mr Ian Ewing 166 Hunter Drive, Irvine	
Vehicle Details	Ford Transit SE51 DHZ	
Duration of licence	24 May 2011 - 31 May 2014	