

Licensing Committee  
15 June 2010

**IRVINE, 15 June 2010** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

William Gibson, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat and Joan Sturgeon.

**In Attendance**

P. Boyle, Manager Legal Services, W. O'Brien, Senior Solicitor and A. Toal, Administrative Assistant, Legal and Licensing (Corporate Services); and C. Rowney, Communications Manager and P. Shiach, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Chief Inspector J. Dillon and Sergeant U. Menzies, Strathclyde Police.

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

Elisabette Marshall and Alan Munro.

**1. Declarations of Interest**

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

**2. Civic Government (Scotland) Act 1982: Licensing Matters**

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

The meeting ended at 3.00 p.m.

## **PART A**

### **Applications for Licences/Renewal of Licences**

#### **1. PEL/111/(New) Robert Alexander Roberts**

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

#### **2. STL/O/306 (New) (Itinerant) John Cowan**

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

#### **3. TDL/01070 (New) John Douglas Simpson**

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/01220 (Renewal) Colin Doyle**

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

#### **5. TDL/01641(New) Steven Stewart O'Connor**

The Committee unanimously agreed (a) to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of the licence to 1 year.

#### **6. TDL/01642 (New) Thomas Bagan**

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.

**7. TDL/01644 (New) Brian M. Watson**

The Committee unanimously agreed to continue consideration of the application to a future meeting pending the resolution of matters material to the application.

**8. TDL/01645 (New) Robin Brazier**

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

**9. TDL/01646 (New) John Hyslop Young**

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

## **PART B**

### **Issues in Respect of Existing Licences**

#### **Street Trader Operator's Licence**

##### **1. STL/O/0281 Ian Dyson**

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

#### **Taxi Driver's Licence and Private Hire Car Operator's Licence**

##### **1. TDL/01442 and PHCL/279 Ian Ronald Chambers and Angela Murray and Ettero Murray**

The Committee unanimously agreed to continue consideration of this item to a future meeting pending the resolution of matters relevant to suspension hearing proceedings.

#### **Taxi Driver's Licence**

##### **1. TDL/01615 Kevin Kyle**

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) advise the licence holder that the issues raised in respect of the licence may be reconsidered at a future date, should any further incidents be reported during the duration of the licence.

#### **Taxi Operator's Licence**

##### **1. TL/030 James Polwarth and Hugh Keenan**

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) advise the licence holder that the issues raised in respect of the licence may be reconsidered at a future date, should any further incidents be reported during the duration of the licence.

## **PART C**

### **Hearings**

#### **1. TDL/01344 (Renewal) Pirgin Singh**

The Committee at its meeting held on 25 May 2010, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. Representatives from Strathclyde Police were in attendance.

The Senior Solicitor (Legal and Licensing) set out the background to the Hearing as previously intimated in writing to the applicant, and addressed the terms of a letter dated 11 June 2010 submitted on his behalf by the applicant's legal representatives. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 13 April 2010 setting out the observations of the Chief Constable of Strathclyde Police on the application and responded to questions. The representatives from 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) (ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.

#### **2. TDL/01499 (Renewal) Garry Hamilton**

The Committee at its meeting held on 25 May 2010, unanimously agreed, on the basis of the information before it, to hold 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 in attendance.

#### **Decision**

The Committee unanimously agreed to continue consideration of the application to allow the applicant to attend.

### **3. TDL/016287 (New) Nicola Dean**

The Committee at its meeting held on 25 May 2010, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. Representatives from Strathclyde Police were also in attendance.

The Senior Solicitor (Legal and 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 1 April 2010 setting out the observations of the Chief Constable of Strathclyde Police. Thereafter the applicant 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 to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of grant to 1 year.

### **4. TDL/01634 Lee Burns Strachan**

The Committee at its meeting held on 25 May 2010, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. Representatives from Strathclyde Police were in attendance.

The Senior Solicitor (Legal and 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 6 May 2010 setting out the objections of the Chief Constable of Strathclyde Police on the application and responded to questions. The representatives from 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) (ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.