

Licensing Committee
11 August 2009

IRVINE, 11 August 2009 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro, Robert Rae and Joan Sturgeon.

In Attendance

N. Alexander, Chief Legal Officer (Licensing and District Court) and A. Toal, Administrative Assistant (Licensing and District Court) (Legal and Protective); and A. Little and P. Shiach, Committee Services Officer (Chief Executive's).

Chair

Councillor Munro in the Chair.

Apologies for Absence

William Gibson, Elizabethe Marshall and Ryan Oldfather.

1. Appointment of Chair

In the absence of the Chair and Vice Chair, the Committee unanimously agreed that Councillor Munro chair the meeting.

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

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

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/Permits

Pet Shop Licence

1. PS/01 (Renewal) Acorn Pets Centres Ltd

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. PS/013 (New) Acorn Pets Centres Ltd

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.

Street Traders Licence

1. STL/O/195 (Renewal) Catherine Aird

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

2. STL/O/281 (New) Snax to Go

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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 further subject to the applicant obtaining the necessary planning consent.

3. STL/O/284 (New) Nicola Ralston

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.

Taxi Driver's Licence

1. TDL/00569 (Renewal) David Ronald Tudhope

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

2. TDL/01232 (Renewal) Margaret Porter Davidson

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

3. TDL/01418 (Renewal) Mary Myra Craig

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

4. TDL/01565 (New) Douglas Robert Howat

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/01567 (New) John Miller

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.

6. TDL/01568 (New) Thomas Martin

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

7. TDL/01572 (New) Scott Chapman

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

8. TDL/01574 (New) Ian Finlay Hunter

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.

9. TDL/01575 (New) John Gerard Ryan

The Committee unanimously agreed to (a) grant the application for a period of 1 year 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) remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

Taxi Licence

1. TL/049 (Renewal) Samuel Burns Stephens

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 an Existing Licence

Taxi Licence

1. SHDL/125 Steven McGill

The Committee agreed to take no action in terms of a suspension hearing.

2. TDL/00743 James Shaw

The Committee 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.

3. TDL/00973 Barry Johnston

The Committee 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.

4. TDL/1220 Colin Doyle

The Committee 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.

PART C

Hearings

1. TDL/01544(New) James John Doyle

The Committee at its meeting held on 16 June 2009, 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. A representative from Strathclyde Police was also in attendance

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The Representative from Strathclyde Police then addressed the Committee on the terms of letters dated 8 April and 7 July 2009 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions. 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 that the application be refused in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds indicated in Paragraph 5 (3) (a) (ii) of the said schedule that the applicant is not a fit and proper person to be the holder of the licence.