

Licensing Committee
15 November 2011

IRVINE, 15 November 2011 - 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, Alan Munro and Ryan Oldfather.

In Attendance

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

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Elisabethe Marshall and Joan Sturgeon.

1. Declarations of Interest

In terms of Standing Order 16, Councillor Munro, as an acquaintance of the applicant David Milroy, declared an interest in Agenda Item 4, Appendix B, MDL/031 (New) and SHDL/154 (New) and left the meeting for those items of business.

2. Minutes

The Minutes of the Meeting held on 4 October 2011 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Solicitor to the Council on the initial steps in the consultation procedure for the Taxi Fare Review for 2012.

The Council, as Licensing Authority, is required to periodically review the scale of taxi fares in force within North Ayrshire. As part of this review, and in advance of setting a new scale of fares, the Council must consult with representatives of the taxi trade, advertise its proposals, and consider representations. A proposed timescale for conducting the review was set out in the appendix to the report.

The Committee agreed to (a) approve the proposed timetable for the review process as appended to the report; (b) commence with the statutory consultation process, and (c) meet with the taxi operators to consider their proposals as part of the review.

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

Submitted report by the Solicitor to the Council on (a) hearings to be determined; and (b) applications for the grant or renewal of licences and permits.

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

5. Exclusion of the Public and Press

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 Paragraphs 13 and 14 of Part I of Schedule 7A of the Act.

6. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8

Submitted report by the Solicitor to the Council on the circumstances relating to an unregistered Landlord, Mr L. S.

The Committee unanimously agreed to make an Order under Section 94 of the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, in respect of Mr L. S's property, as detailed in the report.

The meeting ended at 2.45 p.m.

Appendix A

Hearings

1. TL/070 (Renewal) Fiona Wagstaff

At its meeting on 4 October 2011, the Committee 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 licence holder, having been duly cited to attend, was not present.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder.

Decision

The Committee unanimously agreed on the basis of the information presented (a) that the Senior Solicitor (Licensing) grant the licence under delegated powers in the event that the applicant's vehicle passes inspection by the Council's Vehicle Testing Centre; and (b) otherwise to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TL/196 Fiona Wagstaff

At its meeting on 4 October, 2011, 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.

The licence holder, having been duly cited to attend, was not present.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder.

Decision

The Committee unanimously agreed, on the basis of the information presented, to continue consideration of the application to a future meeting of the Committee.

Appendix B

Applications for Licences/Renewal of Licences

1. LHCL/090 BP Express Shopping Ltd

The Committee was advised that an application for the renewal of the BP Express Shopping Late Hours Catering Licence had been received after the licence had expired.

The applicant's representative provided information in respect of the circumstances that resulted in the late submission of the renewal application.

The Committee unanimously agreed that the application be (a) accepted as a renewal of the Late Hours Catering Licence; and (b) considered by a future meeting of the Committee.

2. MDL/031 (New) David McIlroy

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

3. MDL/032 (Itinerant) (New) John Walsh

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. PHCL/312 (New) George Martin

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

5. SHDL/154 (New) David McIlroy

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

6. STL/E/229(New) Maurice Smith

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. STL/O/340 (New) Andrew Crawford

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/01745 (New) Kenneth J McPhee

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