

Licensing Sub Committee of Corporate Services Committee
6 November 2006

IRVINE, 6 November 2006 - At a Meeting of the Licensing Sub Committee of Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, John Moffat, Gordon Clarkson, Jane Gorman, Elizabeth McLardy, Alan Munro, Donald Reid and Ian Richardson.

In Attendance

N. Alexander, Chief Legal Officer (Licensing and District Court), J. Murdoch, Senior Environmental Health Officer (Environmental Protection), A. Toal, Clerical Officer and G. Cullen, Administrative Assistant (Legal and Protective); and M. McKeown, Corporate and Democratic Support Officer (Chief Executive's).

Also In Attendance

Superintendent N. Rennie and Sergeant A. Kelly, Strathclyde Police.

Chair

Councillor Munn in the Chair.

Apologies for Absence

Robert Rae.

1. Gaming Act 1968: Application for a Permit

Submitted report by the Assistant Chief Executive (Legal and Protective) on applications for permits for gaming machines.

The Sub Committee agreed to approve the following applications:-

Applicants

AWP/Comm/008 Countess Amusements 8-10 Countess Street Saltcoats	60 Machines (New)
AWP/COMM/018 Countess Amusements 8-10 Countess Street Saltcoats	(New)

2. Exclusion of Public

The Committee resolved, in terms of Section 50A(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 6, 13 and 14 of Schedule 7A of the Act.

3. 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; (b) issues arising in respect of existing licences; and (c) Hearings which required to be determined by the Sub Committee.

The Sub Committee agreed to dispose of these matters as indicated in the attached Appendix LS1.

The meeting ended at 4.50 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Taxi Driver Licences

1. TDL/617 (Renewal) David Carmichael Irvine

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

2. TDL/1300 (New) Allan McLean Atkinson

The Sub 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/1301 (New) Garry William Bell

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

4. TDL/1303 (New) Raymond McKay

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

Street Trader Operator's Licence

1. STL/O/013 (Renewal) Jo-Anne Lindsay and Anne Sutherland

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

Public Entertainment Licence

1. PEL/067 (Renewal) North Ayrshire Council Educational Services

The Sub 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 B

Issues in respect of Existing Licences

Taxi Driver's Licence

1. TDL/061 Mr Peter McGuinness

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

2. TDL/175 John Russell

The Sub Committee unanimously agreed, on the basis of the information before it, to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Street Trader Operator's Licence

1. STL/O/075 Sharon Serapiglia

The Sub Committee unanimously agreed, on the basis of the information before it, to (a) 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. PEL/043 (New) Irvin Stringfellow

Irvin Stringfellow has applied for a public entertainment licence to provide festive entertainment, including fairground rides, associated with the switch on of Christmas lights in Kilwinning on 16 November (between 5.00 p.m. and 9.30 p.m.) and 17 and 18 November 2006 (between 12 noon and 9.30 p.m.). The Chief Constable of Strathclyde Police and North Ayrshire Council's Environmental Services Section have been consulted and have submitted observations in respect of the application. Both have requested that additional conditions be imposed on any licence granted.

The applicant, having been duly cited to attend was present at the hearing and was accompanied. Representatives of Strathclyde Police and North Ayrshire Council's Environmental Services Section were 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. At this point the applicant indicated his willingness to accept all the conditions requested by Environmental Services. In terms of the conditions requested by Strathclyde Police in the Chief Constable's letter of 18 October 2006, the applicant indicated his willingness to accept all of the requested conditions with the exception of the proposed condition prohibiting the applicant from using family/adult rides in the event and requiring the applicant to meet costs associated with the deployment of two additional Police officers at the event.

The Police representatives addressed the Sub Committee on the terms the Chief Constable's letter and the reasons for requesting the additional conditions. Thereafter, the applicant addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the representatives from Strathclyde Police and Environmental Services, to allow the Sub Committee to deliberate. Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, including the additional conditions requested by Environmental Services and those requested by Strathclyde Police with the exception of the requested condition prohibiting the applicant from using family/adult rides in the event and requiring the applicant to meet costs associated with the deployment of two additional Police officers at the event.

2. PEL/072 (New) Irvin Stringfellow

Irvin Stringfellow has applied for a public entertainment licence to provide festive entertainment, including fairground rides, associated with the switch on of Christmas lights in Irvine on 19 November 2006 (between 11.00 a.m. and 6.00 p.m.). The Chief Constable of Strathclyde Police and North Ayrshire Council's Environmental Services Section have been consulted and have submitted observations in respect of the application. Both have requested that additional conditions be imposed on any licence granted.

The applicant, having been duly cited to attend was present at the hearing and was accompanied. Representatives of Strathclyde Police and North Ayrshire Council's Environmental Services Section were 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. At this point the applicant indicated his willingness to accept all the conditions requested by Environmental Services. In terms of the conditions requested by Strathclyde Police in the Chief Constable's letter of 18 October 2006, the applicant indicated his willingness to accept all of the requested conditions with the exception of the proposed condition prohibiting the applicant from using family/adult rides in the event and requiring the applicant to meet costs associated with the deployment of two additional Police officers at the event.

The Police representatives addressed the Sub Committee on the terms the Chief Constable's letter and the reasons for requesting the additional conditions. Thereafter, the applicant addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the representatives from Strathclyde Police and Environmental Services, to allow the Sub Committee to deliberate. Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, including the additional conditions requested by Environmental Services and those requested by Strathclyde Police with the exception of the requested condition prohibiting the applicant from using family/adult rides in the event and requiring the applicant to meet costs associated with the deployment of two additional Police officers at the event.

Councillor Munro withdrew from the meeting at this point.

3. TDL/1233 (Suspension) Adam Wilson Nesbitt

In response to a letter dated 12 October 2006 from the Chief Constable of Strathclyde Police, the Chief Legal Officer (Licensing and District Court), having been satisfied in terms of Paragraph 12 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982 that issues raised in the letter raised concerns that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety, immediately suspended licence TDL/1233 and cited the licence holder to attend a hearing.

The licence holder, having been duly cited to attend, was present at the Hearing and was accompanied. A representative of Strathclyde Police was also present.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder.

The Police representative then addressed the Sub Committee on the terms of the letter dated 12 October 2006, from the Chief Constable of Strathclyde Police, which requested that the licence be suspended. Thereafter, the licence holder addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the representative from Strathclyde Police, to allow the Sub Committee to deliberate.

Councillor Munn, seconded by Councillor McLardy, moved that the circumstances of the case justified the immediate suspension of the licence and that the period of suspension should be the unexpired portion of the duration of the licence.

As an amendment Councillor Reid, seconded by Councillor Gorman, moved that the period of suspension should be restricted to 12 months.

On a division there voted for the amendment 3, and for the motion 4, and the motion was declared carried.

Both parties then returned to hear the Sub Committee's decision.

Decision

The Sub Committee agreed (a) that the circumstances of the case justified the immediate suspension of the licence in terms of Paragraph 11 (10) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 11 (11) of the said Schedule, that the period of suspension should be the unexpired portion of the duration of the licence.

4. TDL/007 (Suspension) Andrew Sinclair

The Sub Committee at its meeting held on 19 September 2006, unanimously agreed, on the basis of the information before it, to hold 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 present at the Hearing. The complainer was also present.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder.

The complainer then addressed the Sub Committee on the terms of her letter of complaint dated 10 August 2006 which related to alleged conduct by the licence holder, and answered questions. Thereafter, the licence holder addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the complainer, to allow the Sub Committee to deliberate. Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed, on the basis of the information before it, to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. TDL/176 (Suspension) Mr Paul MacLaren

The Sub Committee at its meeting held on 19 September 2006, unanimously agreed, on the basis of the information before it, to hold 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 present at the Hearing.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder. The contents of a letter dated 3 August 2006 from the complainer, in relation to alleged conduct by the licence holder, was intimated to the Sub Committee.

Thereafter, the licence holder addressed the Sub Committee on the issues raised in the letter, and responded to questions, before withdrawing, to allow the Sub Committee to deliberate. The licence holder returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed, on the basis of the information before it, to take no action to suspend the licence, in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.