

Licensing Committee
16 June 2009

IRVINE, 16 June 2009 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.30 p.m.

Present

William Gibson, Elisabeth Marshall, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro, Ryan Oldfather, Robert Rae and Joan Sturgeon.

In Attendance

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

Chair

Councillor Gibson in the Chair.

1. Civic Government (Scotland) Act 1982: Taxi & Private Hire Booking Offices

Submitted report by the Assistant Chief Executive (Legal and Protective) on the preliminary actions in the introduction of a licensing procedure for taxi and private hire booking offices.

In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, is required to introduce, by 16 November 2009, a system for accepting and processing applications for taxi and private hire car booking offices.

Consultation has already taken place with East and South Ayrshire Councils and Strathclyde Police with a view to establishing standard procedures across Ayrshire. Part of this standardisation will involve the preparation of a common application form and similar, if not identical, conditions which will apply to any licences granted.

The report proposed that in order to ascertain the extent of such activity within North Ayrshire, all existing taxi operators should be contacted and informed of the imminent legislative changes. Operators will also be required to provide details of their existing arrangements to allow the Council to determine whether their office will require to be licensed or will be exempt from that requirement.

The draft application form will be discussed by a Steering Group, comprising of representatives from North, South and East Ayrshire Councils and Strathclyde Police, to identify the information required to allow an application to be processed. Once the procedures and conditions are in place, all taxi owners will again be contacted advising them of the relevant arrangements and, where applicable, requesting that they submit the necessary application.

The Committee agreed (a) to note the position, and (b) that a further report be submitted once the draft procedures and conditions have been established.

2. Civic Government (Scotland) Act 1982: Licensing Knife Dealers

Submitted report by the Assistant Chief Executive (Legal and Protective) on the preliminary actions in the introduction of a licensing procedure for knife dealers.

In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, is required to introduce, by 1 June 2010, a system for accepting and processing applications for the licensing of knife dealers.

Consultation has already taken place with East and South Ayrshire Councils and Strathclyde Police with a view to establishing standard procedures across Ayrshire. Part of this standardisation will involve the preparation of a common application form and similar if not identical conditions which will apply to any licences grant.

The legislation will not apply in respect of knives and knife blades designed for domestic use. The number and location of potential knife dealers is unknown as yet, and work will be undertaken to identify and inform those likely to be affected by this legislation.

The draft application form will be discussed by a Steering Group, comprising of representatives from North, South and East Ayrshire Councils and Strathclyde Police, to identify the information required to allow an application to be processed. Draft conditions will also be considered by the steering group with a view to establishing commonality. Proposals will thereafter be submitted for consideration by the Committee in order that an application procedure and conditions can be agreed and approved. It was further proposed that a scheme of delegation be agreed to allow officers to consider and where necessary approve applications which raise no contentious issues to members.

The Committee agreed (a) to note the position, and (b) that a further report be submitted once the draft procedures and conditions have been established.

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 and permits; and (b) Hearings which required 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 3.30 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Taxi Driver's Licence

1. TDL/00705 (Renewal) William Alexander

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 subject to the applicant producing a current driving licence; 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/00772 (Renewal) Mary Hewitt

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) remind the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

3. TDL/01241 (Renewal) Craig Dobbin

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) to remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

4. TDL/01544 (New) James Doyle

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.

5. TDL/01559 (New) Kenneth Ogilvie

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) remind the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

PART C

Hearings

1. ABo/26 (New) Karen Johan Augier

The Committee at its meeting held on 26 May 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 not present but was represented by Mr O. Woods. Representatives from the Council's Environmental Health Section were also in attendance.

The Enforcement Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The Senior Environmental Health Officer advised that he had recently inspected the proposed development and was not in a position at this time to recommend the grant of an Animal Boarding Establishment Licence. The Senior Environmental Health Officer thereafter answered questions on issues raised by the Members.

The applicant's representative then addressed the Committee on issues raised and answered 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) allow the development to be completed in two phases; and (b) that a licence be granted following completion of phase 1, subject to the works being completed to the satisfaction of the Senior Environmental Health Officer.

2. TDL/01547 (New) Henry Scott Currie

The Committee at its meeting held on 26 May 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. Representatives from Strathclyde Police were also in attendance

The Enforcement Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police advised the Committee on the terms of a letter dated 29 April 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 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.