



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

31 January 2013

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 2, Cunninghame House, Irvine on **WEDNESDAY 6 FEBRUARY 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The Minutes of the Meeting of the Licensing Committee held on 21 November 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

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

Submit 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 all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

4. Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Ruth Maguire
Alex McLean
Alan Munro
Donald Reid
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
21 November 2012

IRVINE, 21 November 2012 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Alex McLean, Alan Munro, Donald Reid and Robert Steel.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant; and S. McKenzie, Senior Manager Building Standards (Corporate Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Jones and PC McLean (Strathclyde Police).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Ian Clarkson and Ruth Maguire.

1. Declarations of Interest

In terms of Standing Order 16, (a) Councillor Steel, as an acquaintance of the applicant R. Tudhope, declared an interest in Agenda Item 3, Appendix A, TDL/00451 (New); and left the meeting for that item of business; and (b) Councillor McLean, as an acquaintance of the applicant D. Scully, declared an interest in Agenda Item 3, Appendix A, Hearing 8 and left the meeting for that item of business.

2. Exclusion of the Public

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 Paragraph 15 of Part 1 of Schedule 7A of the Act.

3. Minutes

The Minutes of the Meetings of the Licensing Committee held on 3 October and 25 October (Special) 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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, 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.

5. Urgent Items

The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.

5.1 Taxi Fare Review

At its meeting on 3 October 2012 the Committee was advised of a representation from the taxi trade in the Ardrossan area for a further review of taxi fare tariffs as a result of escalating fuel prices. The Committee continued consideration of this request while other consultation was carried out.

On resuming consideration of the request, the Committee noted (a) that the last review had been concluded at the meeting of 16 April 2012, when the revised tariff was adopted, following the statutory procedure for reviewing the tariffs, which included a consultation meeting with licence holders; and (b) that the representation was not, in the opinion of the Committee, representative of the view of a substantial proportion of the operators of Taxis operating in the area of the Licensing Authority.

The Committee agreed that the matter did not require to be considered at this time.

The meeting ended at 4.25 p.m.

Part A

Hearings

1. PEL/147 (New) Albert Sedgwick

Mr Sedgwick has applied for a Public Entertainment Licence. A representation has been received from North Ayrshire Council's Building Standards.

Mr Sedgwick and a representative from North Ayrshire Council's Building Standards were in attendance.

The Solicitor (Licensing) set out the background to the application. The representative from Building Standards then addressed the Committee outlining the requirement to inspect the equipment once it has been reinstated to the site and concerns at the duration of the licence. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and the representative from Building Standards then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to grant the application subject to those conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, for a period of one year under Paragraph 8(2).

2. LHCL/039 (Renewal) Arshad Ali

The Committee, at its meeting on 3 October 2012, 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 licenceholder, having been duly cited to attend, was not present. Representatives from Strathclyde Police were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 25 July 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the licenceholder.

The representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed (a) to continue consideration of the application for further information in relation to the named day-to-day manager of the establishment; and (b) in the event the named day-to-day manager has no convictions, the application be determined under delegated powers.

3. TDL/00451 (New 1 year licence) Ronald Tudhope

The Committee, at its meeting on 3 October 2012, 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 in attendance. Representatives from Strathclyde Police were in attendance.

The Solicitor (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 21 August and 18 September 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

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

4. TDL/01799 (New 1 year licence) Robert Lynch

The Committee, at its meeting on 3 October 2012, 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 in attendance. Representatives from Strathclyde Police were in attendance.

The Solicitor (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 13 September 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of 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)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

5. TDL/01493 Robert Malcolmson

The Committee, at its meeting on 3 October 2012, 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 licenceholder, having been duly cited to attend, was in attendance. Representatives from Strathclyde Police were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 28 September 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the licenceholder. Thereafter the licenceholder addressed the Committee on the issues raised and responded to questions.

The licenceholder and representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed, on the basis of the information presented, that no further action be taken.

6. TL/014 (Variation) Samuel Dean and Robert Kerr

A request has been received from Robert Kerr to vary licence TL/014 held by Samuel Dean to form a partnership.

The applicant and licenceholder having been duly cited to attend, were not present. Representatives from Strathclyde Police were in attendance.

The Solicitor (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 letters dated 9 and 21 August 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the applicant.

Representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to grant the variation to licence TL/014 Samuel Dean to allow a partnership with Robert Kerr.

7. Patrick McDonald: Representation in relation to the current Numbers Limitation Policy for the Three Towns Area

A representation has been received from Patrick McDonald in relation to the Numbers Limitation Policy for the Three Towns area.

Having been duly cited to attend, Mr McDonald was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to Mr McDonald.

Decision

The Committee unanimously agreed to continue consideration of the representation to a future meeting.

8. David Scully: Representation in relation to the current Numbers Limitation Policy for West Kilbride/Fairlie/Largs/ Skelmorlie Area

A representation has been received from David Scully in relation to the Numbers Limitation Policy for West Kilbride/Fairlie/Largs/Skelmorlie area.

Having been duly cited to attend, Mr Scully was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to Mr Scully. Thereafter the Mr Scully addressed the Committee on the issues raised and responded to questions. Mr Scully acknowledged the Council's Numbers Limitation Policy under Section 10(3) and advised that he was seeking only an exception to that, on the basis that the Licence he was seeking would have a maximum duration of two years, he would not seek to extend it beyond that time, and he would not transfer it or effect a transfer by means of a partnership or joint holding. He confirmed that he would set out this undertaking in writing.

Mr Scully withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed (a) to permit a single temporary exception to the Numbers Limitation Policy for West Kilbride/Fairlie/Largs/Skelmorlie area; and (b) to delegate authority to the Solicitor (Licensing) to grant a Licence Application (and if necessary grant an Application for Renewal) provided that Mr. Scully gave a written undertaking that (i) neither the original grant (nor any renewal) would operate so as to allow the Licence to extend beyond two years of its original grant; and (ii) he would not transfer it or effect a transfer by means of a partnership or joint holding, subject to the usual condition applying to delegated powers, i.e. that they would not be exercised where there was a relevant objection or representation.

9. Brian Deary: Representation in relation to the current Vehicle Specification Policy in respect of Private Hire Licensing

A representation has been received from Brian Deary in relation to the Vehicle Specification Policy in respect of Private Hire Licensing.

Having been duly cited to attend, Mr Deary was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to Mr Deary. Thereafter Mr Deary addressed the Committee on the issues raised and responded to questions.

Mr Deary withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to remove the maximum engine capacity vehicle specification from the Vehicle Specification Policy in respect of Private Hire Licensing.

Part B

1. BOL/016 (New) Fiona Wagstaff

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. SHDL/131 (Renewal) William Hillan

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.

3. TDL/01716 (New 1 year) Samuel Balmer

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/01802 (New 3 years) John McMail

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

5. TDL/01282 (Renewal 1 year) Andrew McNeil

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.

Part C

1. STL/0/325 Ian Ewing

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. Urgent Item

The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.

3. STL/0/261 David McIntyre

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.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

6 February 2013

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Licensing Matters**

Purpose: To advise the Committee of (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

2. Current Position

- 2.1 The attached appendices detail the matters before the Committee for determination as follows:-

Appendix A:

Licences where Hearings have been convened;

Appendix B:

Applications for the grant or renewal of licences and permits.

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

4.2 None

Legal Implications

4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

4.4 None

Environmental Implications

4.5 None

Implications for Key Priorities

4.6 None

5. Consultations

5.1 Consultations have been undertaken with Strathclyde Police, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

6.1 The Committee is requested to consider and dispose of the matters before it.



ELMA MURRAY
Chief Executive

Reference : PAT

For further information please contact William O'Brien, Solicitor (Licensing)
on 01294 324305

Background Papers

None

APPENDIX A

Hearings

Hearing 1	Street Trader Operator's Licence	STL/O/261 (Renewal 3yr licence)
Applicant and Address	Duncan David McIntyre 18 Dalgarn Wynd Kilwinning KA13 6DD	
Vehicle Details	Ford Transit Van Y985 UGE	
Suspension Hearing 2	Street Trader Operator's Licence	STL/O/325
Licenceholder and Address	Ian Ewing 166 Hunter Drive Irvine KA12 9AZ	
Vehicle Details	Ford Transit SE51 DHZ	
Duration of Licence	24/05/2011 - 31/05/2014	
Hearing 3	Taxi Driver's Licence	TDL/01282 (Renewal 1yr licence)
Applicant and Address	Andrew O'Neil Flat 15 Derwent Court Hill Street Kilmarnock KA3 1HQ	
Hearing 4	Taxi Driver's Licence	TDL/01716 (Grant 1yr licence)
Applicant and Address	Samuel Balmer 10 Camphill Drive Kilbirnie KA25 6DX	

Hearing 5	Second Hand Dealer's Licence	SHDL/131 (Renewal 3yr licence)
Applicant and Address	William Hillan 61 Merryvale Road Irvine KA12 8ET	
Premises	Oor Wulls 141 High Street Irvine	
Hearing 6	Booking Office Licence	BOL/016 (New 3yr licence)
Applicant and Address	Fiona Wagstaff 31 Coyle Avenue Drongan KA6 7DL	
Premises	3 Portland Avenue Irvine	

APPENDIX B

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Details of Vehicle/Premises	Comments
TDL/00435 (New)	Fiona Wagstaff 19 Stair Drive Drongan KA6 7DP		Police Observation received in connection with application
TDL/00926 (New)	Thomas Robert McClelland 5 Simpson Drive Saltcoats KA21 6EX		Previous convictions declared
TDL/01499 (New)	Garry Hamilton Dunbreck Cottage Ochiltree KA18 2NN		Police Objection received in connection with application
TDL/01750 (Renewal)	Gavin Newell 14 Mayfield Grove Stevenston KA20 4AH		Failure to disclose conviction during term of licence and Police Observation received in connection with application
TL/179 (Renewal)	Deborah Bell 76 Chapelhill Mount Ardrossan KA22 7LY	Fiat Doblo SF54 PFN	Vehicle not presented for inspection and Police Observation received in connection with application