

## **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.