

Licensing Sub Committee of Corporate Services Committee
9 October 2006

IRVINE, 9 October 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, and Alan Munro.

In Attendance

A. Fraser, Manager Legal Services and A. Toal, Clerical Officer (Legal and Protective); J. Leckie, Head of Service (Educational Services); and M. McKeown, Corporate and Democratic Support Officer (Chief Executive's).

Also In Attendance

Sergeant A. Kelly and Constable N. Davers, Strathclyde Police.

Chair

Councillor Munn in the Chair.

Apologies for Absence

Donald Reid, Robert Rae and Ian Richardson.

1. Gaming Act 1968: Application for a Permit

Submitted report by the Assistant Chief Executive (Legal and Protective) on an application for a permit for a gaming machine.

The Sub Committee agreed to approve the following application:-

Applicant

Maria Mathieson	(New) (1 machine)
The Cheery Cup	
43 Glasgow Street	
Ardrossan	

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 2.55 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Taxi Driver Licences

1. TDL/014 (Renewal) Samuel Kidd Hawthorn

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/040 (Renewal) Dominick Boyce

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.

3. TDL/1289 (New) Ian Campbell

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.

PART B

Issues in respect of Existing Licences

Private Hire Car Operator's Licence

1. PHCL/150 Mrs Deborah Russell

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.

Taxi Driver's Licence

1. TDL/613 Mr David Kirk

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.

Taxi Operator's Licence

1. TL/039 Mr Philip Gaw

The Sub Committee was advised that the licence holder had approached the Licensing Section for permission to display an advertisement for a national taxi business on his taxi door panels. A copy of the advertisement was tabled for Members' consideration.

The Sub Committee agreed to advise the licence holder that it has no objection to the use of the advertisement, subject to it otherwise conforming to the requirements contained in the agreed procedures.

PART C

Hearings

1. TDL/1283 (New) Paul Black

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

The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant.

The Police representatives then addressed the Sub Committee on the terms of a letter dated 22 August 2006, which set out the observations of the Chief Constable of Strathclyde Police on the application.

Thereafter, the applicant addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the representatives from Strathclyde Police, 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.

2. TDL/1288 (New) Edward Todman

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

The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant.

The Police representatives then addressed the Sub Committee on the terms of a letter dated 7 September 2006, which set out the observations of the Chief Constable of Strathclyde Police on the application.

Thereafter, the applicant addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the representatives from Strathclyde Police, 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.

3. PEL/067 (Variation) North Ayrshire Council Educational Services

The Sub Committee at its meeting held on 19 September 2006 unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holders, having been duly cited to attend, were represented at the Hearing.

At its meeting held on 3 April 2006, the Sub Committee agreed, inter alia, to grant subject to conditions, and for a restricted period of 1 year, a public entertainment licence in respect of the Volunteer Rooms, Irvine. The hours covered by the licence are restricted to 8.00 a.m. to 11.00 p.m. Sunday to Thursday, and 8.00 a.m. to midnight on Fridays and Saturdays.

The licence holders have applied to vary the permitted hours in respect of a wedding reception on Saturday 28 October 2006, which was booked before the Sub Committee imposed the restrictions on hours. Educational Services have since received representations from the organisers requesting that the hours be extended by half an hour to 12.30 a.m.

Arising out of consideration of the application, the representative from Educational Services was requested to update the Sub Committee on the progress of the measures agreed at the meeting held on 3 April 2006 to respond to a complaint in respect of noise disturbance to residents arising from events held in the hall. He advised that Technical Services are currently considering a consultants report on the soundproofing options for the building with a view to instructing works. Meantime measures have been taken to mitigate any disturbance to local residents.

Decision

The Sub Committee unanimously agreed (a) in terms of Paragraph 10 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982, to vary the licence in respect of the event to be held on Saturday 28 October 2006 to allow for a half hour extension of hours to 12.30 a.m on 29 October 2006 ; (b) that the complainer heard at the meeting on 3 April 2006 be advised of the variation as a matter of courtesy and updated on the progress of the measures agreed at that meeting to mitigate noise disturbance; and (c) that Educational Services report to a future meeting of the Sub Committee on the impact of the hours restrictions on weekend lets of the Volunteer Rooms.