

Licensing Committee
10 November 2009

IRVINE, 10 November 2009 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 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

N. Alexander, Chief Legal Officer and A. Toal, Administrative Assistant (Licensing and District Court)(Legal and Protective); and M. McKeown, Team Leader Committee Services and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

1. Declaration of Interest

Councillor Gibson declared an interest in Agenda Item 3 (Hearing No. 2) in relation to an application for a Taxi Driver's Licence.

2. Antisocial Behaviour etc (Scotland) Act 2004: Applications for Registration as Private Landlord

Submitted report by the Assistant Chief Executive (Legal and Protective) on applications for Registration as a Private Landlord in terms of the Antisocial Behaviour etc (Scotland) Act 2004.

The report provided details of applicants who had failed to complete and submit a validation summary as part of their registration application, despite repeated requested. As a result of applications could not be determined. It was proposed that each applicant should be cited to attend a hearing

The Committee agreed (a) to cite each of the applicants to attend a hearing; (b) that applicants be given a further opportunity through the citation letter to provide the outstanding information and, in the event that the information is forthcoming that the hearing be cancelled; (c) that future reports provide the address of properties detailed within applications for the Registration as Private Landlords; and (d) that the Chief Legal Officer (Licensing and District Court) provide a report on current guidelines in relation to the application of the Antisocial Behaviour etc (Scotland) Act 2004 in respect of Registration of Private Landlords to a future meeting of the Committee.

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 to be determined, 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.

4. Urgent Items

The Chair agreed that the following item of business be considered as a matter of urgency to allow Members to be advised of the terms of a letter to the Chief Legal Officer (Licensing and District Court).

4.1 Mr J. McKerrell, 119 Greenacres, Ardrossan

The Chief Legal Officer (Licensing and District Court) set out the terms of a letter dated 29 October 2009 from Mr J. McKerrell in relation to fees for advertising on taxis. Mr McKerrell is seeking clarification on the procedure in place and the fees chargeable in respect of the approval of adverts on taxis, including the fees chargeable when vehicles are replaced.

The Committee was provided with information in relation to the agreed arrangements for advertising on taxi vehicles, and the associated fees.

The Committee, Councillor Rae dissenting, agreed that (a) the status quo in relation to the existing licensing arrangements for advertising on taxis and the associated fees be maintained; and (b) the Chief Legal Officer (Licensing and District Court) provide Mr McKerrell with clarification on the procedure and fees in respect of adverts on his taxi vehicles.

The meeting ended at 3.40 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Private Hire Car Licence

1. PHCL/291 (New) William Henderson Halliday and Matteo Pisani

The Committee unanimously agreed to 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.

Street Trader Licences

1. STL/E/197 (New) Daniel Carroll

The Committee unanimously agreed to 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.

2. STL/O/298 (New) Lesley Anne Ozdemir and Cetin Ozdemir - Trading as Big Miniz

The Committee unanimously agreed to 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.

Taxi Driver Licences

1. TDL/00617 (Renewal) David Carmichael Irvine

The Committee unanimously agreed to 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.

2. TDL/00926 (New) Thomas Robert McClelland

The Committee agreed to continue consideration of this application pending receipt of a satisfactorily completed application form.

3. TDL/01295 (Renewal) Paul Gordon Cumming

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.

4. TDL/01589 (New) George Stuart Hobson

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 in respect of the application.

5. TDL/01597 (New) David I Fulton

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 B

Hearings

1. TDL/01586 (New) Paul Campbell

The Committee at its meeting held on 20 October 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. A representative from Strathclyde Police was 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. The representative from Strathclyde Police then addressed the Committee on the terms of letters dated 11 September and 13 October 2009 setting out the observations of the Chief Constable of Strathclyde Police on the application. 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

Councillor Munro, seconded by Councillor Barr moved to grant the application for the period of 1 year. There being no amendments, the motion was declared carried.

The Committee, Councillor Rae dissenting, agreed (a) to 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) in terms of Paragraph 8 (2) (b) of the said Schedule to fix the period of the licence to 1 year.

2. TDL/01590 (New) Donald Patrick Newell

The Committee at its meeting held on 20 October 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. A representative from Strathclyde Police was 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. The representative from Strathclyde Police then addressed the Committee on the terms of a letter dated 11 September 2009 setting out the observations of the Chief Constable of Strathclyde Police on the application. 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 (a) to 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.

3. STL/O/013 (Renewal) The Silly Burger Jo-Anne Lindsay and Anne Ward Sutherland

The Committee at its meeting held on 20 October 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 applicants, having been duly cited to attend, were present. A representative from North Ayrshire Council's Roads Service was 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. The representative from North Ayrshire Council's Roads Service addressed the Committee in relation to the siting of the fast food van on the public highway, contrary to the Roads (Scotland) Act 1984. Thereafter the applicants 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 (a) to 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; (b) that efforts be made by the applicants to secure an alternative location for the siting of the fast food van; and (c) that North Ayrshire Council's Roads Service note the decision of the Committee.