

Licensing Committee  
10 June 2008

**IRVINE, 10 June 2008** - 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, and Joan Sturgeon.

**In Attendance**

A. Fraser, Manager Legal Services, J. Delury, Chief Building Standards Officer, W. O'Brien, Senior Solicitor (Licensing and District Court), and A. Toal, Administrative Assistant (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

Ryan Oldfather and Robert Rae.

**1. Declarations of Interest**

Councillor Munro declared an interest in the applications by North Ayrshire Leisure Limited, as set out in the attached Appendix LC1, and withdrew from the meeting for these items.

**2. Report by the Member/Officer Working Group on Civic Government Licensing**

Submitted report, being the Minutes of the Meeting of the Member/Officer Working Group on Civic Government Licensing, held on 20 May 2008.

The Working Group agreed to make the following recommendations:-

**i) Enforcement**

That, in principle, (a) the Council's Enforcement Officer post be increased to a full time position, subject to a scheme of delegation report if required; (b) the additional costs involved be split proportionally as a percentage over all licence fees; and (c) a further report on fees be submitted to the next meeting of the Working Group.

## **ii) Applicants from Elsewhere in the EU or other Overseas Countries**

That policies be adopted requiring:-

- a. applicants from elsewhere in the EU and other overseas countries to submit a Certificate of Good Conduct authenticated by the relevant Embassy or the country's Ministry of Justice, along with an official translation acceptable to Strathclyde Police;
- b. anyone applying for a Taxi or Private Hire Drivers Licence who does not hold a UK licence to pass the Driving Standards Agency's Hackney Carriage/Private Hire Test Assessment prior to obtaining a Taxi or Private Hire Drivers Licence. The cost of passing this test should be the applicant's responsibility;
- c. in respect of taxi drivers, that all applicants for whom English is not a first language, prove their competence in English by either:-
  - i. For those under Intermediate 1 (old Standard Grades) by passing SQA SEOL Units at Access Level 3 or above which consisted of 40hrs of teaching and assessed speaking, listening, reading and writing; or
  - ii. For those with English at over Intermediate 1 Level to sit an external exam called Life in the UK (same as the Citizenship Test).

The cost of obtaining these qualifications would be for the applicant to meet.

## **iii) Licensing of Stretched Limousines etc.**

That (a) the operators of stretch limousines, novelty fire engines etc., be consulted on the number of vehicles they operate which have been adapted to carry up to eight passengers, and the age of these vehicles; and (b) a further report on the result of the consultation be submitted to the next meeting of the Group.

## **iv) Advertising/Signage on Private Hire Cars**

That the use of limited signage on private hire cars be permitted.

**v) Taxi and Private Hire Care Licences: Medicals**

That (a) the age limit at which applicants should be required to undertake a medical be raised from 60 to 65; (b) applicants make arrangements with their own GPs to undertake a medical and thereafter present written evidence to the Council of fitness to drive; and (c) the Council contribute a maximum of £80.00 towards the cost of the medical.

**vi) Taxi and Private Hire Vehicles: Exhaust Emissions**

That the existing arrangements for testing of vehicles to be operated as taxis and private hire cars be retained.

The Committee agreed to accept the recommendations set out in the report, subject to the reports on fees referred to under i), and the report on the consultation results referred to under iii), being submitted to the Licensing Committee rather than the Working Group.

**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; (b) issues arising in respect of existing licences; and (c) Hearings which required to be determined by the Committee.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

**4. Antisocial Behaviour etc. (Scotland) Act 2004**

Submitted report by the Assistant Chief Executive (Legal and Protective) on an application for registration as a private landlord in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.

The Committee agreed to grant the application.

The meeting ended at 4.10 p.m.

## **PART A**

### **Taxi Driver Licence**

#### **1. TDL/00624 (Renewal) John O'Donnell**

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; and (b) that the licence holder be advised that the issues raised in respect of the licence may be reconsidered at a future date, should any further incidents be reported.

#### **2. TDL/01396 (New) Stewart Grant**

The Committee unanimously agreed to make a summary application to the Sheriff in terms of Section 3 (2) of the Civic Government (Scotland) Act 1982, to extend the period prescribed in Section 3 (1) of the Act for the determination of applications.

#### **3. TDL/01435 (New) Hugh Coyle**

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.

#### **4. TDL/01439 (New) Christopher Seddon**

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.

## **PART B**

### **Issues in respect of Existing Licences**

#### **Taxi Driver's Licence**

##### **1. TDL/1188 Kenneth Alexander McDonald**

The Committee at its meeting held on 8 April 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982. Subsequently, on 20 May 2008 the Committee unanimously agreed to suspend the licence for the unexpired portion of the duration of the licence in terms of Paragraph 11 (11) of the said Schedule 1.

The licence holder was not present at the meeting held on 20 May 2008 and it is appears that the citation was issued to the wrong address.

Accordingly, in the circumstances the Committee agreed to (a) rescind the decision taken on 20 May 2008 to suspend the licence; and (b) proceed to a new suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **PART C**

### **Hearings**

#### **1. ISEL/004 & PEL/047 (Renewals) North Ayrshire Leisure (NALL) (Garnock Swimming Pool)**

The Committee at its meeting held on 20 May 2008 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.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance as were representatives of the Chief Constable of Strathclyde Police.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The Chief Building Standards was heard in respect of the results of a survey of the premises carried out on 9 April 2008 which raised a number of issues to be addressed prior to the licences being granted. The Police representatives then addressed the Committee on the terms of the Chief Constable's letter dated 8 April 2008 which requested that a number of conditions be attached to the licence.

The applicant's representative then addressed the Committee on the issues raised by the Chief Building Standards Officer. She advised that whilst the inspection of the premises was carried out on 9 April, notification of the works requiring to be completed was not received by NALL until 29 May. Works are nevertheless progressing and it is expected that any outstanding issues can be addressed in a matter of weeks. A copy of the Emergency Lighting Test Certificate requested by Building Standards was provided.

Clarification was sought in respect of the appropriateness of the conditions that the Chief Constable had requested be added to the licence, several of which were covered by the Council's standard conditions. Following discussion, the Police representatives agreed that the points raised in the letter of 8 April should be treated as observations only.

### **Decision**

Following adjournment, the Committee unanimously agreed (a) to continue consideration of applications ISEL/004 & PEL/047 to its meeting on 12 August 2008 to allow time for outstanding issues to be resolved; and (b) that the hearings in respect of the undernoted renewal applications submitted by North Ayrshire Leisure be similarly continued:-

- ISEL/005 & PEL/048 (Vikings)
- ISEL/007 & PEL/050 (Auchenharvie Leisure Centre)
- ISEL/008 & PEL/052 (Ladeside Pavilion)
- ISEL/009 & PEL/051 (Magnum Leisure Centre)
- PEL/053 (Recreation Park Pavilion, Woodlands Avenue, Irvine)

## **2. STL/E/168 (Renewal) Neil David McIntyre**

The Committee at its meeting held on 20 May 2008 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.

The applicant, having been duly cited to attend, was present at the Hearing. Representatives of the Chief Constable of Strathclyde Police were also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the Police representatives spoke to the Chief Constable's objections to the application for renewal as set out in letters dated 9 and 30 April 2008. The applicant then addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

The Committee unanimously agreed to refuse the application for renewal in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds indicated in Paragraph 5 (3) (a) (ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of the licence.

## **3. TDL/01417 (New) Robert Allan Laurie**

The Committee agreed to continue consideration of this matter to a future meeting.

## **4. TDL/1418 (New) Mary Myra Craig**

The Committee at its meeting held on 20 May 2008 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.

The applicant, having been duly cited to attend, was present at the Hearing. Representatives of the Chief Constable of Strathclyde Police were also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the Police representatives spoke to the Chief Constable's objections to the application as set out in letters dated 9 and 29 April 2008. The applicant then addressed the Committee on the issues raised and responded to questions.

The applicant and the Police representatives 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 the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, and to restrict the period of grant to 1 year in terms of Paragraph 8 (2) (b) of the said Schedule.