

Licensing Committee
15 June 2016

Irvine, 15 June 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ian Clarkson, Robert Barr, John Bruce, John Easdale, Tom Marshall, Catherine McMillan, Ronnie McNicol and Donald Reid.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Councillor Clarkson in the Chair.

Apologies for Absence

Grace McLean.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3 agreed to vary the order of business to allow consideration of the Public Charitable Collection applications for Largs, as referred to within Appendix 1 to Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) in a single hearing.

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 25 May 2016 was confirmed, and the Minutes 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 Chief Executive 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.

Part A: Hearings

4.1 Public Entertainment Licence (Temporary) : Kelburn Arts Ltd PEL/300

The applicant, having been duly cited to attend, was not present, but was represented by his Operations Manager and Depute Operations Manager.

The applicant's representatives addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Easdale, moved that the application be granted the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.2 Taxi Driver Licence: Robert Thomson TDL/01823 (Renewal)

The Committee, at its meeting on 25 May 2016, 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 not present or represented.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Members asked questions and received clarification in respect of the application.

Decision

The Committee unanimously agreed (a) that the Solicitor (Licensing) and the Council's Enforcement Officer should contact the Applicant to seek exhibition of a DVLA Driving Licence so that it could be established whether or not the Application was competent under Section 13(3) of the Civic Government (Scotland) Act 1982; (b) that, if the Solicitor (Licensing) was satisfied that the Applicant was suitably licensed by the DVLA, he should use delegated powers to grant the Application; and (c) that, if the Solicitor (Licensing) was not so satisfied, a Special Meeting of the Committee would be convened to determine the Application.

4.3 Taxi Driver Licence: Lelanie Biddulph TDL/01831 (Renewal)

The Committee, at its meeting on 25 May 2016, 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 letter from the applicant's medical practitioner was circulated at the meeting.

The Solicitor (Licensing) set out the background to the Hearing as previously

intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Bruce, seconded by Councillor McNicol, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

4.4 Public Charitable Collection: Kilwinning Friends of Ayrshire Hospice

The applicant, having been duly cited to attend, was not present or represented.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant has applied for a Charitable Collection on 29 August - 2 September 2016 in the Kilwinning area, which is outwith the Council's policy which does not permit house to house collections after 6.00 p.m.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119 of the Civic Government (Scotland) Act 1982.

4.5 Public Charitable Collections: Largs

In terms of the Chair's decision to vary the order of business, the Committee considered the following applications for permission for Public Charitable Collections under Section 119 of the Civic Government (Scotland) Act 1982 in a single hearing:-

(i) Public Charitable Collection: Royal British Legion Largs

The applicant, having been duly cited to attend, was present or represented. A letter from the applicant was, however, considered by the Committee. The applicant has applied for a Charitable Collection on 27-28 August 2016, which is outwith the Council's policy.

(ii) Public Charitable Collection: Royal British Legion Largs

The applicant, having been duly cited to attend, was not present or represented. A letter from the applicant was, however, considered by the Committee. The applicant has applied for a Charitable Collection on 3-4 September 2016, which is outwith the Council's policy.

(iii) Public Charitable Collection: Rotary Club of Largs

The applicant, having been duly cited to attend, was present and represented. The applicant has applied for a Charitable Collection on 3 September 2016, which is outwith the Council's policy.

(iv) Public Charitable Collection: Channan's Fundraisers

The applicant, having been duly cited to attend, was present and represented. The applicant has applied for a Charitable Collection on 27 August to 4 September 2016, which is outwith the Council's policy.

Members asked questions and received clarification from the Solicitor (Licensing) and the parties in attendance in respect of the applications.

Thereafter, those present withdrew to allow the Committee to deliberate, returning to hear the Committee's decision in respect of all applications.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the cases as exceptions to the Council's policy on street collections; (b) to grant the applications in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to (i) the Council's standard conditions; and (ii) subject to additional conditions applied to particular Permissions under Section 119(5), namely the British Legion, Largs collections being limited to the immediately vicinity of the applicant's gazebo, the Rotary Club of Largs collection being limited to Largs Promenade and having a maximum of six collectors, Channan's Fundraisers collections being permitted only on Saturday 27 August and Saturday 3 September 2016 and taking place only in Main Street, Largs, and the British Heart Foundation collection taking place only within 50 metres of the British Heart Foundation's Largs premises.

Part B: Applications for Licences/Renewal of Licences

4.6 Taxi Driver Licence: Alan Paul Forster : TDL/00201 (New)

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

4.7 Taxi Driver Licence: Gordon Fitzgerald McKenzie : TDL/01539 (Renewal)

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

4.8 Taxi Driver Licence: Derek Griffiths : TDL/01840 (Renewal)

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

4.9 David William Clarkson :TDL/01889 (New)

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

Part C: Issues in Respect of Existing Licences

4.10 John McCubbin: TDL/00513

The Committee was advised of the content of a letter of complaint from a member of the public in respect of the licence-holder. The Committee also viewed video footage of the incident in question.

The Committee unanimously agreed to (a) note the matter; and (b) take no further action.

The meeting ended at 11.05 a.m.