

Licensing Committee
20 November 2013

Irvine, 20 November 2013 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, Ian Clarkson, Donald Reid and Robert Steel.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant, and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Skimming and PC McLean (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Bruce, Alex McLean, Ruth Maguire and Alan Munro.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 2 October 2013 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 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

3.1 Late Hours Catering Licence LHCL/109 - Certas Energy UK Ltd (formerly G B Oils Ltd)

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder.

The Committee unanimously agreed in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982, to restrict the hours of operation covered by the licence to 11.00 p.m. to 01.00 a.m. only each night.

3.2 Booking Office Licence BOL/015 - Kevin Blades

The Committee, at its meeting on 2 October 2013, 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.

The licenceholder, having been duly cited to attend, was in attendance and represented. The complainer, Mr Smyth was also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder's representative and the complainant addressed the Committee on the issues raised. Thereafter, the licenceholder responded to questions.

The licenceholder, his representative and the complainer then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no further action at this time and that the Police monitor the situation.

3.3 Late Hours Catering Licence LHCL/084 - Nasir Gulem

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was not in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. Representatives from Police Scotland addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application.

Representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to refuse the application to vary the late hours catering licence in terms of Paragraph 10(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3.4 Late Hours Catering Licence LHCL/110 (New) - Shahzad Hassan

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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 conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that home delivery drivers operating from the premises should park in the car park.

3.5 Market Operator's Licence MOL/001 (Renewal) - Spook Erection Ltd

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

The licenceholder then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982, to grant the variation to Condition 18 of the licence, providing for the attendance of one superintendent only at Saltcoats General Retail Market held on Saturdays, rather than a superintendent and an assistant.

3.6 Licence for the Business Providing Tattooing SPTL/019 (New) - Anita Rose Wood

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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.

Councillor Clarkson left the meeting.

3.7 Street Trader Operator's Licence STL/O/385 (New) - Kerry Smith

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

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

Decision

The Committee unanimously agreed to refuse the application on the grounds set out in Paragraph 5(3)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Taxi Driver Licences

3.8 TDL/00259 (Renewal) - Robert Howie

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

The licenceholder and representatives of Police Scotland 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.

3.9 TDL/01454 (New) - Ronald Smallridge

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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.

3.10 TDL/01711 (Renewal) - Gareth Walsh

The Committee, at its meeting on 2 October 2013, 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 not attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder.

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.

3.11 TDL/01865 (New) - Samam Mohammed

The Committee, at its meeting on 21 August 2013, 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 Committee unanimously agreed to continue consideration of this matter to the next meeting.

The Committee, at its meeting on 2 October 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant.

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)(d) of the Schedule.

3.12 TDL/01866 (New) - Roderick Cameron

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application.

The representatives of Police Scotland 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.

3.13 TDL/01868 (New) - John Symington

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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, for a period of one year under Paragraph 8(2).

3.14 TDL/01869 (New) - Martin Sneddon

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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, for a period of one year under Paragraph 8(2).

3.15 TDL/01872 (New) - Atif Mahmood

The Committee, at its meeting on 2 October 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant.

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)(d) of the Schedule.

3.16 TDL/01875 (New) - Donald McMahon

The Committee, at its meeting on 2 October 2013, 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 Police Scotland were also in attendance.

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

intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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, for a period of one year under Paragraph 8(2).

Councillor Steel left the meeting

Part B: Applications for Licences/Renewal of Licences

3.17 MDL/047 (New) William Morgan

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.

3.18 PHCL/324 (New) Mark McGill

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.

3.19 PCC Renalda Ruginiene

The Committee considered the Application for Permission under Civic Government (Scotland) Act 1982, Section 119, in which the Applicant sought Permission for the period 2 to 26 January 2014, which failing the period 3 February to 2 March 2014, which failing the period 3 to 30 March 2014.

As the Committee wished to be satisfied that none of the grounds of refusal set out in Section 119(6), and wished to consider whether or not any special conditions should be attached under Section 119(5), the Committee continued consideration of the application.

3.20 TDL/00184 (Renewal) Alan John Duncan

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.

3.21 TDL/01469 (New) Bradley McGrath

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.

3.22 TDL/01880 (New) Charles Rawley

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.

3.23 TDL/01883 (New) Russell Drummond

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.

3.24 TDL/01884 (New) Mark McGill

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.

3.25 TDL/01885 (New) Peter Brown

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. Civic Government (Scotland) Act 1982: Taxi Fare Scale Review

Submitted report by the Chief Executive on the outcome of the consultation meeting convened for the purpose of hearing representations from the taxi trade relating to the Taxi Fare Review.

At its meeting held on 21 August 2013, the Committee approved the timetable for the conduct of the Taxi Fare Review. The timetable included the convening of a consultation meeting between the Committee and representatives from the taxi trade. A consultation meeting between Members, officials, and representatives from the Taxi and Private Hire Car Trades took place on 2 October 2013 and the minute was attached as an appendix to the report. The consultation meeting discussed a comparison with the tariffs of other adjoining licensing authorities and the existing NAC scale which consisted of four different tariffs. There was a consensus that the existing North Ayrshire tariff is unduly complicated. Two possible draft tariff scales were proposed, Scheme A and B.

The Committee agreed to (a) note the representations made by those members of the trade in attendance at the consultation meeting on 2 October 2013 as summarised in Appendix 1 to the report; (b) to approve Scheme B containing 3 different tariffs, as with the existing tariff 3 deleted, as detailed in Appendix 1; and (c) authorise the Chief Executive to advertise the draft tariff for public consultation.

5. Urgent Items

The Chair agreed that the following items be considered as a matter of urgency to allow the matters to be actioned without delay.

5.1 TDL/01881 Diane Hamilton

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.

5.2 Vehicle Inspection Fees

The Committee was advised that a report will be presented to the Audit Committee in December 2013 on proposed increases to vehicle inspection fees.

Noted.

The meeting ended at 1.40 p.m.