

Licensing Committee
1 September 2009

IRVINE, 1 September 2009 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, John Moffat, Ryan Oldfather, Robert Rae and Joan Sturgeon.

In Attendance

A. Livingstone, Solicitor (Licensing and District Court), A. Toal, Administrative Assistant (Licensing and District Court) and E. Pollock, Environmental Health Officer (Legal and Protective); and P. Shiach, Committee Services Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Ruby Kirkwood, Elizabeth Marshall and Alan Munro.

1. Review of Fees

Submitted report by the Assistant Chief Executive (Legal and Protective) on a proposed revision to levels of fees due in respect of licence applications made under the Civic Government (Scotland) Act 1982 and other statutes.

The Committee agreed that consideration of this matter be continued to allow further information to be provided.

2. 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 require to be determined by the Committee.

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

The Meeting ended at 2.50 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Private Hire Car Licence

1. PHCL/287(New): Craig Dobbin

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 Traders Licence

1. STL/O/237(Variation): Ian and Stacey Anderson

The Committee unanimously agreed that the application to vary the licence to remove a condition relating to the distance the licenceholder may trade from school premises be refused.

Taxi Driver's Licence

1. TDL/01570 (New): Charles Wallace King Muir

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) in terms of Paragraph 8 (2) (b) of the said Schedule to fix the period of the licence to 1 year.

2. TDL/01579 (New): Peter Bernard Cole

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.

Taxi Licence

1. TL/190 (Renewal): David Wilde and Garry Walker

The Committee was advised that the application had been withdrawn.

PART B

Issues in respect of Existing Licences

Taxi Driver's Licence

1. TDL/00034: Norman Campbell

The Committee unanimously agreed to take no action in terms of a suspension hearing.

2. TDL/00398: James Dean

The Committee unanimously agreed to take no action in terms of a suspension hearing.

3. TDL/01188: Kenneth Alexander MacDonald

The Committee unanimously agreed to take no action in terms of a suspension hearing.

PART C

Hearings

1. TDL/01574 (New): Ian Finlay Hunter

The Committee at its meeting held on 11 August 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 not present. A representative from Strathclyde Police was in attendance.

The Solicitor (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 17 July 2009 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions.

The representative of Strathclyde Police 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; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule to fix the period of the licence to 1 year.

2. PS/001 (Renewal): Acorn Pet Centre Ltd.

The Committee at its meeting held on 11 August 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 not present.

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

Decision

The Committee unanimously agreed to grant the application subject to the Council's revised conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. PS/013 (New): Acorn Pet Centre Ltd.

The Committee at its meeting held on 11 August 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 not present. The Environmental Health Officer was in attendance.

The Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The Environmental Health Officer then addressed the Committee in relation to concerns in terms of outstanding defects which had been noted following inspections of the premises and Health and Safety concerns. She indicated that despite numerous requests, the outstanding matters remained unresolved.

Decision

The Committee unanimously agreed that the application for a Pet Shop licence be refused on the grounds that the premises is not suitable or convenient for the conduct of the activity having regard to the condition of the premises in terms of Paragraph 5 (3) (c) (i) of Schedule 1 of the Civic Government (Scotland) Act 1982.