

Licensing Committee
1 December 2009

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

Present

William Gibson, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro and Joan Sturgeon.

In Attendance

A. Livingstone, Solicitor 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.

Apologies for Absence

Elisabeth Marshall and Robert Rae.

1. Declarations of Interest

There were no declarations by Members in respect of Standing Order 16.

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; 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.

The meeting ended at 3.35 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Metal Dealer Licence

1. MDL/023 (Itinerant)(New) David Jason Boyle

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) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

Private Hire Car Operator Licence

1. PHCL/231 (Renewal) James Shaw

The Sub Committee declined to consider the application on the grounds that it was incompetent in that no fee had been forthcoming to the Licensing Authority.

Taxi Driver Licence

1. TDL/01235 (New) Kevin Thomas Blades

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

PART B

Hearings

1. TDL/01589 (New) George Stuart Hobson

The Committee at its meeting held on 10 November 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. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing and District Court) advised the Committee that the observations from the Chief Constable of Strathclyde Police were received outwith the specified 21 day consultation period. The Committee heard from the Police representatives on the reasons for the late submission and having been satisfied by the explanation provided agreed to consider the representation.

The Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder. The representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 25 September and 3 October 2009 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions. 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 to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TDL/01082 Paul William Lindsay Scott

The Committee at its meeting held on 20 October 2009, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present at the hearing, and was represented. The operator of the taxi vehicle was also in attendance.

At the outset the licence holder's representative made preliminary submissions in respect of a number of matters.

The Chair, having considered the preliminary submissions, offered to continue the hearing to a future date to allow disclosure of information to the licence holder and further witnesses to be called. Following a short adjournment to allow the licence holder and his representative to consider their position, it was mutually agreed that the Hearing proceed.

The Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder. The licence holder, his representative, and the vehicle operator, Mrs Wilde, then addressed the Committee on the issues raised and responded to questions.

Thereafter the licence holder, his representative and witness, withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.