



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

27 September 2012

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 2, Cunninghame House, Irvine on **WEDNESDAY 3 OCTOBER 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The Minutes of the previous meeting of the Licensing Committee held on 22 August 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Civic Government (Scotland) Act 1982: Licensing Matters

Submit report by the Solicitor to the Council on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982. (copy enclosed).

4. Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Ruth Maguire
Alex McLean
Alan Munro
Donald Reid
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
22 August 2012

IRVINE, 22 August 2012 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.45 p.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alex McLean, Donald Reid and Robert Steel.

In Attendance

W. O'Brien, Senior Solicitor (Licensing), A. Toal, Administrative Assistant, C. Reilly, Team Manager (Food/Health and Safety), K. Love, Environmental Health Officer and P. Brennan, Specialist Environmental Health Officer (Noise) (Corporate Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector J. Conway and Constable K. Ritchie (Strathclyde Police).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Alan Munro.

1. Declarations of Interest

In terms of Standing Order 16, (a) Councillor Barr, as an acquaintance of the applicant, declared an interest in Agenda Item 3, Appendix A, Hearing 3 and withdrew from the meeting for that item of business; and (b) Councillor McLean, as a previous associate of an individual who had submitted a letter of support in respect of the representation made by George Torbet, declared in interest in Agenda Item 3, Appendix A, Hearing 8 and took no part in the determination thereof.

2. Minutes

The Minutes of the previous meeting of the Licensing Committee held on 26 June 2012 were signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to clarification that the report on the Regulation of Public Processions had been noted by the Committee and continued indefinitely.

3. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Solicitor to the Council on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, 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.

4. Street Trader's Licences under Section 39 of the Civic Government (Scotland) Act 1982, Market Operator's Licences under Section 40, and Regulation of Public Charitable Collections under Section 119

Submitted report by the Solicitor to the Council on a proposed amendment to its policies in relation to Street Trader's (STLs), Market Operator's (MOLs) and Public Charitable Collections (PCCs) Licences as a result of works in and around Bridgegate, Irvine.

Substantial works will be carried out in the Bridgegate area of Irvine from August 2012 to 2013. While these works are in progress, the width of the pedestrian walkway between the Rivergate Shopping Centre and the High Street will be substantially limited. In order to maximise the free flow of pedestrian traffic in that period, it is proposed that the Council should amend its policy to prohibit STLs, MOLs and PCCs in that area for the duration of the works.

Applicants for these types of licences will be advised of the amended policy. If their application is not withdrawn the application will be referred to the Committee for its consideration.

The Committee agreed to amend the Council's policies (a) to prohibit the issue of Street Trader Licences, Market Operator Licences and Public Charitable Collection Licences in the Bridgegate area for the duration of the works in and around the Bridgegate area, Irvine; and (b) the Senior Solicitor (Licensing's) delegated powers accordingly.

The meeting ended at 5.45 p.m.

PART A

Hearings

1. MOL/039 Fayre Events Ltd

Fayre Events Ltd have applied for a Temporary Market Operator's Licence. Representations have been received from Strathclyde Police and Environmental Health and Trading Standards.

Mr Dobbie and Mr Middleton of Fayre Events Ltd and representatives from North Ayrshire Council's Environmental Health and Trading Standards Section and Strathclyde Police were in attendance.

The Senior Solicitor (Licensing) set out the background to the application. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 24 July 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Representatives from Environmental Health and Trading Standards addressed the Committee outlining breaches of conditions in respect of appropriate hand washing facilities at all stalls and the provision of information to Environmental Health of the names, addresses and telephone numbers of all stallholders one week prior to the market. Thereafter the applicants addressed the Committee on the issues raised and responded to questions.

The applicants, representatives from Environmental Health and Trading Standards and Strathclyde Police 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 those conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) any further conditions determined by Environmental Health and Trading Standards.

2. PEL/154 Kelburn Productions

Kelburn Productions have applied for a temporary Public Entertainment Licence. An objection has been received from a local resident, Mr Benson.

D. Boyle, of Kelburn Productions and a representative from North Ayrshire Council's Environmental Health Section (Noise) were in attendance. The objector, Mr Benson and Mrs Benson, were also in attendance.

The Senior Solicitor (Licensing) set out the background to the application. The objector addressed the Committee setting out concerns in relation to noise disturbance. The representative from Environmental Health advised the Committee that no breaches of conditions have been recorded at previous events. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant, together with the objectors and the representative from Environmental Health and Trading Standards 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 those conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. TDL/01244 Elizabeth Kilday Conway

The Committee, at its meeting on 26 June 2012, 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 and represented. Representatives from Strathclyde Police were also in attendance.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 4 April and 23 April 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant and her representative addressed the Committee on the issues raised and responded to questions.

The applicant, her representative and representatives of Strathclyde Police 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 those conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. TDL/01513 Steven Robb

The Committee, at its meeting on 26 June 2012, 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 Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 28 May 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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

After discussion, Councillor Steel, seconded by Councillor Barr, moved that the application be refused.

As an amendment, Councillor Reid, seconded by Councillor Maguire, moved that the application be granted.

On a division, there voted for the amendment 4 and for the motion 5, and the motion was declared carried.

Decision

Accordingly, the Committee 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.

5. TDL/01519 Darren Coughtrie

The Committee, at its meeting on 26 June 2012, 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 Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 25 May 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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

After discussion, Councillor Maguire, seconded by Councillor Bruce, moved that the application be refused.

As an amendment, Councillor Barr, seconded by Councillor Reid, moved that the application be granted.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried.

Decision

The Committee agreed to grant the application subject to those 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 Clarkson left the meeting.

6. TDL/01780 John Swindle

The Committee, at its meeting on 26 June 2012, 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 Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 23 April 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives from Strathclyde Police 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 those conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, for a period of two years under Paragraph 8(2).

7. TL/041 Kevin Blades

Kevin Blades lodged an application for the substitution of a vehicle on 19 June 2012. The vehicle presented was outwith the vehicle specification adopted by the Committee on 7 December 2011 that the maximum age at which a new or substitute vehicle could be licensed as a taxi or private hire car should remain at 8 years.

The applicant, having been duly cited to attend, was present and represented.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant's representative addressed the Committee advising that at the time of application the vehicle was only a few months over the 8 year limit. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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

Decision

The Committee unanimously agreed to refuse the application.

8. George Torbet

A representation was received from Mr Torbet, Bond Cars, Largs that the existing policy that all new or replacement vehicles licences as taxis should be side loading for wheelchairs, be amended to allow for rear loading wheelchair accessible vehicles.

The applicant, having been duly cited to attend, was present.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant addressed the Committee on the issues raised and responded to questions.

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

Decision

The Committee agreed to (a) refuse the application; and (b) consider the accessibility merits of all types of wheelchair accessible vehicles when the policy is reviewed.

9. TL/19 and TL/194 Renewals TL/048 Grant Fiona Wagstaff

The Committee, at its meeting on 26 June 2012, agreed on the basis of the information presented, to continue consideration of the item to a meeting of the Committee to be held prior to the expiry of the 6-month period (i.e. no later than 22 August 2012), on receiving the applicant's undertaking that vehicles would be placed on all three licences before then.

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

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The Committee was advised that the licenceholder had now submitted the required documentation.

Decision

The Committee unanimously agreed to grant the applications in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B

1. MDL/041 (New) Anthony Hamblin

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.

2. PHCL/315 (New) Angus Campbell

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

3. PCC (New) Kilwinning Friends of the Ayrshire Hospice

The Committee unanimously agreed to (a) grant the application subject to those conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the terminal hour for collections be set at 7.30 p.m.

4. SHDL/162 (New) Pendragon Motor Group Ltd

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.

5. TDL/01425 (Renewal) Leslie Watson

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.

6. TDL/01793 (New) Alexander McRum Butler

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.

7. TDL/01794 (New) Robert Purcell Hendry

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.

PART C

Taxi Driver's Licence

1. TDL/00398 James Smith Dean

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.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

3 October 2012

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Licensing Matters**

Purpose: To advise the Committee of (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

2. Current Position

- 2.1 The attached appendices detail the matters before the Committee for determination as follows:-

Appendix A:

Licences where Hearings have been convened;

Appendix B:

Applications for the grant or renewal of licences and permits: and

Appendix C:

Issues in respect of existing licences.

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities

- 4.6 None

Community Benefit Implications

- 4.7 None

5. Consultations

- 5.1 Consultations have been undertaken with Strathclyde Police, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

- 6.1 The Committee is requested to consider and dispose of the matters before it.

A handwritten signature in dark ink, appearing to read 'Ian T. Mackay', with a stylized flourish at the end.

IAN T MACKAY
Solicitor to the Council

Reference : PAT

For further information please contact William O'Brien, (Licensing Solicitor)
on 01294 324305

Background Papers

None

APPENDIX A

Hearings

Hearing 1	Itinerant Metal Dealer's licence	MDL/041 (new)
Applicant and Address	Anthony Hamblin 128 Shortlees Crescent Kilmarnock KA1 4PU	
Premises	None	
Hearing 2	Second Hand Dealer's licence	SHMVDL/162 (new)
Applicant and Address	Pendragon Motor Group Ltd Loxley House 2 Oakwood Court Little Oak Drive Annesley Nottingham NG15 0DR	
Premises	Evans Halshaw Sorbie Road Ardrossan	
Hearing 3	Taxi Driver's licence	TDL/01425
Applicant and Address	Leslie Watson 57 Morar Place Irvine KA12 9PT	
Hearing 4	Taxi Driver's licence	TDL/01793
Applicant and Address	Alexander Butler 2 Barrington Gardens Beith KA15 2BA	

Hearing 5	Taxi Driver's licence	TDL/01794
Applicant and Address	Robert Hendry 15 Earlswood View Irvine KA11 2FG	
Suspension Hearing 6	Taxi Driver's licence	TDL/00398
Licenceholder and Address	James Dean 11 Holms Avenue Dreghorn KA11 4BD	
Duration of licence	01/10/2011 - 30/09/2012	

APPENDIX B

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Details of Vehicle/Premises	Comments
LHCL/039 (Renewal)	Arshad Ali 29 Whittle Road Ayr KA8 9PY	Indian Palace 83 High Street Irvine KA12 0AL	Police observation received
PHCL/307 (Renewal)	David McComb 2 Alexander Avenue Stevenston KA20 4BE	Volkswagen Jetta AN08 ZGG	Police observation received
TDL/00451 (New)	Ronald Tudhope 5 Love Street Kilwinning KA13 7LQ		Police observation received
TDL/01399(New)	Sandra Ward 3 Keirhardie Drive Kilbirnie KA25 6BD		Previous conviction declared
TDL/01789 (New)	Alan Thom 7A Barassie Street Troon KA10 6LU		Police observation received
TDL/01795 (New)	William James Anderson Hillcrest Castle Hill Hemyock Cullompton EX15 3RX		Police observation received

TDL/01799 (New)	Robert Lynch 17 Evelyn Terrace Kilwinning KA13 6JH	Police objection received
TDL/01800 (New)	Robin Vine 18 Gardiner Street Prestwick KA9 1JY	Previous convictions declared
TL/014 (Variation)	Robert Kerr Emilymill Crosshouse Kilmarnock KA2 0BP	Police observation received

APPENDIX C

Issues in respect of Existing Licences

Case 1	Taxi Driver's licence	TDL/01493
Licenceholder & Address	Robert Steven Malcolmson 45 Woodmill Crescent Irvine KA11 1QR	
Duration of licence	01/12/2011 - 30/11/2014	