

Licensing Committee
8 April 2008

IRVINE, 8 April 2008 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Elisabeth Marshall, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro, Ryan Oldfather, Robert Rae and Joan Sturgeon.

In Attendance

N. Alexander, Chief Legal Officer (Licensing and District Court), D. Wallace, Enforcement Officer, and A. Toal, Administrative Assistant (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

1. 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 required 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 4.30 p.m.

PART A

Late Hours Catering Licences

1. LHCL/086 (New) BP Oil UK 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.

Pet Shop Licences

1. PSL/13 (New) Acorn Pet Centres Ltd

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.

Taxi Driver Licences

1. TDL/667 (Renewal) Stephen McNamee

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.

2. TDL/717 (Renewal) Robert McLeish

The Committee unanimously agreed (a) to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the applicant be advised that the issues raised in respect of the application may be reconsidered at a future date, should any further incidents be reported during the duration of the licence.

PART B

Issues in respect of Existing Licences

Taxi Driver Licences

1. TDL/943 Kenneth Fleetham

The Chief Legal Officer (Licensing and District Court) advised the Committee of written representations received from the Chief Constable of Strathclyde Police regarding convictions recorded against the licence holder. The licence holder had failed to inform the Licensing Section of the convictions in breach of the conditions of his licence.

The Committee unanimously 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.

2. TDL/1168 Paul McPherson

The Chief Legal Officer (Licensing and District Court) advised the Committee of written representations received from the Chief Constable of Strathclyde Police regarding convictions recorded against the licence holder. The licence holder had failed to inform the Licensing Section of the convictions in breach of the conditions of his licence.

The Committee, on the basis of the information presented, unanimously agreed (a) to take no action at this time with regard to suspension in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the licence holder be advised that the issues raised may be reconsidered at a future date, should any further incidents be reported during the duration of the licence.

3. TDL/1188 Kenneth Alexander McDonald

The Chief Legal Officer (Licensing and District Court) advised the Committee of written representations received from the Chief Constable of Strathclyde Police regarding convictions recorded against the licence holder. The licence holder had failed to inform the Licensing Section of the convictions in breach of the conditions of his licence.

The Committee unanimously 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.

PART C

Hearings

1. TDL/301 Gordon Cairney

The Committee at its meeting held on 26 February 2008 was advised of a complaint made against the licence holder and accordingly 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 complainer, who had also been cited to attend, was not present at the commencement of proceedings. The Committee agreed to proceed to consider the complaint as set out in a letter received from the complainer on 7 January 2008.

Accordingly, the Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder.

The licence holder and his representative then addressed the Committee on the issues raised by the complainer and responded to questions. Written submissions in support of the licence holder's character were considered.

The Council's Licensing Enforcement Officer and a Taxi Marshall from the Irvine taxi stance then addressed the Committee on their involvement in the matter, and responded to questions.

The Complainer, who arrived late, was heard by the Committee on the terms of her complaint.

All parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee, on the basis of the information presented, unanimously agreed to take no action with regard to suspension in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. STL/O/258 Peter McInnes

The Committee at its meeting held on 18 March 2008 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.

The applicant, having been duly cited to attend, was present at the Hearing. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Committee on the issues raised and responded to questions.

Decision

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.

3. PHCL/263 & PHCL/264 Thomas Smith

The Committee at its meeting held on 18 March 2008 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.

The applicant, having been duly cited to attend, was present at the Hearing and was represented. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant and his representative then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed (a) to grant the applications 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 licences to 1 year.

4. Application for Parade (Dalry Young Citizens FB: Rae Clark)

Dalry Young Citizen's Flute Band have applied for a public procession in Dalry on 19 April 2008. The Chief Legal Officer (Licensing and District Court) advised the Committee that the applicant had failed to give 28 days written notice of the proposal as required by Section 62 (2) of the Civic Government (Scotland) Act 2008, as amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006.

The applicant, having been duly cited to attend, was present at the Hearing and addressed the Committee on why notice of the proposal was not given in accordance with Section 62 (2) of the Act. The Committee having been satisfied by the reasons given, agreed in terms of Section 62 (4) of the Act, as amended, to dispense with the time limits for the giving of notice and agreed to consider the application.

Decision

The Committee (a) unanimously agreed, subject to the Chief Constable being consulted, that an Order be made under Section 63 (ii) of the Civic Government (Scotland) Act 1982, as amended, granting the public procession subject to the Council's standard conditions; and (b) noted that the applicant had agreed to comply with any conditions imposed by the Police in connection with the conduct and route of the parade.