

Licensing Committee
14 September 2010

IRVINE, 14 September 2010 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, Elisabeth Marshall, John Moffat, Alan Munro, Ryan Oldfather and Joan Sturgeon.

In Attendance

W. O'Brien, Senior Solicitor, P. Aitken, Solicitor and A. Toal, Administrative Assistant (Legal and Licensing) and D. Smith, Environmental Health Officer (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Henderson and Sergeant Menzies, Strathclyde Police.

Chair

Councillor Gibson in the Chair.

1. Minutes

The Minutes of the previous meeting of the Committee held on 17 August 2010 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Solicitor to the Council on (a) applications for the grant or renewal of licences and permits; (b) issues arising in respect of existing licences; and (c) 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 2.45 p.m.

PART A

Applications for Licences/Renewal of Licences

Taxi Drivers Licence

1. TDL/00303 (Renewal) Erik Norman Iversen

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.

2. TDL/00449 (Renewal) Gordon Merrilees

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.

3. TDL/01355 (Renewal) Michael Ferguson

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.

4. TDL/01644 (New) Brian Martin Watson

The Committee unanimously agreed on the basis of the information before it, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B

Issues in respect of Existing Licences

Taxi Driver's Licence

1. TDL/00384 Terry Mulhern

The Committee 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.

Street Trader's Licence

1. STL/O/306 John Cowan

The Committee agreed, on the basis of the information presented, that the Chief Legal Officer write to the licence holder in relation to the conditions of the Street Trader's Licence.

PART C

Hearings

1. STL/O/304 John Drysdale

The Committee at its meeting held on 17 August 2010, 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 Environmental Health was in attendance.

The Senior Solicitor (Legal and Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representative from Environmental Health then addressed the Committee setting out the observations of the Environmental Health Section on the application.

Decision

The Committee unanimously agreed to refuse the application in terms of Section 38(4) of the Civic Government (Scotland) Act 1982, on the grounds that the applicant has failed to present his vehicle for inspection by Environmental Health and it is a requirement that the Council must refuse an application for a Street Trader's Licence if it includes a 'food business' and uses a vehicle, kiosk or moveable stall without the appropriate Food Safety Act 1990 certificate.

2. TDL/01637 William McClung

The Committee at its meeting held on 3 August 2010, agreed on the basis of the information presented, to suspend taxi driver licence TDL/01637 with immediate effect in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, and to proceed to a suspension hearing in terms of Paragraph 11 (7) of the said Schedule

The licence holder, having been duly cited to attend, was not present. Representatives from Strathclyde Police were in attendance.

The Senior Solicitor (Legal and Licensing) 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 a letter dated 20 July 2010 setting out the observations of the Chief Constable of Strathclyde Police on the licence holder and responded to questions. The representatives from Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed (a) to suspend the licence for the unexpired portion of the duration of the licence in terms of Paragraph 11 (11) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) considering that the circumstances of the case justified immediate suspension, to suspend the licence with immediate effect under Paragraph 11(10).

3. TDL/01649 Paul Williams

The Committee at its meeting held on 17 August 2010, 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 (Legal and 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 June 2010 setting out the observations of the Chief Constable of Strathclyde Police on the application. 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 (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 at 1 year.