

Licensing Committee  
25 May 2010

**IRVINE, 25 May 2010** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Gibson in the Chair.

**1. Declarations of Interest**

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

**2. Civic Government (Scotland) Act 1982: Taxi Fare Review**

Submitted report by the Solicitor to the Council on initial steps in the consultation procedure for the Taxi Fare Review for 2010.

The Council, as Licensing Authority, is required to periodically review the scale of taxi fares in force within North Ayrshire. As part of this review, and in advance of setting a new scale of fares, the Council must consult with representatives of the taxi trade, advertise its proposals, and consider representations. A proposed timescale for conducting the review was set out in the appendix to the report.

The Committee agreed to (a) approve the proposed timetable for the review process as appended to the report; (b) commence with the statutory consultation process, and (c) meet with the taxi operators to consider their proposals as part of the review.

**3. 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 permits; 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 3.40 p.m.

## **PART A**

### **Applications for Licences/Renewals of Licences**

#### **Street Trader Licence**

##### **1. STL/E/207 (New) Murray William Gardiner**

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 Licence**

##### **1. TDL/00613 (Renewal) David Andrew Kirk**

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/00637(New) Gordon Phillips**

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. TDL/01029(Renewal) Michael Rawley**

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/01220(Renewal) Colin Doyle**

The Committee unanimously agreed to continue consideration of the application to a future meeting.

**5. TDL/01333(Renewal) Lorraine Anderson**

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.

**6. TDL/01344(Renewal) Pirgin Singh**

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.

**7. TDL/01499(Renewal) Garry Hamilton**

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.

**8. TDL/01627(New) Nicola Dean**

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.

**9. TDL/01629(New) Brian Conway**

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.

**10. TDL/01631(New) Carl Joseph McCabe**

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.

**11. TDL/01634(New) Lee Burns Strachan**

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.

## **12. TDL/01635(New) Gerard Thomas Christopher Ferguson**

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.

## **13. TDL/01636(New) Kenneth Allison**

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.

## **14. TDL/01637(New) Gavin McClung**

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.

## **15. TDL/01638(New) Patrick Joseph Matisse Gordon**

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.

### **Public Entertainment Licence**

#### **1. PEL/108 (New) Kelburn Productions**

Kelburn Productions Ltd have applied for a Public Entertainment Licence for outdoor events on three occasions:-

Saturday 5 June 2010;  
Saturday 3 and Sunday 4 July 2010; and  
Saturday 14 August 2010.

Mr. David Boyle and Zeb Shaw for the applicant and representatives from North Ayrshire Council's Building Standards and Environmental Health Sections were in attendance.

The Senior Solicitor (Legal and Licensing) set out the background to the application. The representatives from the Council Services present then addressed the Committee on progress in meeting the standards required by Environmental Health in respect of catering and Building Standards in relation to structures and staging. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The Committee unanimously agreed to grant the application subject to conditions proposed by the Senior Solicitor, and on the further condition that the licence would not come into effect, and would not be issued, unless and until the premises and facilities were, prior to the first proposed event, inspected and if necessary altered to the satisfaction of both the Chief Building Standards Officer and Chief Environmental Health Officer.

## **PART B**

### **Issues in respect of Existing Licences**

#### **Taxi Driver Licences**

##### **1. TDL/00540 Seven Harvey**

The Senior Solicitor (Legal and Licensing) reported on a notification of a Fixed Penalty Fine submitted by the Enforcement Officer to the licence holder for smoking in his taxi vehicle.

Councillor Munro, seconded by Councillor Gibson, moved that the Senior Solicitor (Legal and Licensing) write to the licence holder with a warning.

As an amendment, Councillor Sturgeon, seconded by Councillor Kirkwood, moved that the Committee proceed to a suspension hearing.

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

Accordingly, the Committee agreed that the Senior Solicitor (Legal and Licensing) write to the licence holder in relation to the Fixed Penalty Fine and the consequences of any further similar incidents.

##### **2. TDL/00629 David Fyfe**

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.

##### **3. TDL/01229 Graeme Burnside**

The Committee agreed to continue consideration of the case until such times as further information is provided by Strathclyde Police.

## **PART C**

### **Hearings**

#### **1. TDL/00675 William Hamilton**

The Committee at its meeting held on 23 March 2010, 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. A representative from Strathclyde Police was also 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 representative from Strathclyde Police then addressed the Committee on the terms of a letter dated 9 April 2010 setting out the observations of the Chief Constable of Strathclyde Police. Thereafter the licence holder 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 take no action to suspend the licence 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 23 March 2010, 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 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 licence holder. The representative from Environmental Health then addressed the Committee on the terms of a memorandum dated 14 January 2010 setting out the observations of the Environmental Health Section in relation to the licence holder's failure to present his vehicle for inspection as required by the Food Hygiene (Scotland) Regulations 2006.



## **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).