

Licensing Committee
2 October 2013

IRVINE, 2 October 2013 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

C. Andrew, Senior Manager Legal Services, W. O'Brien, Solicitor (Licensing), K. Sharkey, Training Solicitor, A. Toal, Administrative Assistant and M. Anderson, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Skimming and PC McLean (Police Scotland).

Chair

Councillor McNicol in the Chair.

1. Declarations of Interest

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors, Councillor Reid, as the applicant, declared an interest in Agenda Item 3.2 (Urgent Item: Public Charitable Collection) and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 21 August 2013 and the Special meeting held on 10 September 2013 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Chief Executive 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.

Part A: Hearings

4.1 LHCL/109 (Suspension) GB Oils Limited - Castlebay Filling Station, Largs

The Committee, at its meeting on 21 August 2013, 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 licenceholder, having been duly cited to attend, was in attendance and was represented. One of the complainers, John Maxwell, was also in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder's representative, the complainant and the representatives from Police Scotland addressed the Committee on the issues raised. Thereafter, the licenceholder responded to questions.

The licenceholder, his representatives, the complainant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

After discussion, Councillor Maguire, seconded by Councillor Bruce, moved that the Committee agree not to suspend the licence.

As an amendment, Councillor McLean, seconded by Councillor Marshall, moved that the licence be suspended.

On a division, there voted for the amendment 4 and for the motion 6, and the motion was declared carried.

Accordingly, the Committee agreed not to suspend the licence.

Thereafter, the Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.2 LHCL/111 (New) Muhammed Aslam

The Committee, at its meeting on 21 August 2013, 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 represented at the meeting. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that the observation of Police Scotland had been withdrawn on the basis that the operation of the business would not now extend beyond 1.00 a.m.

Decision

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

4.3 TDL/01698 (Renewal) Martin Cruickshank

The Committee, at its meeting on 21 August 2013, 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 licenceholder, having been duly cited to attend, was in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

The licenceholder and representatives of Police Scotland 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)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.4 TDL/01848 (New) Charles Stewart

The Committee, at its meeting on 21 August 2013, 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 in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

The applicant and representatives of Police Scotland 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)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.5 TDL/011855 (New) David Smith

The Committee, at its meeting on 21 August 2013, 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 in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of the issues raised and responded to questions.

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

Decision

After discussion, Councillor Maguire, seconded by Councillor Munro, moved that the application be granted.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be refused.

On a division, there voted for the amendment 6 and for the motion 3, and the amendment was declared carried.

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.

4.6 TDL/01860 (New) Dominic McCann

The Committee, at its meeting on 21 August 2013, 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 in attendance. The Committee was satisfied that due notice of the meeting had been given and resolved to proceed in the absence of the applicant. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application.

Representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

After discussion, Councillor Marshall, seconded by Councillor Maguire, moved that the application be granted.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be refused.

On a division, there voted for the amendment 2 and for the motion 7, and the motion was declared carried.

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

Councillor Maguire left the meeting at this point.

4.7 TDL/01862 (New) Mohamed Othmani

The Committee, at its meeting on 21 August 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Standard conditions attached to Taxi and Private Hire Car Licences include that all applicants for whom English is not a first language, prove their competence in English. The applicant addressed the Committee on the issues raised and responded to questions.

Decision

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

4.8 TDL/01865 (New) Saman Mohammed

The Committee, at its meeting on 21 August 2013, 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 cited to attend, was not in attendance.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting.

4.9 TDL/00804 (Suspension) Patrick John Griffin

The Committee, at its meeting on 21 August 2013, unanimously agreed (a) to suspend licence TDL/00804 in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982; (b) on the basis of the information presented, to proceed to a Hearing, within 6 weeks, in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been cited to attend, was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. He advised that the licenceholder had surrendered his licence, but that the licence itself had not yet expired.

Decision

The Committee unanimously agreed to suspend licence TDL/00804 with immediate effect and for the remaining duration of the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.10 TDL/196 (New) Peter Cassidy

The Committee, at its meeting on 21 August 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that the licenceholder's vehicle has now passed its inspection.

Decision

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

Part B - Applications for Licences and Renewal of Licences

4.11 LHCL/084 (Variation) Nasir Gulem

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.

4.12 LHCL/110 (New) Shahzad Hassan

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.

4.13 MOL/001 (Renewal) Spook Erection Limited

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.

4.14 PCC (Temporary) Hansel

The Committee unanimously agreed to grant the application subject to conditions in terms of Section 119 of the Civic Government (Scotland) Act 1982.

4.15 PEL/173 (New) Aquilla Clark

After discussion, Councillor Munro, seconded by Councillor Marshall, moved that the application be granted for a period of 3 years.

As an amendment, Councillor McLean, seconded by Councillor Reid, moved to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 2 and for the motion 7, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application for a period of 3 years subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.16 PEL/176 (New) Beachcombers Kiosks

After discussion, Councillor Marshall, seconded by Councillor Munro, moved that the application be granted for a period of 3 years.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application for a period of 3 years subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.17 SPTL/019 (New) Anita Rose Wood

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.

4.18 STL/O/385 (New) Kerry Smith

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.

4.19 TDL/00259 (Renewal) Robert Howie

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.

4.20 TDL/00840 (New) Ian Roderickson

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

4.21 TDL/01454 (New) Ronald Smallridge

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.

4.22 TDL/01711 (Renewal) Gareth Walsh

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.

4.23 TDL/01866 (New) Roderick Cameron

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.

4.24 TDL/01869 (New) Martin Sneddon

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.

4.25 TDL/01870 (New) Thomas Brownlow

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

4.26 TDL/01872 (New) Atif Mahmood

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.

4.27 TDL/01874 (New) Paul Gorman

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

4.28 TDL/01875 (New) Donald McMahon

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.

4.29 TDL/01868 (New) John Symington

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 - Issues in Respect of Existing Licences

4.30 Booking Office Licence - Kevin Blades - 1 Dale Crescent, Irvine

The Committee was advised of complaints received in respect of the operation of the business from residential premises.

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. Urgent Items

The Chair agreed that the following items be considered as a matter of urgency to update Members and to allow the matters to be actioned without delay.

5.1 PCC (Temporary) Donald Reid

Donald Reid has applied for a Public Charitable Collection Permission under Section 119 of the Civic Government (Scotland) Act 1982. The proposal was for a street collection in Kilwinning on 5 November 2013 between 5.00 p.m. and 8.00 p.m.

The Committee considered whether or not to make exceptions to the following Council policies:-

(a) days:

(i) house to house collections are only permitted on Monday-Friday

(ii) street collections are only permitted on Saturday

and only one of each is allowed on a particular day in a particular town. Neither is permitted on Sunday.

(b) times:

the Licensing Committee decided at its meeting on 20 March 2012 that collections should not happen after 6.00 p.m.

On considering the circumstances, the Committee unanimously agreed to grant the Permission as requested, subject to the usual North Ayrshire Council conditions under Section 199(5), other than the condition prohibiting collections after 6.00 p.m.

5.2 Public Entertainment Licences

At its meeting of 26 June 2012, the Committee agreed (a) to the establishment of a Member/Officer working group, comprising Councillors McNicol, Clarkson, Marshall and Reid, to review the existing Resolution and propose a draft for the Committee's consideration; (b) thereafter, to consider the draft and amend it as appropriate; (c) that the amended draft be used in the statutory review procedure; and (d) that after consideration of any representations from the public, the Committee adopt an amended Resolution.

The Solicitor (Licensing) advised of arrangements for a meeting to discuss the amended draft Resolution, to which Elected Members on the Member/Officer working group would be invited to attend.

Noted.

The meeting at 4.40 p.m.