

## **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.