

Licensing Committee
26 February 2008

IRVINE, 26 February 2008 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, Ruby Kirkwood, Elisabeth Marshall, John Moffat, Alan Munro, Robert Rae and Joan Sturgeon

In Attendance

A. Fraser, Manager Legal Services, W. O'Brien, Senior Solicitor, and A. Toal, Administrative Assistant (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Ryan Oldfather.

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) a Hearing which required to be determined by the Committee.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

2. Member/Officer Working Group on Taxi and Private Hire Car Vehicle Specifications etc.

The Committee agreed that the Working Group convene immediately following the meeting of the Licensing Committee on 18 March 2008.

The Meeting ended at 2.45 p.m.

PART A

Taxi Driver Licences

1. PHCL/163 (Renewal) David Smith

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. TL/A08 (New) James Murray Douglas

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/681 (Renewal) Patrick Joseph Doherty

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.

4. TDL/1398 (New) Raymond Fifer

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/1404 (New) David McCafferty

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.

PART B

Issues in respect of Existing Licences

Taxi Driver's Licences

1. TDL/054 Robert Brown

The Committee agreed to continue the matter to the next meeting for further information in relation to the conviction reported to the Licensing Section by the licence holder.

2. TDL/301 Gordon Cairney

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/1136 James Law

The Committee agreed to (a) note the conviction reported to the Licensing Section by the licence holder; and (b) take no action with regard to suspension at this time.

PART C

Hearings

1. STL/O/104 (Renewal) John Roderick Hendry

The Committee at its meeting held on 15 January 2008 received a report in respect of an application to renew licence STL/O/104, and unanimously agreed (a) to remit to the Chief Legal Officer (Licensing and District Court) to grant the application under delegated powers if the outstanding issues are satisfactorily resolved; and (b) otherwise 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 at the hearing.

The senior solicitor advised the Committee that the outstanding issues had not been resolved in that the applicant had failed to respond to repeated requests to allow authorised officers of the Council's Environmental Health Section to inspect the vehicles, equipment, plant, or other apparatus operated by him in terms of his licence for those purposes set out in Section 5 of the Civic Government (Scotland) Act 1982. Specifically, this related to a horse drawn carriage operated by the applicant in terms of his licence.

Decision

The Committee unanimously agreed to (a) grant the licence, in part, subject to the Council's standard conditions, in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, so far as it relates to the operation of Volkswagen Van (Licence Plate X359 JGB); and (b) refuse the application in so far as it related to the horse-drawn carriage, in that the Council was not satisfied that the vehicle was suitable for the proposed activity, in terms of Paragraphs 5(3)(c) and 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.