



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

14 March 2013

### **Licensing Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 2, Cunninghame House, Irvine on **WEDNESDAY 20 MARCH 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

**2. Minutes**

The Minutes of the Meeting of the Licensing Committee held on 6 February 2013 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

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

Submit report by the Solicitor to the Council on (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

**4. Urgent Items**

Any other items which the Chair considers to be urgent.

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## Licensing Committee

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Sederunt: Ronnie McNicol (Chair)  
Tom Marshall (Vice Chair)  
Robert Barr  
John Bruce  
Ian Clarkson  
Ruth Maguire  
Alex McLean  
Alan Munro  
Donald Reid  
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:



Licensing Committee  
6 February 2013

**Irvine, 6 February 2013** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant, and A. Little, Committee Services Officer (Chief Executive's Service) and P. Brennan, Specialist Environmental Health Officer (Development and Environment).

**Also In Attendance**

Inspector Conway and PC McLean (Strathclyde Police).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Bruce and Robert Steel.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

**3. Minutes**

The Minutes of the Meetings of the Licensing Committee held on 21 November 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Civic Government (Scotland) Act 1982: Licensing Matters**

Submitted report by the Solicitor to the Council on (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits, 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 3.35 p.m.



## **Part A**

### **Hearings**

#### **1. STL/O/261 (Renewal 3 year licence) Duncan David McIntyre**

The Committee, at its meeting on 21 November 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 licenceholder, having been duly cited to attend, was in attendance and was represented. Representatives from Strathclyde Police were in attendance.

At the outset the licenceholder's representative requested that the Committee agree to adjourn the hearing to a future meeting to allow an opportunity for documents recently received to be examined.

All parties withdrew to allow the Committee to deliberate on this request and returned to hear the outcome of these deliberations.

#### **Decision**

The Committee unanimously agreed to continue the application to the next meeting.

#### **2. STL/O/325 Ian Ewing**

The Committee, at its meeting on 21 November 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 in attendance. Representatives from Strathclyde Police were in attendance.

The Committee were advised that information was available that was common to the application and application STL/O/261 Duncan David McIntyre. It was therefore proposed that the application be continued to the next meeting.

#### **Decision**

The Committee unanimously agreed to continue the application to the next meeting.

### **3. TDL/01282 (Renewal 1 year licence) Andrew O'Neil**

The Committee, at its meeting on 21 November 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 licenceholder, having been duly cited to attend, was not in attendance. Representatives from Strathclyde Police were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 18 September 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application.

The 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 conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **4. TDL/01716 (New 1 year licence) Samuel Balmer**

The Committee, at its meeting on 21 November 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 in attendance. Representatives from Strathclyde Police were in attendance.

The 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 30 October 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.

#### **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.



## **5. SHDL/131 (Renewal 3 year licence) William Hillan**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 18 September 2012 setting out the observations of the Chief Constable of Strathclyde Police in relation to the application. Thereafter the licenceholder addressed the Committee on the issues raised and responded to questions.

The licenceholder 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 conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **6. BOL/016 (New 3 year licence) Fiona Wagstaff**

The Committee, at its meeting on 21 November 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 in attendance. Representatives from Strathclyde Police were in attendance.

The 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 28 September 2012 and 30 January 2013 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.

### **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/Renewal of Licences**

#### **1. TDL/00435 (New) Fiona Wagstaff**

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. TDL/00926 (New) Thomas Robert McClelland**

The Committee agreed, on the basis of the information presented, that no further action be taken.

#### **3. TDL/01499 (New) Garry Hamilton**

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. TDL/01750 (Renewal) Gavin Newell**

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. TL/179 (Renewal) Deborah Bell**

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.

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 3**

**20 March 2013**

#### **Licensing Committee**

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**Subject:** **Civic Government (Scotland) Act 1982: Licensing Matters**

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**Purpose:** To advise the Committee of (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits; all in terms of the Civic Government (Scotland) Act 1982.

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**Recommendation:** That the Committee considers and determines the matters before it.

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#### **1. Introduction**

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

#### **2. Current Position**

**Appendix A:**

Licences where Hearings have been convened; and

**Appendix B:**

Applications for the grant or renewal of licences and permits.

#### **3. Proposals**

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

#### **4. Implications**

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

#### Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

#### Equality Implications

- 4.4 None

#### Environmental Implications

- 4.5 None

#### Implications for Key Priorities

- 4.6 None

### **5. Consultations**

- 5.1 Consultations have been undertaken with Strathclyde Police, Strathclyde Fire and Rescue, and the appropriate Council Services.

### **6. Conclusion**

- 6.1 The Committee is requested to consider and dispose of the matters before it.

ELMA MURRAY  
Chief Executive

Reference : PAT

For further information please contact William O'Brien, Solicitor (Licensing)  
on telephone number 01294 324305

### **Background Papers**

None

## APPENDIX A

### Hearings

<b>Hearing 1</b>	<b>Temporary Public Entertainment Licence</b>	<b>PEL/163</b>
<b>Applicant and Address</b>	<b>Kelburn Productions Ltd</b> Kelburn Fairlie KA29 0BE	
<b>Venue</b>	Kelburn Country Centre Fairlie KA29 0BE	
<b>Duration of Licence</b>	6.00pm Saturday 11th May - 4.00am Sunday 12th May 2013	
<b>Hearing 2</b>	<b>Street Trader Operator's Licence</b>	<b>STL/O/261 (Renewal 3yr Licence)</b>
<b>Applicant and Address</b>	Duncan David <b>McIntyre</b> 18 Dalgarnen Wynd Kilwinning KA13 6DD	
<b>Vehicle Details</b>	Ford Transit Van Y985 UGE	
<b>Suspension Hearing 3</b>	<b>Street Trader Operator's Licence</b>	<b>STLO/325</b>
<b>Licenceholder and Address</b>	Ian <b>Ewing</b> 166 Hunter Drive Irvine KA12 9AZ	
<b>Vehicle Details</b>	Ford Transit SE51 DHZ	
<b>Duration of Licence</b>	24/05/2011 - 31/05/2014	

## APPENDIX A

### Hearings

<b>Hearing 4</b>	<b>Taxi Driver's Licence</b>	<b>TDL/00435 (Grant 1 yr Licence)</b>
<b>Applicant and Address</b>	Fiona <b>Wagstaff</b> 31 Coyle Avenue Drongan KA6 7DF	
<b>Hearing 5</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01499 (Grant 3 yr Licence)</b>
<b>Applicant and Address</b>	Garry <b>Hamilton</b> Dunbreck Cottage Ochiltree KA18 2NN	
<b>Hearing 6</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01750 (Renewal 1yr Licence)</b>
<b>Applicant and Address</b>	Gavin <b>Newell</b> 14 Mayfield Grove Stevenston KA20 4AH	
<b>Hearing 7</b>	<b>Taxi Operator's Licence</b>	<b>TL/179 (Renewal 1yr Licence)</b>
<b>Applicant and Address</b>	Deborah <b>Bell</b> 76 Chapelhill Mount Ardrossan KA22 7LY	

## APPENDIX B

### Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Comments
TDL/00951 (New)	Scott Barry <b>Morley</b> 70 Larch Terrace Beith KA15 1EN	Failure to disclose conviction and Police Observation received in connection with the application.
TDL/01706 (New)	Neil <b>Black</b> 7 Nursery Place Ardrossan KA22 7BU	Failure to disclose conviction and Police Observation received in connection with the application.
TDL/01821	Richard <b>Laing</b> 2 Alexander Avenue Largs KA30 9EZ	Failure to disclose convictions and Police Observation received in connection with the application.