

Cunninghame House,
Irvine.

14 April 2016

Licensing Committee

You are requested to attend a special Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 20 APRIL 2016** 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 accuracy of the Minutes of the (i) ordinary meeting held on 16 March and (ii) the special meeting of the Committee held on 12 April 2016 will be 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

Submit report by the Chief Executive 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.

Licensing Committee

Sederunt: Ian Clarkson (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
John Easdale
Grace McLean
Catherine McMillan
Ronnie McNicol
Donald Reid
Vacancy

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
16 March 2016

IRVINE, 16 March 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ian Clarkson, Tom Marshall, Robert Barr, John Bruce, John Easdale, Grace McLean, Catherine McMillan, Ronnie McNicol and Donald Reid.

In Attendance

David Drennan, Team Manager Building Standards (Economy and Communities); W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), A. Toal, Administrative Assistant, and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming and Sergeant G. Griffiths (Police Scotland).

Chair

Councillor Clarkson in the Chair.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3 agreed to vary the order of business to allow consideration of Hearing 4 prior to Hearing 3 within Agenda Item 4 (Civic Government (Scotland) Act: Licensing Matters).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr declared an indirect, non-pecuniary interest in the Suspension Hearing relative to Taxi Operator's Licence TL/041 which formed part of Appendix A of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters), on the grounds that the unlicensed taxi driver was known to him. Councillor Barr left the room for this item of business and took no part in its determination.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 25 February 2016 was confirmed, and the Minutes 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 Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

Part A: Hearings

4.1 Taxi Driver's Licence: Gary Williamson: TDL/00139

The Committee, at its meeting on 25 February 2016, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter the applicant addressed the Committee on 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

Councillor McNicol, seconded by Councillor Barr, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

As an amendment, Councillor McMillan, seconded by Councillor Easdale, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

4.2 Taxi Driver's Licence: Alan Thom: TDL/00140

The Committee, at its meeting on 25 February 2016, 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 Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter the applicant addressed the Committee on 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

Councillor McNicol, seconded by Councillor Barr, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

As an amendment, Councillor McLean, seconded by Councillor Bruce, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

4.3 Temporary Public Entertainment Licence: Ruari Ian Gordon: PEL/286

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out a request for conditions to be attached in relation to the application. The terms of a letter of objection received from a Mrs Karen McKinnon were also considered by the Committee. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

David Drennan, Senior Manager Building Standards, addressed the Committee on the issues identified by the Service in relation to the Application. Thereafter the Applicant addressed the Committee on the issues raised and responded to further 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 in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Councillor Barr and both of the representatives in attendance from Police Scotland excused themselves from the business of the Committee at the conclusion of the foregoing Hearing. Neither Councillor Barr nor the Police Scotland Representatives returned prior to the end of the meeting.

4.4 Taxi Operator's Licence: Kevin Blades: TL/041

The licence holder, having been duly cited to attend, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter the applicant addressed the Committee on the issues raised and responded to questions. The licence holder then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed (a) to suspend Licence TL/41 in terms of Paragraph 11(2)(a) and (d) of Schedule 1 to the Civic Government (Scotland) Act 1982 ("Ordinary Suspension"); (b) to direct that the Suspension should be for a period of 14 days, in terms of Paragraph 11(11); (c) that, having the opinion that the circumstances of the case did not justify Immediate Suspension, the Suspension should take effect on Monday 18 April 2016, in terms of Paragraph 11(9); and (d) that, in respect of the other Taxi Licences held by the licence holder and not having the opinion that the carrying on of the activity to which those Licences relates is causing or is likely to cause a serious threat to public order or public safety, those Licences should not be Suspended under Paragraph 12 ("Emergency Suspension")."

Part B: Applications for Licences and Renewal of Licences

4.5 Taxi Driver's Licence: Peter Smith: TDL/01926 (New)

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. Civic Government (Scotland) Act 1982, Section 13 and Schedule 1: Dress Code

Submitted report by the Chief Executive on a proposal to update the dress code for licensed drivers.

The Committee, at its meeting on 25 February 2016, received a report on a proposed amendment to the dress code and agreed to continue consideration of the matter to allow the Chief Executive to submit proposals to the next meeting.

The report set out the current Dress Code condition for taxi drivers and private hire car drivers and proposed a series of amendments.

Members discussed the following:-

- (i) the amendment to the report, condition 3.1(f), submitted by Enforcement Officer Drew Robertson; and
- (ii) whether the conditions contained in the Dress Code should be prescriptive or prohibitive.

The Committee unanimously agreed that condition 3.1(f) should appear as the first condition of the Dress Code and that the proposed amended conditions and exceptions set out at Section 3 of the report should apply in terms of the Dress Code for licensed drivers.

The meeting ended at 12.05 p.m.

Licensing Committee
12 April 2016

Irvine, 12 April 2016 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Easdale, Grace McLean, Ronnie McNicol and Donald Reid.

In Attendance

W. O'Brien, Solicitor (Licensing) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Clarkson in the Chair.

Apologies for Absence

John Bruce, Tom Marshall and Catherine McMillan.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Exclusion of the Public

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public on the grounds indicated in terms of Paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

3 Cinema Licence

Submitted report by the Chief Executive on a Hearing to be determined in terms of the Cinemas Act 1985, Section 3

The applicant, having been duly cited to attend, was in attendance and was represented.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. 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

Councillor McNicol, seconded by Councillor McLean moved that the application be granted in terms of Cinemas Act 1985, Section 3 (subject to the Council's Standard Conditions and an additional condition concerning insurance and the display of the Licence) for a period commencing 12 April 2016 and expiring 31 December 2016. There being no amendment, the motion was declared carried.

The meeting ended at 2.15 p.m.

Signed in terms of Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.
Signed By:
Date:

NORTH AYRSHIRE COUNCIL

Agenda Item 3

20 April 2016

Licensing Committee

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

Purpose: To advise the Committee of (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.

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

1. Executive Summary

- 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.
- 1.2. A meeting of a local authority is open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under:
 - (a) the rule about 'confidential information' (as defined) or
 - (b) by Resolution.

(Local Government (Scotland) Act 1973, Section 50A, and especially Subsection 50A(4)).
- 1.3. Under the Resolution procedure, the Committee is entitled to resolve to exclude from the Meeting the press and the public for any one or more items of business on the grounds that otherwise "Exempt Information" of any type described in Part 1 of Schedule 7A to the Act might be disclosed.

- 1.4. The types of "Exempt Information" which may arise during Committee business include those described in Paragraphs 14 and 15 of that Schedule:
 14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
 15. "The identity of a Protected Informant" (where "Protected Informant" is defined in Part III to mean a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.)
- 1.5. Such a Resolution, once made, continues until the end of the Meeting unless the Committee earlier Resolves to revoke it.

2. Background

Appendix A:

Licences where Hearings have been convened;

Appendix B:

Applications for the grant or renewal of licences and permits

Appendix C:

Issues in respect of existing licences.

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:	There are possible financial implications in relation to the refusal of any application.
Human Resources:	None
Legal:	There are possible legal implications in relation to the refusal of any application.
Equality:	An "Equality Impact Assessment" is not necessary as the Equality Act 2010 is not a consideration in making a Licensing decision.
Environmental & Sustainability:	None
Key Priorities:	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve one of the "High Level Outcomes" of the "NAC Community Planning Partnership Single Outcome Agreement 2013-17": "A Safe and Secure North Ayrshire".
Community Benefits:	Not applicable, as the Report does not relate to tendering or procurement exercises.

5. Consultation

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



ELMA MURRAY
Chief Executive

Reference : PAT

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

Background Papers

None

Hearings		
Hearing 1	Public Entertainment Licence	PEL/289 (Permanent)
Applicant and Address	Coastwatch Scotland Ltd 15 St Kilda Place Irvine KA11 1HX	
Location	Pilot House and Grounds Harbourside Beach Drive Irvine	
Hearing 2	Public Entertainment Licence	PEL/292 (Temporary)
Applicant and Address	Kelburn Arts Ltd 74 Main Street Largs KA30 8AL	
Location	Kelburn Country Centre Kelburn Fairlie KA29 0BE	
Hearing 3	Taxi Driver's Licence	TDL/01926
	Peter Smith 45 St Margarets Road Ardrossan KA22 7EW	
Hearing 4	Public Charitable Collection	
Applicant and Address	Janis Murchie The Greannan Blackwaterfoot Isle of Arran KA27 8HB	
Hearing 5	Street Trader Operator's Licence	STL/O/429 (Temporary)
Applicant and Address	Robin Gray Gray's Cottage Kings Cross Whiting Bay KA27 8RG	

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Comments
TDL/00156 (New)	James Watson 30 Maree Place Irvine KA12 9PH	Police objection received
TDL/01470 (New)	Kerr Chapman 7 Hawkhill Place Stevenston KA20 4HN	Previous convictions declared
TDL/01499 (Renewal)	Garry Hamilton Dunbreck Cottage Ochiltree KA18 2NN	Police observation received
CAR/019 (variation)	Glenview Caravan Site Donnie Sheerin Northshore Ardrossan KA22 8PQ	

Issues Arising		
TDL/01642	Thomas Bagan 68 Peden Avenue Dalry KA24 4BD	