

Licensing Sub Committee of Corporate Services Committee
8 January 2007

IRVINE, 8 January 2007 - At a Meeting of the Licensing Sub Committee of Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

John Moffat, Jane Gorman, Elizabeth McLardy, Alan Munro, Robert Rae, and Donald Reid.

In Attendance

A. Fraser, Manager Legal Services and A. Toal, Clerical Officer (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

Also In Attendance

Superintendent Rennie and Sergeant Kelly, Strathclyde Police.

Chair

Councillor Moffat in the Chair.

Apologies for Absence

David Munn and Ian Richardson.

1. Exclusion of 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 for the following item of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

2. 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 (b) Hearings which required to be determined by the Sub Committee.

The Sub Committee agreed to dispose of these matters as indicated in the attached Appendix LS1.

The meeting ended at 2.50 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Taxi Driver Licences

1. TDL/146 (New) Andrew McIlroy

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

2. TDL/851 (New) Sandra Margaret Dunlop

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

3. TDL/1298 (New) William McIntosh

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

4. TDL/1315 (New) Liza Mairi Lawrence

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

5. TDL/1318 (New) Ian Matthew Murney

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

6. TDL/1321 (New) Elizabeth Henderson

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

PART B

Hearings

1. TDL/1306 Steven Adam Johnstone

The Sub Committee at its meeting held on 27 November 2006, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. Representatives from Strathclyde Police were also present.

The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant. The Police representatives then addressed the Sub Committee on the terms of a letter dated 31 October 2006, which set out the observations of the Chief Constable of Strathclyde Police in respect of the application. The applicant then addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, together with the Police representatives, to allow the Sub Committee to deliberate. Both parties returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, and, in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of the licence to 1 year.

2. TDL/1310 Brian Hewson Smith

The Sub Committee at its meeting held on 27 November 2006, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, to allow the Sub Committee to deliberate. The applicant returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, and, in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of the licence to 1 year.

3. TDL/1308 Keith Andrew Mackie

The Sub Committee at its meeting held on 27 November 2006, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, to allow the Sub Committee to deliberate. The applicant returned to hear the Sub Committee's decision.

Decision

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

4. SHDL/112 George Rolinson

The Sub Committee at its meeting held on 27 November 2006, unanimously agreed, on the basis of the information before it, to hold 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 at the Hearing. The Manager Legal Services set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, to allow the Sub Committee to deliberate. The applicant returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, including additional conditions (i) prohibiting retail sales from the premises and (ii) prohibiting the applicant from parking on the public highway, any vehicles acquired or possessed for the purpose of re-sale in the course of the applicant's business of second hand dealer.