

Licensing Committee  
11 January 2017

**IRVINE, 11 January 2017** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, Catherine McMillan, Donald Reid and Robert Steel.

**Also Present**

W. O'Brien, Solicitor (Licensing), and A. Toal, Administrative Assistant; P. Brennan, Specialist Environmental Health Officer (Noise) (Economy and Communities); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**In Attendance**

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

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Bruce, John Easdale, Tom Marshall, Grace McLean and Alan Munro.

**1. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 14 December 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**2. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following items of business, on the grounds that they involved the likely disclosure of exempt information as defined in Section 50J of and Schedule 7A to the Local Government (Scotland) Act 1983.

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime").

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

**Part A: Hearings**

**3.1 Taxi Driver's Licence: TDL/00233 ( New) - Piotr Stachowski**

The applicant, having been duly cited to attend, was present.

Members asked questions and received clarification from the applicant with regard to the background to the Hearing.

## **Decision**

Councillor Reid, seconded by Councillor McMillan, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **3.2 Taxi Driver's Licence: TDL/00238 (New) - Bryan John Lindsay**

The applicant, having been duly cited to attend, was present and represented by a friend. Representatives of 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 of Police Scotland then addressed the Committee on the terms of a letter setting out an objection to the application. Thereafter, the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant, the applicant's representative and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Reid, seconded by Councillor McMillan, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

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

On a division, there voted for the amendment 3 and for the motion 2, and the amendment 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.

### **3.3 Taxi Driver's Licence: TDL/00675 (New) - William Hamilton**

The Committee, at its meeting on 14 December 2016, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Committee considered the background information provided, including the terms of a letter from the applicant confirming the reinstatement of his driving licence by the DVLA. The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an representation in respect of the application. Thereafter, the applicant addressed the Committee on the issues raised.

### **Decision**

Councillor Reid, seconded by Councillor Barr, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **3.4 Taxi Driver's Licence: TDL/01780 - John Swindle**

The Committee, at its meeting on 14 December 2016, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited to attend, was not present or represented. Representatives of Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Suspension Hearing and advised Members that clarification required to be sought on the applicant's current address.

### **Decision**

The Committee unanimously agreed to continue consideration of the Hearing to a future meeting.

### **3.5 Public Entertainment and Indoor Sports Licence: PEL/457 and ISEL/017 - KA Leisure Limited**

KA Leisure Limited have applied in terms of the Civic Government (Scotland) Act 1982 to vary their Public Entertainment and Indoor Sports Licences in respect of the Portal and Townhouse, Irvine, to amend the terminal hour from 10.00 p.m. to include periodic extension of hours in evening to 1.00 a.m. in order to host events such as weddings, parties, exhibitions, Burns Suppers, displays, sportsmen's dinners, civic receptions, Marymass events, etc.

A representative of the licence-holder, having been duly cited to attend, was present. The Council's Specialist Environmental Health Officer (Noise) was also in attendance.

The Specialist Environmental Health Officer (Noise) addressed the Committee on the terms of an Environmental Health representation recommending that noise from the operation of the facility should not exceed 86 dB(A) and that the matter should be reviewed in six months to allow Environmental Health to monitor the operation. A representative of the licence-holder confirmed that the facility would be managed to reduce noise as far as practicable and that its officers would work with Environmental Health to mitigate any noise nuisance which arose.

Members asked questions and received clarification from the representative of the licence-holder and the Specialist Environmental Health Officer (Noise).

## **Decision**

The Committee unanimously agreed to (a) grant the two variation applications in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 and (b) to review the operation of the licensed facility within a period of six months following monitoring of the operation of the facility by the Council's Environmental Health Service, to determine whether or not the licences should be further varied.

## **Part B: Applications for the Grant/Renewal of Licences**

### **3.6 Taxi Driver's Licence: TDL/00240 (New) - Christopher John Kyle**

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 for a period of one year.

### **3.7 Taxi Driver's Licence: TDL/02011 (New) - Kevin James Marting**

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 for a period of one year.

## **Part C: Issues in Respect of an Existing Licence**

### **3.8 Taxi Driver's Licence: TDL/1642 - Thomas Bagan**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **4. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8.**

The Solicitor (Licensing) advised the Committee that this report had been withdrawn in the absence of any Landlord Registration matters to be considered.

Noted.

## **5. Urgent Item**

### **5.1 Taxi Driver's Licence: TDL/1892 - Ali Malak**

The Committee was advised of receipt the circumstances surrounding a late application for renewal of Taxi Driver's Licence TDL/1892.

#### **Decision**

The Committee unanimously agreed that to treat the application lodged as it was an Application for Renewal of a Licence, in terms of Paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Meeting ended at 11.10 a.m.