

Licensing Committee
7 December 2011

IRVINE, 7 December 2011 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, John Moffat, Alan Munro and Ryan Oldfather.

In Attendance

W. O'Brien, Senior Solicitor (Licensing), P. Aitken, Solicitor and A. Toal, Administrative Assistant (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Elisabethe Marshall and Joan Sturgeon.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the Meeting held on 15 November 2011 were 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

Submitted report by the Solicitor to the Council on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues in respect of existing licences, 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.

4. Urgent Items

The Chair agreed that the following item be considered as a matter of urgency.

5. Age capping of Taxi Vehicles

At its meeting on 23 March 2010, the Committee considered a report by the Chief Executive on the outcome of a meeting with representatives of the taxi trade to discuss a range of licensing issues.

The Committee agreed that (a) effective from 1 April 2010 (i) a 1-year taxi driver licence be made available at a fee of £75; (ii) responsibility for compliance with the signage and advertising policy to now rest with the individual licenceholder who will no longer require approval from the Licensing Authority, or incur any fees; (iii) minor faults and repairs identified during vehicle testing be highlighted to allow on-site repair and therefore not preclude vehicles from operating; (iv) the maximum vehicle age, at first registration as a taxi, be amended from 5 to 8 years; (v) fees applicable to the taxi and private hire car trades be increased by 5%, rounded up; (b) effective from 1 July 2010, a maximum vehicle operating age limit of 10 years be imposed; (c) substitute vehicle fees remain in place, even at the expiry of a licence; and (d) investigations take place into the use of bus lanes by taxis at Hawkhill cemetery and Pennyburn roundabout.

Discussion took place on the maximum vehicle operating age limit of 10 years for taxi vehicles, the two stringent vehicle inspections undertaken each year, the current economic factors impacting on the taxi trade, and the Education and Skills policy relating to school contracts.

The Committee agreed that (a) in respect of decision (a) (iv) of 23 March 2010, that the maximum age at which a new or substitute vehicle could be licensed as a Taxi or Private Hire Car should remain at 8 years; and (b) in respect of decision (b) of 23 March 2010, the (i) the decision on 12 August 2008 requiring existing vehicles over 5 years of age licensed as taxis or private hire cars within North Ayrshire to be tested at 6-monthly intervals; (ii) the statutory requirement as to hire-car safety in Section 10(2), Civic Government (Scotland) Act 1982; (iii) the current economic factors impacting on hire-car trade, and that a hire-car owner should be able to continue to earn income from the vehicle even after 10 years, provided it was still safe; (iv) the Education and Skills policy relating to school contracts, that there should no longer be a maximum age applying to the continued operation of a hire-car that was already licensed, but the twice-yearly inspection requirement should continue; and (c) that the Corporate Director (Education and Skills) be advised accordingly.

The meeting ended at 2.45 p.m.

PART A

Hearings

1. MDL/032 (Itinerant) (New) John Walsh

The Committee, at its meeting on 15 November 2011, 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 not in attendance. Representatives from Strathclyde Police were in attendance.

The Senior 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 setting out the observations of the Chief Constable of Strathclyde Police on the application.

Representatives from Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously 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 said Schedule, that the applicant is not a fit and proper person to be the holder of a Metal Dealer's Licence.

2. STL/E/229 (New) Maurice Smith

The Committee, at its meeting on 15 November 2011, 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 and represented. Representatives from Strathclyde Police were also present.

The Senior 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 10 October 2011 setting out the observations of the Chief Constable of Strathclyde Police on the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously 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 said Schedule, that the applicant is not a fit and proper person to be the holder of a Street Trader Employee's Licence.

3. STL/O/340 (New) Andrew John Crawford

The Committee, at its meeting on 15 November 2011, 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 not in attendance.
Representatives from Strathclyde Police were in attendance.

The Senior 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 21 September and 24 October 2011 setting out the observations of the Chief Constable of Strathclyde Police on the application.

Representatives from Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously 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 said Schedule, that the applicant is not a fit and proper person to be the holder of a Street Trader Operator's Licence.

PART B

Applications for Licences/Renewal of Licences

1. LHCL/105 (New) Mumtaz Khan

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. STL/E/168 (New) Neil David McIntyre

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.

Urgent Items

The Chair agreed that the following items of business be considered as a matter of urgency to allow the applications to be dealt with prior to the Christmas period.

3. Irvine Victoria Junior Football Club

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.

4. Irvine Meadow XI Football Club

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.

PART C

Issues in respect of Existing Licences

1. STL/O/261 Duncan David McIntyre

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. STL/O/325 Ian Ewing

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.