

Licensing Committee
23 August 2011

IRVINE, 23 August 2011 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Elisabeth Marshall, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat and Alan Munro.

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).

Also In Attendance

Inspector A. Clark, Sergeant U. Menzies and V. Thomson (Strathclyde Police).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

William Gibson 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 previous special meetings of the Committee held on 26 July and 12 August 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 arising in respect of existing 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.

4. Urgent Items

The Chair agreed that the following item of business be considered as a matter of urgency to provide an update to Members.

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

At its meeting on 14 June 2011, the Committee agreed to continue consideration of the following applications for Landlord registration:-

4.2 Jason Cleary, 9 Sharlee Wynd, West Kilbride

The Committee was advised that Court proceedings are due to commence in December 2011 in respect of Mr Cleary.

The application will be continued to a future meeting to allow the Committee to be advised of the outcome of these proceedings in relation to the ownership of the property at 9 Sharlee Wynd, West Kilbride.

Noted.

4.3 Graham Rankin, 11 Winton Circus, Saltcoats

The Committee was advised that continued efforts are being made to obtain the current address of Mr Rankin.

The application will be continued to a future meeting to allow this information to be obtained.

Noted.

The meeting ended at 3.40 p.m.

PART A

Hearings

1. TDL/01168 (New) Paul McPherson

The Committee, at its meeting on 14 June 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 present. Representatives from Strathclyde Police were also 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 18 March and 25 March 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 (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of the licence to 1 year.

2. TDL/01701 (New) Gerard Goodfellow

The Committee, at its meeting on 14 June 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 present. Representatives from Strathclyde Police were also 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 a letter dated 23 March 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 agreed, Councillor Kirkwood dissenting, (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule, to restrict the period of the licence to 1 year.

3. TDL/01714 (New) William Graham

The Committee, at its meeting on 14 June 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 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 13 May 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 Taxi Drivers Licence.

4. TDL/01716 (New) Samuel Balmer

The Committee, at its meeting on 14 June 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 present. Representatives from Strathclyde Police were also 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 24 May and 17 June 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.

After discussion, Councillor Munro, seconded by Councillor Moffat moved that the application should be granted.

As an amendment, Councillor Marshall, seconded by Councillor Clarkson, moved that the application should be refused.

On a division, there voted for the amendment 3 and for the motion 3. On the casting vote of the Chair, the amendment was declared carried.

Decision

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 said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.

5. TL/179 Deborah Bell

The Committee, at its meeting on 14 June 2011, agreed on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 (7) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Committee was provided with further information in relation to the circumstances that had prevented the vehicle being presented for testing by the Council's vehicle testing centre.

The Committee agreed to continue consideration of the matter for a further period of 6 months.

PART B

Applications for Licences/Renewal of Licences

1. PHCL/308(New) Juliet Newall, Graham Newall and George Bain

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

2. STL/O/265(Renewal) Newton Leisure (Scotland) Ltd and Adele Newton

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

3. TDL/01721(New) Michael Beck

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

4. TDL/01728(New) Alexander Lawson

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

PART C

Issues in respect of Existing Licences

1. Richard Paterson

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

2. Gordon Dorrans

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