

Licensing Committee  
8 February 2011

**Irvine, 8 February 2011** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

William Gibson, Robert Barr, John Moffat, Alan Munro, Ryan Oldfather and Joan Sturgeon.

**In Attendance**

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

**Also In Attendance**

Inspector Sweeney and Sergeant Menzies, Strathclyde Police.

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

Ian Clarkson, Ruby Kirkwood and Elisabeth Marshall.

**1. Declarations of Interest**

Councillor Gibson and Barr declared an interest Agenda Item 3 Civic Government (Scotland) Act 1982: Licensing Matters) HMO/004 (Renewal) and STL/O/193 respectively and took no part in the discussion thereon.

**2. Minutes**

The Minutes of the previous meeting of the Committee held on 14 December 2010 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Civic Government (Scotland) Act 1982: Second Hand Dealer's Licences**

Submitted report by the Solicitor to the Council on an amendment to the Resolution detailing the category of second hand goods, the sale of which requires a licence under the Act.

A Second Hand Dealer's Licence is required by a person who carries on a business as a second hand dealer, providing that the licensing authority has passed a Resolution to implement this "optional" category in terms of Section 9 of the Civic Government (Scotland) Act 1982, and the Resolution specifies the particular class or classes of the activity it requires to be licensed

At its meeting on 14 December 2010 the Committee agreed that the sale of Assisted Living Aids, which are only sold for the use of disabled people (including Second Hand Mobility Scooters, Powerchairs and Manual Wheelchairs), be removed from the list of second hand goods which require a licence. The Committee also agreed that the statutory procedures required to amend the Resolution be carried out. Public notice of the intention to amend the Resolution, was advertised in local newspapers in December 2010 and no representations received.

The Committee agreed to amend the Resolution to exclude Assisted Living Aids which are only sold for the use of disabled people (including Second Hand Mobility Scooters, Powerchairs and Manual Wheelchairs) from the list of second hand goods which require a licence, to take effect from 9 February 2011.

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

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

The meeting ended at 1.40 p.m.

## **PART A**

### **Application for Licences/Renewal of Licences**

#### **Houses in Multiple Occupation**

The Committee was advised that a report on Landlord Registration will be submitted to a future meeting.

##### **1. HMO/016 (New) Melissa Brown**

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

##### **2. HMO/004 (Renewal) Cunninghame Housing Association**

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

The Committee discussed the consultation process in place in respect of Housing in Multiple Occupation Licences and agreed that Legal and Housing Services no longer required to be consulted.

#### **Skin Piercing and Tattooing**

##### **1. SPTL/005 (Renewal) Fullworks Ayrshire Ltd and Ian McKenzie**

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

#### **Street Trader Operator's Licence**

##### **1. STL/O/313 (New) Graham Boyd**

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.

## **Taxi Driver Licence**

### **1. TDL/00518 (Renewal) Robert Barr Kirk**

The Committee unanimously agreed to (a) 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) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

### **2. TDL/01112 (Renewal) Joyce Rebecca Williams**

The Committee unanimously agreed to (a) 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) advise the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

### **3. TDL/01244 (New) Elizabeth Kilday Conway**

The Committee unanimously agreed on the basis of the information before it, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **4. TDL/01377 (Renewal) David Stirling**

The Committee unanimously agreed to (a) 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) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

### **5. TDL/01685 (New) Robert Shaw**

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.

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.

## **Taxi Licence**

### **1. TL/134 (Renewal) Angela Murray and Peter Andrew Strachan**

The Committee was advised that the issue in relation to documentation had been resolved.

Noted.

## **PART B**

### **Taxi Driver's Licence**

#### **1. TDL/01368 Edward Francis Gear**

The Committee, on the basis of the information presented, unanimously agreed (a) to take no action at this time with regard to the observation from Strathclyde Police; and (b) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of convictions.

### **Street Trader Operator's Licence**

#### **2. STL/O/193 Elaine McIntyre**

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

## **PART C**

### **Hearings**

#### **1. TDL/01666 (New) Barry Thomas Nelson**

The Committee at its meeting held on 14 December 2010, 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 present. Representatives from Strathclyde Police were in attendance.

The Committee was advised that the applicant was in hospital and unable to attend the hearing.

The Committee unanimously agreed to continue consideration of the application to allow the applicant to attend.

#### **2. TDL/00743 James Shaw**

The Committee at its meeting held on 26 October 2010, 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 applicant, having been duly cited to attend, was not present. Representatives from Strathclyde Police were also in attendance.

Having considered the circumstances of the case, and the non-attendance of the licenceholder, the Committee unanimously agreed to suspend the licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982, and further continued the case to 22 March 2011 for consideration of whether or not to suspend under Paragraph 11.