

Protective Services Committee
29 July 1998

Irvine, 29 July 1998 - At a Special Meeting of the Protective Services Committee at 2.00 p.m.

Present

Jack Carson, David Gallagher, Elliot Gray, Thomas Morris and George Steven.

In Attendance

The Legal Services Manager; J. Kerr, Principal Licensing and District Court Officer; M McCann, Administrative Assistant, Licensing; and M. McKeown, Administration Officer (Chief Executive). Superintendent McNaughton, Strathclyde Police.

Chair

Mr. Carson in the Chair.

Apologies for Absence

Ian Clarkson and Richard Wilkinson.

1. Gaming Act 1968 Section 34: Applications

Submitted report by the Legal Services Manager on applications for a permit under Section 34 of the Gaming Act 1968. The Committee approved the following applications:-

<u>Applicant</u>	<u>No of Machines</u>
The Cheery Cup, 43 Glasgow Street, Ardrossan	1 machine
TFI Pizza Co., 9 Bridgegate Square, Irvine	2 machines

2. Urgent Items

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

a) **Riding Establishments Act 1964 and 1970 - Licensing**

The Principal Licensing and District Court Officer advised the Committee that an application had been received from Mr G Bell for the grant of a licence under the Riding establishments Act 1964 and 1970.

Having received a verbal report from the Solicitor (Licensing) the Committee agreed to grant the licence.

b) **Special Meeting**

It was agreed that a Special Meeting of the Committee should be held on Thursday 3 September 1998 at 11.00 a.m. to consider Hearings arising from applications for licences under the Civic Government (Scotland) Act 1982.

3. 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 items of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

4. Civic Government (Scotland) Act 1982

Submitted report by the Legal Services Manager on (a) applications for the grant or renewal of licences under the Civic Government (Scotland) Act 1982; (b) individual licence holders where the issues raised may require a Hearing in terms of Section 11 of the said Act; and (c) individual licences where a formal hearing has been convened and which require to be determined by the Committee.

The Committee agreed to dispose of these matters as indicated in Parts I, II and III respectively of the attached Appendix PROS I.

The Meeting ended at 4 00 p.m.

Protective Services Committee
29/07/98

Appendix No
PROS 1

**Part I: Applications for licences under the Civic Government (Scotland)
Act 1982**

	<u>Type of Licence Reference No.</u>	<u>Applicants Details</u>	<u>Decision</u>
1.	TDL/446	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
2.	TDL/480	Alan K Simpson	Grant
3.	TDL/036	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
4.	TDL/026	Harvey Blackie	Grant
5.	TDL/462	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
6.	TDL/086	William S Niven	Grant
7.	TDL/586	Charles Howie	Grant
8.	TDL/457	Kevin L Findlay	Grant
9.	TDL/455	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
10.	TDL/208	William J Kilpatrick	Grant
11.	TDL/236	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted

12.	TDL/146	As per application	Agreed to delegate the matter to the Services Manager for determination
13.	TDL/161	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
14.	TDL/872	Jacqueline Hume	Grant
15.	TDL/871	William G Nelson	Grant
16.	TDL/396	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
17.	TDL/222	Thomas Wyper	Grant
18.	TL/073	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
19.	STL/O/060	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
20.	STL/O/001	Elizabeth L Baxter	Grant
21.	STL/O/021	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceed to a Hearing on the basis of information submitted
22.	STL/O/125	David Kerr	Grant
23.	STL/E/006	Mark Watt	Grant
24.	STL/E/009	Patrick Lennon	Grant
25.	STL/E/040	Kim Baker	Grant
26.	STL/E/018	Donald J Newell	Grant
27.	SHDL/010	William Greer	Grant
28.	SHDL/080	Gordon L Wylie	Grant
29.	SHDL/052	John Dallas	Grant

30.	SHDL/071	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee proceeded to a Hearing on the basis of the information submitted
31.	LHCL/015	Sara Shahriyari	Grant
32.	LHCL/067	Faramarz Saheli	Agreed to continue consideration of application to the next meeting.
33.	01/PCC/98/72	Irvine Amateur Operatic Society	Grant
34.	01/PCC/98/73	The Evergreen Trust	Grant

Part II: Reports in Respect of Individual Licence Holders

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1.	TDL/847	Agreed to proceed to a Hearing in terms of Paragraph 11 Schedule I of the Civic Government (Scotland) Act 1982

Part III - Determination of Hearings convened under the Civic Government (Scotland) Act 1982

	Licence Type/ Reference No.	Date Received	Decision
1.	TDL/546	2.2.98	Refused
The applicant having been duly cited did not attend the Hearing, although a written submission dated 21/7/88 was received. Superintendent McNau ghton presented the Chief Constable's objections to the application as intimate d to the			

<p>applicant by the Solicitor (Licensing) in letters dated 16 June and 20 July 1998. Thereafter the Police and the Solicitor (Licensing) withdrew from the meeting .</p> <p>The Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) of Schedule I of the Civic Government</p>		
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(Scotland) Act 1982 that the applicant is not a fit and proper person to be the holder of a taxi driver's licence by virtue of the convictions recorded against him.			
2.	STL/O/069	10.2.98	Incompetent
The applicant having been duly cited on 6 July 1998 did not attend the Hearing. The Solicitor (Licensing) advised the Committee that			

the vehicle from which the applicant intended to operate had already been granted a licence. The Committee declined to consider the application further on the grounds that a licence in terms of s.39 of the Civic Government (Scotland) Act 1982 in respect of the same vehicle was granted on 28 July 1998 to expire

on 31 July 2001.			
3.	TL/091	30.1.98	Grant subject to conditi
<p>Applica nts DS and MT, and their agent attende d the Hearing</p> <p>· Applica nts H McC and W R did not attend the Hearing</p> <p>· Superin tendent McNau ghton present ed the Chief Constab le's objectio ns to the applicat ion as intimate d to the applica nts by the Solicito r (Licensi</p>			

ng) in letters dated 6 July 1998 Applicants DS and MT, and their agent, then addressed the Committee before withdrawing from the meeting, together with the Police representative and the Solicitor (Licensing). The Committee agreed to grant the application subject to the condition that H McC resigns from

the partners hip within 14 days of intimati on of the conditio n.			
4.	TDL/813	N/A	Continued to the next meeting of the Committee.
The Licence holder having been duly cited did not attend the Hearing . The Solicito r (Licensi ng) advised the Commit tee as to the backgro und to the Hearing as intimate d to the Licence holder in letter dated 16 June			

1998. The Commit tee agreed to continu e conside ration of the applicat ion to the next meeting and to cite the applica nt to attend.			
5.	TDL/735	18.3.98	Grant
The applica nt attende d the Hearing . The Solicito r (Licensi ng) advised the Commit tee as to the backgro und to the Hearing as intimate d to the applica nt in			

letter dated 6 July 1998. The applicant then addressed the Committee before withdrawing from the meeting together with the Solicitor (Licensing).			
	Licence Type/ Reference No.	Date Received	Decision
6.	STL/O/079	31.3.98	Continued to the next meeting of the Committee.
The applicant having been duly cited on 6 July 1998 did not attend the Hearing. A written submission dated			

10/7/98 had been receive d from the applica nt's agent requesti ng that the matter be continu ed to the next meeting .			
7. & 8	TDL/288 & TL243	N/A	That no proceeding be t with regard to suspensio time .
The Licence holder attende d the Hearing and agreed that both matters should be taken together . The Solicito r (Licensi ng) advised the Commit tee as to			

<p>the backgro und to the Hearing as intimate d to the applica nt in letter dated 1 July 1998. The Licence holder then address ed the Commit tee before withdra wing from the meeting together with the Solicito r (Licensi ng).</p>			
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