

Protective Services Committee
6 November 1997

Irvine, 6 November 1997 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, David Gallagher, Elliot Gray, Joseph McKinney, Thomas Morris George Steven and Richard Wilkinson.

In Attendance

I MacKay, The Legal Services Manager; J. Kerr, Principal Licensing and District Court Officer; L McHugh, Licensing Officer; and M. McKeown, Administration Officer (Chief Executive).

Chair

Mr Carson in the Chair.

Apologies for Absence

Patrick Browne, Ian Clarkson, James Clements and John Donn.

1. Minutes Confirmed

The Minutes of the Meeting held on 25 September 1997, copies of which had previously been circulated, were confirmed.

2. Byelaws for the Prohibition of the Consumption of Alcohol in Public Places

Submitted report by the Legal Services Manager on the consultation exercise regarding byelaws to prohibit the consumption of alcohol in public places.

The Committee approved the draft byelaws at its meeting on 14 August 1997 and instructed Officers to undertake public advertisement as required by the Local Government (Scotland) Act 1973. Copies of the byelaws were subsequently placed in Council offices in Irvine, Saltcoats, Kilbirnie, Largs, Millport and Lamlash, and advertisements placed in local newspapers intimating the Council's proposal to promote these byelaws and giving the public one month to submit written comments thereon. Copies of the byelaws were also sent to Strathclyde Police and to the Procurator Fiscal's office in Kilmarnock for their comment, and the Community Councils within North Ayrshire were also advised of the draft byelaws and where they could be inspected.

As a result of the consultation exercise the villages of Burnhouse in Beith and Shiskine on Arran were found to have been omitted from the Schedule and plans of areas affected and the plans of Largs and Skelmorlie outdated. These additions and amendments were duly made and displayed in appropriate offices. Only three letters, all of which were from Arran, had expressed objection, two on the grounds that civil liberties would be infringed, and the remainder which related to licensed premises which are outwith the scope of the bye laws.

The Committee approved the byelaws as tabled, and agreed that they be submitted to the

Secretary of State for confirmation in terms of Section 202 of the Local Government (Scotland) Act 1973.

3. Taxi Fare Review

(a) Minutes

Submitted reports being the Minutes of the Meetings of the Taxi Fare Review Sub-Committee held on (i) 5 September 1997; and (ii) 26 September 1997.

Noted.

(b) Consultations

Submitted report by the Legal Services Manager on the outcome of the consultation process on the statutory review of taxi fares.

The statutory consultation period expired on 1 November and no significant comments had been received with regard to the proposed increases

On this basis the Committee agreed (a) that the following taxi fare review be adopted with effect from 1 December 1997:

(1) Tariff 1: Fares by Distance

For a distance not exceeding $\frac{3}{4}$ of a mile

(or waiting time not exceeding 10 minutes) £1.50

For each additional $\frac{1}{9}$ of a mile or part thereof

(or additional waiting time for 1 minute) 10p

(2) Tariff 2: Additional Charges

(a) For hires beginning or ending on other statutory public holidays, on Sundays and on any other day between

12 midnight and 7 a.m.

or

(b) For a journey from the zone in which the taxi is licensed to a point within another zone of North Ayrshire

(i) for a distance not exceeding $\frac{3}{4}$ mile
(or waiting time not exceeding 10 minutes) £1.80

(ii) for each additional $\frac{1}{9}$ mile or part thereof
(or additional waiting time of 1 minute) 12p

With regard to other charges, the status quo would be retained.

And (b) to acknowledge that under the provisions of Section 18 of the Civic Government (Scotland) Act 1982, any taxi operator could, within 14 days of the foregoing decision, lodge an appeal against the scales to the Traffic Commissioner for the Scottish Traffic Area and that if no appeal is lodged then taxi fare cards would be issued to all operators for a commencement date of 1 December 1997 provided certificates of calibration had been received by the Licensing Office.

4. Civic Government (Scotland) act 1982: taxi and private Hire Car Vehicle Inspections

Submitted report by the Legal Services Manager on the proposed revision of vehicle inspection fees.

Since the commencement of the licensing provisions, vehicle inspections have been carried out on behalf of the authority by the A.A, who have now applied for a review of the fees applicable to vehicle inspections and re-inspections which were last reviewed in 1994. It is proposed to increase the full inspection fee £65.10 to £67.54, and the re-test fee from £32.55 to £33.77 (inclusive of VAT). It is also proposed to increase fees to license-holders for re-tests of vehicles to £33.77 and for substitute vehicles from £96 to £98.44 whilst retaining the application/renewal fee at £270 subject to a full review at a later date.

In addition to these increases the A.A also propose to introduce a cancellation fee of £25 to be levied where a test has been cancelled with less than 48 hours notice. Cancellation at short notice is becoming an increasing problem for the A.A and causes administrative difficulties for the licensing office. It was felt that the introduction of a cancellation fee would encourage licence holders to keep test appointments.

Following detailed discussion the Committee agreed: (a) to approve these increase with effect from 1st December 1997; (b) to retain the application/renewal fee at its present level of £270 subject to a full review at a later date; and (c) to introduce a cancellation fee of £25 if less than 48 hours notice is given of the cancellation of a test.

5. Gaming Act 1968

Submitted report by the Legal Services Manager on applications in respect of permits under the Gaming Act 1968.

The Committee agreed to approve the following applications:-

APPLICANT/PREMISES	NO. OF MACHINES
The Cumbraen Amusements Pierhead Largs	240
KC Carry Out Food Shop 3 Dockhead Street Saltcoats	2
Golden Grill Restaurant 32 Gallowgate Street Largs	1
Pavilion Bowl Winton Circus Saltcoats	25

6. Lotteries and Amusements Act 1976

Submitted report by the Legal Services Manager on an applications for permits under the Lotteries and Amusements Act 1976.

The Committee agreed to approve the applications from (a) The Cumbraen Amusements, in respect of their premises at Pierhead, Largs; and (b) Seagate Leisure Centre, in respect of the premises at 4-6 Eglinton Street, Irvine.

7. 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 that they involve the likely disclosure of exempt information as defined in Paragraphs 6, 13 and 14 of Part 1 of Schedule 7A of the Act.

8. Civic Government (Scotland) Act 1982

(a) Licence Applications

Submitted the annexed list (Appendix PROS1) of applications for licences made under the Civic Government (Scotland) Act 1982. In connection with each application shown on the list, the Committee took the decision indicated in the final column of the said Appendix.

(b) Hearings

Submitted report by the Legal Services Manager detailing applications to be heard by the Committee.

(i) Taxi Driver's Licence: TDL/820(N)

An application received 11 July 1997 from Mr. T.F.H. for the grant of a new Taxi Driver's Licence.

The applicant had been invited to attend the Hearing or submit a written statement in support of the application. The applicant attended the Hearing but no written statement was received.

Following consideration of the circumstances surrounding the application, the Committee agreed to grant the licence for the restricted duration of 1 year.

(ii) Taxi Driver's Licence: TDL/825(N)

An application received 30 July 1997 from Mr. C.B.J. for the grant of a new Taxi Driver's Licence.

The applicant had been invited to attend the hearing or submit a written statement in support of his application. The applicant attended the hearing but no written statement was received.

Following consideration of the circumstances surrounding the application, the Committee agreed to grant the licence for the restricted duration of 1 year.

(iii) Taxi Driver's Licence: TDL/764(N)

An application received 10 July 1997 from Mr. J.M.A. for the grant of a new Taxi Driver's Licence. The applicant had been invited to attend the hearing or submit a written statement in support of the application.

The applicant was not in attendance at the hearing nor was a written statement in support of the application received.

Having considered the submission before them, the Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis 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.

(iv) Second Hand Dealer's Licence: SHDL/065(R)

An application received 4 August 1997 from Mr. J.W. for the renewal of a Second Hand Dealer's Licence.

The applicant had been invited to attend the Hearing or submit a written statement in support of the application. The applicant attended the Hearing with a representative but no written statement was received.

Having considered the facts and circumstances surrounding the application, the Committee agreed to grant the licence for the restricted duration of 1 year.

(v) Street Trader Employee's Licence: STL/E/103(N)

An application received 22 July 1997 from Mr. D.A. for the grant of a Street Trader Employee's Licence.

The applicant had been invited to attend the Hearing or submit a written statement in support of the application. The applicant attended the Hearing but no written statement was received.

Having considered the submission before them, the Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant is not a fit and proper person to be the holder of a Street Traders Licence by virtue of the convictions recorded against him.

(vi) Street Trader Operator's Licence: STL/O/087(N)

A partnership application received 28 July 1997 from Mr. J.P. and Ms C T for the grant of a new Street Trader Operator's Licence.

The applicants had been invited to attend the Hearing or submit a written statement in support of the application.

The applicant Ms C T submitted a written statement. The applicant Mr J P attended the Hearing and a written statement was received. Representatives from the Chief Constable of Strathclyde Police spoke to the objections and Mr J P then addressed the Committee. Thereafter both the applicant and the representatives from Strathclyde Police left the Meeting.

Having considered the submission before them, the Committee agreed to allow Ms C T to withdraw her application and refused Mr J P's application on the ground indicated in Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant is not a fit and proper person to be the holder of a Street Trader's Licence by virtue of the convictions recorded against him.

(vii) Street Trader Operator's Licence: STL/O/098(N)

An application received on 4 August 1997 from Mr. B.H.D. for the grant of a Street Trader Operator's Licence.

The applicant had been invited to attend the Hearing or submit a written statement in support of the application. The applicant was not in attendance at the Hearing nor was a written statement in support of the application received.

The Committee agreed to refuse the application on the grounds indicated in Paragraphs 5(3) (c)(i), 5(3) (c) (ii) and 5(3) (d) of Schedule I to the Civic Government (Scotland) Act 1982 on the basis that it is not suitable or convenient for the conduct of the activity having regard to its location, character or condition and the nature and extent of the proposed activity.

(viii) Private Hire Car Licence: PHCL/064(R)

An application received 13 May 1997 from Mr. T.C.H. for the grant of a renewal of a Private Hire Car Licence.

The applicant had been invited to attend the Hearing or submit a written statement in support of the application. The applicant had waived his right to attend the Hearing and no written statement was received in support of the application.

The Committee agreed to grant the application.

The meeting ended at 3.50 p.m.

**Protective Services Committee
06/11/97**

Appendix No
PROS 1

Applications for Licences/Renewal of Licences/Permits

Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Taxi Driver's Licences</u>		
1.	TDL /183(R)	Ettero J. Murray Agreed to Grant
2.	TDL/300(R)	Peter W. Cassidy Agreed to Grant
3.	TDL/556(R)	William Burley Agreed to Grant
4.	TDL/600(R)	McKenzie Davidson Agreed to Grant for three years
5.	TDL/678(R)	Ian Adams Agreed to Grant
6.	TDL/744(R)	H.O'N. Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision

<u>Taxi Driver's Licences</u>		
7.	TDL/847(R)	Hugh McCallumAgreed to Grant
8.	TDL/016(R)	John M. BadlandAgreed to Grant
9.	TDL/813(R)	C.J.R.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
10.	TDL/006(N)	R.H.C.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
11.	TDL/004(N)	D. McD. E.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Taxi Driver's Licences</u>		
12.	TDL/712(R)	Flora N. SharpAgreed to Grant
13.	TDL/334(R)	Stephen NorwoodAgreed to Grant

14.	TDL/067(R)	C.B.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
15.	TDL/251(N)	A.McC.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
16.	TDL/666(R)	Maxwell A. RussellAgreed to Grant
17.	TDL/024(R)	J.L.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
18.	TDL/268(N)	Kevin J. McKinneyAgreed to Grant for one year initially
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Taxi Licences</u>		
19.	TL/190(R)	Gary WalkerAgreed to Grant
20.	TL/165(R)	W.B.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
21.	TL/192(R)	McKenzie and Agnes DavidsonAgreed to Grant

22.	TL/126	G.H.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
23.	TL/156	G J C Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
<u>Private Hire Car Licences</u>		
23.	PHCL/047(N)	Clare M. HyndAgreed to Grant
24.	PHCL/020	T.& M. S.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Late Hours Catering Licences</u>		
25.	LHCL/063(N)	K.S.W.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
<u>Second Hand Dealer's Licences</u>		
26.	SHDL/016(R)	Thomas MurphyAgreed to Grant

27.	SHDL/045(N)	I.B. McCaAgreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
<u>Public Charitable Collections</u>		
28.	01/PCC/97/088	Pauline F. AllanAgreed to Grant
29.	01/PCC/97/087	Captain D.S.P. - M. DicksonAgreed to Grant
30.	01/PCC/97/090	Sarah AfsharAgreed to Grant