

Protective Services Committee  
5 February 1998

**Irvine, 5 February 1998** - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Jack Carson, Thomas Barr, Ian Clarkson, Elliot Gray, Thomas Morris, George Steven and Richard Wilkinson

**In Attendance**

I. Mackay, Legal Services Manager, J. Kerr, Principal Licensing and District Court Officer, L. McHugh, Licensing Officer, SB. McGregor, Principal Registrar, and M. McKeown, Administration Officer (Chief Executive).

**Chair**

Councillor Carson in the Chair.

**Apologies for Absence**

John Donn

**1. Minutes Confirmed**

The Minutes of the Meeting of the Committee held on 11 December 1997 were confirmed.

**2. Gaming Act 1968 Section 34: Applications**

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

| <b>Applicant/Premises</b>  | <b>Number of Machines</b> |
|--|---------------------------|
| Rex Leisure (Scotland) Ltd<br>Hospitality Inn<br>46 Annick Road<br>Irvine  | 1 machine                 |
| Brian Judge<br>8 Lower Vennel<br>Village Centre<br>Bourtreeshill<br>Irvine | 2 machines                |

The Committee a) agreed to approve the application by Rex Leisure (Scotland) Limited; and b) noted that the application from Mr Judge had been withdrawn.

### **3. Registration Services: Review of Civil Marriage Fees (Accommodation Fee and Saturday Supplement Fee)**

Submitted report by the Legal Services Manager on proposed increases in the accommodation fee and Saturday supplement fee relating to civil marriages.

Councils have authority to apply and set supplementary charges where additional marriage accommodation is made available (e.g. other than the Registrar's working office) and in providing civil marriage facilities on Saturdays.

There has been no increase in either the accommodation fee or Saturday supplement fee applied in North Ayrshire since 1995 and it is considered that an increase in both fees is now appropriate.

The Committee agreed to increase the accommodation fee from £37.50 to £42.00 and the Saturday supplement fee from £56.50 to £63.00 as from 1 April 1998.

### **4. Civic Government (Scotland) Act 1982: Disability Discrimination Act 1985**

Submitted report by the Legal Services Manager in terms of existing legislation in the provision of taxi/private hire car services to the disabled.

At present taxi and private hire car operators have the right to decide who they will carry in their vehicles, and subsequently there is no compulsion on operators to accept all persons as passengers. However, following investigation of a recent complaint from a disabled person that an operator had refused to carry him and his guide dog on the grounds that he did not permit dogs in his vehicle, it was agreed that guidance should be given to taxi and private car operators to ensure that in this situation they arrange alternative transport to ensure the safety of disabled individuals.

Members noted that the Taxi Accessibility Regulations proposed under the Disability Discrimination Act 1995 will introduce new rights for the disabled which will be enforceable under the legislation relating to taxi and private hire car licensing.

After a full discussion, the Committee agreed (a) to continue to support the regulations proposed under the Taxi Accessibility Regulations under the Disability Discrimination Act 1995; (b) operators should be advised that they are legally permitted to refuse to carry any person they do not wish to carry, where the passenger is disabled they must ensure that alternative transport is available to ensure the safety of the individual; (c) that a report on the vehicles currently in use as taxis within North Ayrshire be submitted to the next meeting of the Committee as a first step in a comprehensive review; and (d) that an article should be placed in 'Look North' advising operators of their responsibilities regarding the standard of their vehicles, and the service which they require to provide to the public, and also advising the public as to the procedures available to them should they wish to make any complaint or comment.

### **5. Lottery and Amusements Act 1976**

Submitted report by the Legal Services Manager on proposed amendments to legislation covering lotteries with a view to controlling frequent draw lotteries.

The Government has introduced the Lotteries (Frequent Draw) Bill before Parliament which defines what this Linked Lottery involves, proposes limits on the number of such draws to one per day, and seeks to prohibit premises from linking to more than one lottery system thereby avoiding multiple systems within premises.

The Legal Services Manager advised the Committee that The Home Office was seeking comments on the terms of the Bill by 30 January 1998 and that a submission on behalf of the Council had been approved, in association with the Chair, and issued to the Home Office. In essence the submission supports the proposal to limit the frequency of the draws in an attempt to avoid sections of the public, particularly those who can least afford the stake money, being pressurised to participate.

The Committee endorsed this course of action.

## **6. Urgent Items**

The Chair agreed that consideration be given to the following items as a matter of urgency.

### **a) Civic Government (Scotland) Act 1982 - Review**

The Convention of Scottish Local Authorities has set up a Working Party to review the content of the Civic Government (Scotland) Act 1982.

A report on the review will be submitted to the next meeting of the Committee. and members were invited in the interim to contact the Principal Licensing & District Court Officer if they had any views on issues which they feel should be covered by the review.

Noted.

### **b) Civic Government (Scotland) Act 1982 - Hearings**

The Committee agreed to hold a special meeting of the Protective Services Committee on Thursday 19 March 1998 at 11.00am to consider Hearings arising from applications for licences under the Civic Government (Scotland) Act 1982.

## **Exempt Information**

### **7. Exclusion of Public**

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 7 to the Act.

## **8. Civic Government (Scotland) Act, 1982**

### **(a) Licence Applications**

Submitted the appended 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 matters to be heard by the Committee.

#### **(i) Taxi Drivers Licence: TDL/267**

An application received on 8 October 1997 from Mr H L K for the grant of a Taxi Drivers 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 period of one year.

#### **(ii) Taxi Drivers Licence: TDL/499**

An application received on 16 October 1997 from Ms M S G for a renewal of a Taxi Drivers 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 period of one year.

#### **(iii) Taxi Drivers Licence: TDL/591**

An application received on 26 September 1997 from Mr A C for the renewal of a Taxi Drivers licence.

The applicant attended the Hearing and submitted a request from his agent that consideration of the application be continued to the next meeting of the Committee to allow further investigation.

The Committee agreed to further defer consideration of the application and to invite

the applicant to attend the next meeting of the Committee.

(iv) Taxi Drivers Licence: TDL/861

An application received on 30 September 1997 from Mr A C for the renewal of a Taxi Drivers 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 period of one year.

(v) Private Hire Car Driver's Licence: PHCDL/036

An application received on 28 October 1997 from Mr W N for a Private Hire Care 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. Strathclyde Police spoke to their objections and Mr W N then addressed the Committee. Thereafter both the applicant and Strathclyde Police left the Meeting.

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 Private Hire Car Driver's Licence by virtue of the convictions recorded against him.

(vi) Private Hire Car Licence: PHCL/080

An application received on 22 August 1997 from Mrs F S for 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 did not attend the Hearing but a written submission was placed before the Committee.

Having considered the submission before them, the Committee agreed to refuse the application on the grounds indicated in Paragraphs 5(3)(c)(i) and (v) of the Civic Government (Scotland) Act 1982.

(vii) Street Trader's Licences: STL/O/037 and STL/O/122

Applications received on 24 September 1997 from Mrs J S for the renewal of two Street Trader Operator's Licences. The applicant agreed to both applications being considered together at one hearing.

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

Following consideration of the circumstances surrounding the applications, the Committee agreed to grant both licences for the restricted period of one year.

(viii) Second Hand Dealer's Licence: SHDL/034

An application received on 29 September 1997 from Mr R R for the grant 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 but no written submission was received. He advised the Committee that planning permission had not been granted for this particular use.

After discussion in respect of the premises specified in the application, the applicant withdrew the application.

(ix) Late Hours Catering Licence: LHCL/016

An application received on 10 October 1997 from Mr S F and Ms M S for a Late Hours Catering Licence.

The applicants had been invited to attend the Hearing or submit a written statement in support of the application. Applicant S F did not attend the Hearing but applicant M S was present. A written submission was made to the Committee.

The hours requested on the application are from 11.00pm to 3.00am on Wednesday, Thursday, Friday and Saturday. Strathclyde Police spoke to their objections to the application as it related to the period 1am to 3am and Ms M S then addressed the Committee. Thereafter both the applicant and Strathclyde Police left the Meeting.

Following consideration of the circumstances surrounding the application, the Committee agreed to grant the applicant a licence to operate only between 11.00pm and 1.00am on the days requested.

(x) Taxi Licence: TL/165

An application received on 15 August 1997 from Mr W B for the renewal of a Taxi 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 submission was made to the Committee.

Following consideration of the circumstances surrounding the application, the

Committee agreed to grant the application for the restricted period of 1 year.

(xi) Taxi Driver's Licence: TDL/024

An application received on 15 September 1997 from Mr J L for the renewal of a 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 submission was made to the Committee.

The Committee agreed to continue consideration of the application until the next meeting pending further information from the applicant.

(xii) Taxi Licence (Suspension): TL/126

The Committee agreed to continue consideration of the application to the next meeting and to cite the applicant to attend.

(xiii) Taxi Driver Licence: TDL/813

An application received on 12 September 1997 from Mr C J R for the renewal of a 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 submission was made to the Committee.

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

The meeting ended at 5.05pm

**Protective Services Committee**  
05/02/98

Appendix No  
**PROS1**

**Applications for Licences/Renewal of Licences/Permits**

| <b>Type of Licence<br/>Ref. No. &amp;<br/>Date Rec'd</b> | <b>Details of Applicant</b> | <b>Decision</b>  |
|--|-----------------------------|--|
| <b><u>Taxi Driver's Licences</u></b>                     |                             |  |
| 1  | TDL/350                     | Mr C C Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee    |
| 2.   | TDL/656                     | Mr J G Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee    |
| 3.   | TDL/552 (R)                 | Mr R M GAgreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 4.   | TDL/061 (N)                 | Mr P McGAgreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 5.   | TDL/737 (R)                 | Mr W R MAgreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 6.   | TDL/140 (N)                 | Mr J L McKAgreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee |
| 7.   | TDL/149 (R)                 | Francis J ReillyAgreed to grant  |
| 8.   | TDL/123 (R)                 | Edward T DochertyAgreed to grant for one year  |
| 9.   | TDL/041 (R)                 | Susan A NivenAgreed to grant   |
| 10.  | TDL/509 (N)                 | David StevensonAgreed to grant   |

|                      |             |   |
|----------------------|-------------|---|
| 11.                  | TDL/612 (S) | Mr A H Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 12.                  | TDL/063 (R) | Mr R M Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 13.                  | TDL/389 (N) | Mr R A D Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee |
| 14.                  | TDL/229 (N) | Hugh M Conway Agreed to grant   |
| 15.                  | TDL/215 (R) | Mr S J A Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee |
| 16.                  | TDL/354 (R) | Mr W B Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| 17.                  | TDL/396 (R) | Mr P M M Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee |
| 18.                  | TDL/793 (R) | Jack Harvey Agreed to grant   |
| 19.                  | TDL/093 (R) | Alan M Davidson Agreed to grant   |
| 20.                  | TDL/647 (N) | Norma Stark Agreed to grant   |
| 21.                  | TDL/572 (N) | James M Murray Agreed to grant for one year   |
| 22.                  | TDL/055 (N) | Thomas Malone Agreed to grant   |
| 23.                  | TDL/116 (R) | William J Connelly Agreed to grant  |
| 24.                  | TDL/175 (R) | Mr J R Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee   |
| <b>Taxi Licences</b> |             |   |
| 25.                  | TL/021 (R)  | James Quinn/John Harris Agreed to grant   |
| 26.                  | TL/002 (R)  | Edward T Docherty Agreed to grant   |

|  |               |   |
|--|---------------|---|
| 27.                                      | TL/093 (R)    | James Campbell/Jeanne Campbell<br>Agreed to grant   |
| 28.                                      | TL/030 (R)    | James Wilson<br>Agreed to grant   |
| <b>Street Traders</b>                    |               |   |
| 29.                                      | STL/3/100 (R) | Latif Silavi<br>Agreed to grant   |
| 30.                                      | STL/3/096 (R) | Alastair I Barney<br>Agreed to grant  |
| <b>Late Hours Catering</b>               |               |   |
| 31.                                      | LHCL/020 (R)  | Mr J K H<br>Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee  |
| 32.                                      | LHCL/011 (N)  | Asma Anwer<br>Agreed to grant   |
| 33.                                      | LHCL/024 (R)  | Gordon Chan<br>Agreed to grant  |
| 34.                                      | LHCL/060 (N)  | Abdul Hameed<br>Agreed to grant   |
| <b>Private Hire Car Drivers Licences</b> |               |   |
| 35.                                      | PHCDL/035 (N) | John Gilbert<br>The Committee noted that this application did not comply with the provisions of Section 13(3) of the Civic Government (Scotland) Act 1982 and declined to consider the application. |
| 36.                                      | PHCDL/047 (S) | Mr G C<br>Agreed to defer consideration of the application and invite the applicant to attend a Meeting of the Committee  |