

Licensing Committee
23 November 2016

Irvine, 23 November 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Bruce, Tom Marshall , Grace McLean, Catherine McMillan and Donald Reid.

In Attendance

W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant; D. Robertson, Enforcement Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming and D. Hastings (Police Scotland).

Chair

Councillor McNicol

Apologies for Absence

John Easdale, Alan Munro and Robert Steel.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, due to being related to the applicant, declared an interest in Agenda Item 3, Appendix B, Case 9 (Civic Government (Scotland) Act: Licensing Matters) and took no part in the decision.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 2 November 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Part A: Hearings

Public Charitable Collections

Royal British Legion (Largs Branch)

The applicant, having been duly cited to attend was present. The applicant has applied for a Charitable Collection between 6.00 p.m. and 10.00 p.m. on 1 December 2016, which is outwith the Council policy.

Members asked questions and received clarification from the applicant in respect of the application.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

Scottish Maritime Museum Trust

The applicant, having been duly cited to attend was represented. The applicant has applied for a Charitable Collection between 4.00 p.m. and 10.00 p.m. on 30 November to 3 December 2016, which is outwith the Council policy.

Members asked questions and received clarification from the representative in respect of the application.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

West Kilbride Festival Committee

The applicant, having been duly cited to attend was in attendance. The applicant had applied for a Charitable Collection on 2 December 2016, which is outwith the Council policy. The Committee were advised of the applicant's position.

Decision

The Committee unanimously agreed (a) there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

Taxi Driver's Licences

TDL/00188 (New) John Monaghan

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McNicol, seconded by Councillor Bruce, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

TDL/02006 (New) Anthony Healy

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application, as previously intimated in writing to the applicant. The Police requested that they be allowed to supply further information and gave the Committee an indication of its nature. The Committee considered that request and were satisfied that justice could not be done without having regard to that further information. Therefore the Police supplied details of that further information.

Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Barr, seconded by Councillor McLean, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

TDL/01418 (Renewal) Mary Myra Craig

The licenceholder, having been duly cited to attend, was not present.

The Committee was advised that DVLA's computer system had not been fully operative and therefore confirmation of the licenceholder's up-to-date driving licence had not been possible. DVLA had now confirmed that the licenceholder had a valid driving licence.

Decision

Councillor McNicol, seconded by Councillor Bruce, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of 3 years.

Part B: Applications for Licences/Renewal of Licences

STL/E/274 (New) Sharon Serapiglia

The Committee unanimously 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.

STL/O/445 (New) Alexander Muir

The Committee unanimously 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.

TDL/00190 (New) Raymond Henry Potts

The Committee unanimously 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.

TDL/00192 (New) Thomas Paul Foy

The Committee unanimously 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.

TDL/01168 (Renewal) Paul William McPherson

The Committee unanimously 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.

TDL/01702 (New) Barry Seymour

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

TDL/01876 (Renewal) Alessandro Gavazzeni

The Committee unanimously 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.

TDL/01885 (New) Peter Brown

The Committee unanimously 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.

TDL/01921 (New) Kenneth Kilmurry

The Committee unanimously 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.

TDL/02007 (New) Robert James Dickie

The Committee unanimously 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.

TL/047 (Partnership Amendment) Cyril Brown and Ian McKerracher

The Committee unanimously granted consent to the proposed material change in terms of Paragraph 9 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART C:

Issues in respect of Existing Licences

TL/037 - Philip Gaw

The Committee was advised of a complaint from a member of the public regarding an allegation relating to a shared taxi between Kilwinning railway Station and two other addresses in Kilwinning. The Enforcement Officer provided additional information in relation to the allegation.

The Committee decided, on the basis of the information presented, not to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

STL/O/414 Neil McIntyre

The Committee was advised of a complaint from two members of the public regarding an allegation of vehicle obstruction and damage to a vehicle. The Enforcement Officer provided additional information in relation to the allegation.

The Committee unanimously 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.

4. Caravan Sites and Control of Development Act 1960

Submitted report by the Chief Executive on a request for the variation of Condition 24 for Kames Caravan Site (Licence 08) which required two parking spaces to be provided adjacent to the entrance and within the site.

The Committee agreed to vary Condition 24 for Kames Caravan (Licence 08) to allow each of the five caravans an allocated parking bay next to their caravan.

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

The Solicitor (Licensing) advised the Committee that this report had been withdrawn in the absence of any Landlord Registration matters to be considered.

Noted.

6. Urgent Item

The Chair agreed that the following items of business be considered as a matter of urgency to allow the matters to be actioned without delay.

6.1 Stevenston Christmas Lights

The Committee was advised of an application from Stevenston Christmas Lights for a Charitable Collection between 5.30 p.m. and 7.00 p.m. on 9 December 2016, which is outwith the Council policy.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

The meeting ended at 11.00 a.m.