

Protective Services Committee  
30 April 1998

**Irvine, 30 April 1998** - 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, Joe McKinney, Thomas Morris, George Steven and Richard Wilkinson.

**In Attendance**

The Legal Services Manager; S.B. McGregor, Principal Registrar; J. Kerr, Principal Licensing and District Court Officer; and M. McKeown, Administration Officer (Chief Executive) and Superintendent D. Johnstone, Strathclyde Police.

**Chair**

Mr. Carson in the Chair.

**Apologies for Absence**

Ian Clarkson and John Donn.

**1. Minutes Confirmed**

The Minutes of the Meeting of the Protective Services Committee held on 19 March 1998, copies of which had previously been circulated, were confirmed.

**2. Consultation Paper on Civil Marriages Outwith Registration Offices**

Submitted report by the Legal Services Manager on his response to the Registrar General's consultation paper on possible changes in the law to allow registrars to perform civil marriages outwith their offices.

Noted.

**3. Civic Government (Scotland) Act 1982: Part V: Public Processions**

Submitted report by the Legal Services Manager on the Council's policy on dealing with funeral processions involving the Loyal Orange Order.

On 12 June 1997, the Committee agreed to adopt the following formal procedures in respect of funeral processions involving the Loyal Orange Order and similar organisations in order to resolve any difficulty that the organisers of such funerals may encounter in relation to the funeral's route, presence of a band, etc:

- a) that the notification requirements in respect of such processions will require the organisers to give Strathclyde Police a minimum of 24 hours notice of the route of the funeral procession;
- b) that any bands accompanying the cortege are excluded from the procession but may join the cortege at the gates to the cemetery; and
- c) that the requirement to give North Ayrshire Council 7 days notice of the procession be waived.

Representations have now been made to the Council on behalf of the Loyal Orange Institution of Scotland seeking to have the procedures reviewed to allow bands to play while

accompanying the cortege through its route.

After discussion, the Committee agreed (a) to continue consideration of the matter to the next meeting to allow a report by the Legal Services Manager establishing the current practice of other Scottish Local Authorities in relation to such processions; and (b) that pending the outcome of the report further discussions should take place with Strathclyde Police and the Loyal Orange Order.

#### **4. Urgent Items**

The Chair agreed that the following urgent items should be considered.

a) **Institute of Trading Standards Administration Annual Conference and Exhibition**

Submitted report by the Legal Services Manager on the Institute of Trading Standards Administration Annual Conference and Exhibition to be held in London on 23-25 June 1998.

It was agreed to authorise the Chair and Vice-Chair, or their nominees, to attend.

b) **Byelaws on Prohibition of Consumption of Alcohol in Public Places**

The Legal Services Manager advised the Committee that the Secretary of State for Scotland has now approved the Byelaws on Prohibition of Consumption of Alcohol in Public Places within North Ayrshire Council's Boundaries.

Consultations will take place with Strathclyde Police and it is expected that the Byelaws will come in to force in June 1998.

Noted.

#### **5. Exclusion of Public**

It was resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act, 1973, to exclude from the meeting the press and public for the following items of business on the grounds that they involve the likely disclosure of exempt information indicated in terms of paragraphs 6, 13 and 14 of Schedule 7A of the Act.

#### **6. Civic Government (Scotland) Act 1982**

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

The Committee agreed (a) to dispose of the applications for the grant or renewal of licences as indicated in Appendix PROS1; (b) to deal with the individual licence holders on the basis indicated in Part 2 of the said Appendix; and (c) to dispose of the hearings as indicated below.

a) **Taxi Drivers Licence: TDL/826**

An application received on 19 January 1998 from Mr E N 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.

Superintendent Johnstone was heard in respect of the Chief Constable's objections to the grant of the licence and the applicant then addressed the Committee. Thereafter the applicant, the

Police and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) of the Civic Government (Scotland) Act 1982, that the applicant is not a fit and proper person to be the holder of a taxi drivers licence by virtue of the convictions recorded against him.

**b) Taxi Drivers Licence: TDL/670**

An application received on 18 December 1997 from Mr W G 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.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances surrounding this application and the applicant then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence.

**c) Taxi Drivers Licence TDL/312**

An application received on 7 January 1998 from Mr J P 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.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances surrounding this application and then the applicant addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence.

**d) Taxi Licence TL/248**

An application received on 22 January 1998 from Mr J P and Mrs M P 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 statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances surrounding this application and then the applicant addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence.

**e) Taxi Licence TL/106**

An application received on 6 March 1998 from Mr A R for the grant 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 statement was received.

The Principal Licensing and District Court Officer advised the Committee that the applicant had failed to apply for the renewal of his licence prior to the due date and that it therefore fell upon the Committee to consider whether or not the applicant had shown reasonable grounds for the application for renewal to be considered. The applicant then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed that the application for renewal could be

accepted.

The Meeting ended at 3.40 p.m.

**Protective Services Committee  
30/04/98**

Appendix No  
**PROS 1**

**Part 1: Applications for licences under the Civic Government (Scotland)  
Act 1982**

| <b>Type of Licence/Ref<br/>No</b> | <b>Applicant's Details</b> | <b>Decision</b>  |
|-----------------------------------|----------------------------|--|
| <b>Taxi Drivers Licences</b>      |                            |  |
| TDL/546                           | G.H..M                     | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| TDL/020                           | Alexander N. Dickie        | Agreed to grant  |
| TDL/278                           | Bernard T. Oakley          | Agreed to grant  |
| TDL/802                           | William J. Ramsay          | Agreed to grant  |
| TDL/653                           | George Winters             | Agreed to grant  |
| TDL/065                           | E.F.J                      | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| TDL/064                           | M.J                        | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| TDL/498                           | John Sands                 | Agreed to grant  |
| TDL/505                           | Robert McDerment           | Agreed to grant  |
| TDL/751                           | Gordon M. Stirling         | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| TDL/657                           | Ronald McCulloch           | Agreed to grant  |

|  |                                    |  |
|--|------------------------------------|--|
| TDL/428                                    | Robert F. Frew                     | Agreed to grant  |
| TDL/302                                    | B.B                                | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| TDL/087                                    | Rose McLaughlan                    | Agreed to grant  |
| TDL/786                                    | Stuart G. Raeburn                  | Agreed to grant  |
| TDL/333                                    | Stephen Gillies                    | Agreed to grant  |
| <b>Taxi Licences</b>                       |                                    |  |
| TL/064                                     | John Bruce and<br>Walter Beveridge | Agreed to grant  |
| TL/029                                     | John M. Monahan                    | Agreed to grant  |
| <b>Private Hire Car<br/>Driver Licence</b> |                                    |  |
| PHCDL/010                                  | G.A.L                              | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| <b>Public Entertainment<br/>Licence</b>    |                                    |  |
| PEL/026                                    | M.J.E                              | Agreed to defer consideration and to invite the applicant to attend the next meeting |
| <b>Late Hours Catering<br/>Licences</b>    |                                    |  |
| LHCL/033                                   | Maria Righetti                     | Agreed to grant  |
| LHCL/034                                   | Elizabeth J. Barbour               | Agreed to grant  |
| LHCL/009                                   | Mustafa Fisek                      | Agreed to grant  |
| <b>Public Charitable</b>                   |                                    |  |

|                    |  |                 |
|--------------------|--|-----------------|
| <b>Collections</b> |  |                 |
|                    | Sandra Graham<br>(For P.K.U.)                          | Agreed to grant |
|                    | Susan L. Cross<br>(For Friends of<br>Ayrshire Hospice) | Agreed to grant |

## **Part 2: Reports in Respect of Individual Licence Holders**

| <b>Type of Licence/Ref No</b> | <b>Applicant's Details</b>  | <b>Decision</b>   |
|-------------------------------|---|---|
| <b>Taxi Licences</b>          |   |   |
| TL/036<br><br>TL/194          | James Hannah<br>& Andrew Clark<br><br>Rodney Speirs &<br>Andrew Clark | Agreed to process the partnership applications on the basis of the information currently available. |
| <b>Taxi Drivers Licences</b>  |   |   |
| TDL/813                       | C. R.   | Agreed to invite the applicant to attend the next meeting of the Committee.                         |
| TDL/396                       | P.M.  | Agreed to continue consideration to renewal date.   |