

LICENSING AND REGISTRATION PANEL - 19 SEPTEMBER 2002

Licensing and Registration Panel

Thursday 19 September 2002 at 3.00 pm

Present: Councillors Calvert, McCormick, McGraw, Morrison (D), Morrison (M) and Nimmo.

Chair: Councillor Morrison (D) presided.

In attendance: Mr G Douglas (for Director of Legal & Support Services).

Apologies: Councillor Rebecchi.

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Panel.

731 Review of the Civic Government (Scotland) Act 1982: Consultation on Report by CoSLA/Scottish Executive Task Group 731

There was submitted a report by the Director of Legal & Support Services (1) advising of the initial findings made by the CoSLA/Scottish Executive Task Group set up with the purpose of reviewing the licensing provisions contained in the Civic Government (Scotland) Act 1982 and (2) seeking the Panel's views on a number of proposals on findings made by the Task Group.

Decided:

- (1) that the Council's response to the views and proposals made by the CoSLA/Scottish Executive Task Group comprise the comments set out in the Appendix to the report together with the Officers' views on technical matters; and
- (2) that the Task Group be also requested to consider the proposals originally made to, but not forwarded by, CoSLA from the previous consultative exercise in 1998.

732 Taxi Licensing: Carriage of Guide Dogs in Taxis 732

There was submitted a report dated 12 August 2002 by the Director of Legal & Support Services on a request received from Councillor Morrison (D) that the Panel consider the position with regard to the carriage of guide dogs for the blind in taxis. The report advised that it was anticipated regulations would be made by the Scottish Parliament in September/October 2002 requiring the carriage of guide dogs in taxis and that, following a period of three months to allow licensed drivers to apply for an exemption for medical reasons etc, the regulations would come into effect early in 2003.

Noted

733 Gaming Act 1968/Lotteries & Amusements Act 1976 - Application for AWP Permit: Babylon, 14/16 West Stewart Street, Greenock 733

There was submitted a report dated 11 September 2002 by the Director of Legal & Support Services on an application for a permit for amusement with prizes machines received from

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Carnegies Leisure Group Ltd to place and operate two gaming machines within the premises known as Babylon, 14/16 West Stewart Street, Greenock. Mr Buchanan, Solicitor, was present on behalf of the applicants.

Decided: that it be agreed to grant a permit for two gaming machines within the premises at 14/16 West Stewart Street, Greenock.

734 Street Trader's Licences

734

There was submitted a report dated 13 August 2002 by the Director of Legal & Support Services requesting the Panel to consider the present procedure for dealing with applications for street trader's licences and to determine any changes to be made to that procedure.

Decided:

(1) that agreement be given to amend the procedure for dealing with applications for street trader's licences in respect of fixed trading stances by (a) consulting with the local Member and (b) requiring advertisement of the application except in those instances where the applicant is to trade in concert with an existing licensed street trader where the licence, if granted, would be concurrent with the existing trader's licence; and

(2) that all future street trader's licences be amended by the addition of standard conditions to the effect (a) that the licenceholder is not to trade in any one location for more than 20 minutes unless the site is specifically permitted under his/her licence and (b) that the licenceholder must remove all litter in the vicinity of his/her stance at the conclusion of trading.

735 Further Item: Application for Licence for House in Multiple Occupation - 125 West Blackhall Street, Greenock

735

It was noted that this item had been withdrawn.

It was agreed in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 as amended, that the public and press be excluded from the meeting during consideration of the following items of business on the grounds that the business involved the likely disclosure of exempt information as defined in the respective paragraphs of Part I of Schedule 7(A) of the Act as are set opposite each item.

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736 Voting Procedures on Applications**736**

There was submitted a report dated 27 August 2002 by the Director of Legal & Support Services on the results of a survey of other local authorities regarding voting procedures in dealing with licensing applications under the Civic Government (Scotland) Act 1982.

Noted

737 Application for Taxi Driver's Licence: David Gray**737**

There was submitted a report dated 10 September 2002 by the Director of Legal & Support Services on an application for a taxi driver's licence by David Gray following an objection by the Chief Constable that the applicant was not a fit and proper person to hold such a licence by virtue of his previous conduct.

Mr Douglas advised the Panel that a letter had been received from Mr Gray requesting that, due to an unforeseen change in his circumstances, the hearing on his application be continued to the next meeting.

Decided: that consideration of the application be continued to the next meeting of the Panel.

738 Application for Taxi Driver's Licence: John W Cummings**738**

There was submitted a report dated 26 August 2002 by the Director of Legal & Support Services on an application for a taxi driver's licence by John William Cummings following an objection by the Chief Constable that the applicant was not a fit and proper person to hold such a licence by virtue of his previous conduct. The Panel heard Chief Inspector McGrath, Mr Gallacher, agent for the applicant, and Mr Cummings.

Decided: that the application be refused.

739 Application for Taxi Driver's Licence: Stephen T McShane**739**

There was submitted a report dated 4 September 2002 by the Director of Legal & Support Services on an application for a taxi driver's licence by Stephen Thomas McShane following an objection by the Chief Constable that the applicant was not a fit and proper person to hold such a licence by virtue of his previous conduct. The Panel heard Chief Inspector McGrath, Mr Gallacher, agent for the applicant, and Mr McShane.

Following discussion, Councillor Nimmo moved that the application be granted. As an amendment, Councillor Morrison (M) moved that the application be refused. On a vote, 1 Member voted for the amendment and 5 for the motion which was declared carried.

Decided: that the application be granted.