

Licensing Committee  
9 January 2019

**IRVINE**, 9 January 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr (Item 4.3 onwards), John Easdale, Jean McClung, Davina McTiernan and Angela Stephen.

**In Attendance**

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

**Also in Attendance**

Inspector David Cameron and Sergeant David Dougan (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson and Scott Gallacher.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillors McTiernan and Stephen declared an indirect, non-pecuniary interest in Items 4.6 and 5, the circumstances being that the applicants were personally known to them, and left the meeting for those items of business.

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of Agenda Item 5 - Landlord Report immediately prior to Appendix B of Agenda Item 4 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters).

**2. Minutes**

The Minutes of the meetings held on 28 November and 10 December 2018 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A)**

Submitted report by the head of Democratic Services on the proposed timetable for the Review and Fixing of Taxi Scales in accordance with Section 17 (4A) of the Civic Government (Scotland) Act 1982 (as amended by the Criminal Justice and Licensing (Scotland) Act 2010).

The Committee agreed to (a) approve the timetable for the review process as set out in the appendix to the report; and (b) to meet with the trade to carry out Trade Consultation (Stage (a)) on a suitable date.

## **2. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for the remaining items of business on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

## **4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

### **Appendix A: Hearings**

#### **4.1 Taxi Driver's Licence: TDL/00893 (Renewal) - William Gillies**

The licence holder, having been duly cited, was present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The licence holder addressed the Committee on the issues raised and responded to questions.

The licence holder and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **4.2 Taxi Driver's Licence: TDL/01754 (New) - Derek Boyd**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

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

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

## **Decision**

Councillor Easdale, seconded by Councillor McClung moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **4.3 Taxi Driver's Licence: TDL/02141 (New) - Brian McNamee**

The Committee, at its meeting on 28 November 2018, 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.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

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

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

## **Decision**

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **4.4 Taxi Driver's Licence: TDL/02145 (New) - Steven Arrol**

The Committee, at its meeting on 28 November 2018, 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.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

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

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

## **Decision**

Councillor Barr, seconded by Councillor McNicol moved that the application be refused, in terms of Paragraph 5 (3) (a) (ii) of the Civic Government (Scotland) Act 1982 on the grounds that the applicant was not a fit and proper person to be the holder of the licence. There being no amendment, and with Councillor Easdale abstaining, the motion was declared carried.

### **4.5 Taxi Driver's Licence: TDL/02138 (New) - Nicola Drummond**

The Committee, at its meeting on 28 November 2018, 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.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

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

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

### **Decision**

Councillor Easdale, seconded by Councillor McTiernan moved that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

#### **4.6 Window Cleaner's Licence: WCL/005 (New) - Partnership of James McCallum, Jamie McCallum, Ewan McCallum**

The Committee, at its meeting on 28 November 2018, 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.

The applicants, having been duly cited, were present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland the addressed the Committee on the terms of their objections.

The applicants addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

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 three years.

The representatives from Police Scotland left the meeting at this point.

#### **4.7 Taxi Driver's Licence: TDL/01665 - Margaret Wardrop**

The Committee, at its meeting on 28 November 2018, 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.

The licence holder, having been duly cited, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined two incidents where the licence holder had failed to adhere to the licence conditions in respect of the Council's Dress Code.

The licence holder addressed the Committee on the issues raised and responded to questions.

## **Decision**

The Committee unanimously agreed to take no action at this time.

### **4.8 Landlord Registration under the Antisocial Behaviour etc (Scotland) act 2004, Part 8**

At its meeting on 28 November 2018, the Committee considered an application to revoke a Rent Penalty Notice. The Committee at that time agreed to continue the application to revoke the Rent Penalty Notice to the next meeting to allow for the proceedings to end the Assured Tenancy to commence; and (b) that meantime the Rent Penalty Notice should remain in place.

The Registered Landlord (A.M.) was present.

The Solicitor (Licensing) updated the Committee on events since the matter was last considered by the Committee. He advised the Committee that the Notice to Quit and Notice of Proceedings had been initiated, and that the tenant had stated that she was leaving the property on 20 January 2019.

The Committee agreed to delegate authority to the Solicitor (Licensing) to revoke the Rent Penalty Notice on confirmation from the Anti-Social Behaviour Team that the tenant had either left the property of her own accord or had been evicted.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **4.9 SHDL/132 (Renewal) - MLD Zambonini Ltd**

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.

### **4.10 SHDL/202 (New) - Dean Nimmo**

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.

### **4.11 SHDL/203 (New) - Lyndsey McSkimming**

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.

#### **4.12 TDL/01168 (New) - Paul 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.

#### **4.13 TDL/01470 (New) - Kerr Chapman**

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

#### **4.14 TDL/02142 (New) - John Hart**

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

#### **4.15 TL/116 (Renewal) - Kevin Blades**

The Committee unanimously agreed that the application be granted in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

#### **4.16 WCL/015 (New) - George Kearney**

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.

#### **4.17 WCL/018 (New) - John Priestly**

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.

### **5. Urgent Items**

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

#### **5.1 Specification for Taxis and Private Hire Cars**

The Committee was advised of an enquiry from a prospective Licence applicant concerning the wheelchair accessibility specification for taxis and private hire cars and whether the obligation to have a wheelchair accessible vehicle should apply to both taxis and private hire cars, or whether the obligation should apply only to taxis.

The Committee agreed that the specification policy for taxis and private hire cars should remain unchanged and that the obligation to have a wheelchair accessible vehicle should apply to new licences for both taxis and private hire cars.

## **5.2 Late Hour Catering Licence: LHCL/115 (Variation) - A G Restaurants Ltd**

At its meeting on 2 October 2018, the Committee considered an application for a variation to a late hours catering licence. The Committee agreed to grant the application subject to (i) the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (ii) an additional condition that appropriate security staff be on the premises during the hours of 01:00 – 05:00 on each Friday and Saturday night for 3 months after the variation is effective.

The Committee was advised that there have been no reports or objections from Police Scotland during the 3 months period. The additional condition relating to security staff had now ended and would therefore not be extended.

The meeting ended at 12.20 p.m.