

Licensing Committee
16 March 2016

IRVINE, 16 March 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

David Drennan, Team Manager Building Standards (Economy and Communities); W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), A. Toal, Administrative Assistant, and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming and Sergeant G. Griffiths (Police Scotland).

Chair

Councillor Clarkson in the Chair.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3 agreed to vary the order of business to allow consideration of Hearing 4 prior to Hearing 3 within Agenda Item 4 (Civic Government (Scotland) Act: Licensing Matters).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr declared an indirect, non-pecuniary interest in the Suspension Hearing relative to Taxi Operator's Licence TL/041 which formed part of Appendix A of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters), on the grounds that the unlicensed taxi driver was known to him. Councillor Barr left the room for this item of business and took no part in its determination.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 25 February 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

Submitted report by the Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

Part A: Hearings

4.1 Taxi Driver's Licence: Gary Williamson: TDL/00139

The Committee, at its meeting on 25 February 2016, 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 to attend, 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 a letter setting out an observation in relation to the application. 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 Barr, 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.

As an amendment, Councillor McMillan, seconded by Councillor Easdale, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 4 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

4.2 Taxi Driver's Licence: Alan Thom: TDL/00140

The Committee, at its meeting on 25 February 2016, 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 to attend, 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 a letter setting out an observation in relation to the application. 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 Barr, 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.

As an amendment, Councillor McLean, seconded by Councillor Bruce, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 6 and for the motion 3, and the amendment was declared carried.

Accordingly, the Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.3 Temporary Public Entertainment Licence: Ruari Ian Gordon: PEL/286

The applicant, having been duly cited to attend, 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 a letter setting out a request for conditions to be attached in relation to the application. The terms of a letter of objection received from a Mrs Karen McKinnon were also considered by the Committee. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

David Drennan, Senior Manager Building Standards, addressed the Committee on the issues identified by the Service in relation to the Application. Thereafter the Applicant addressed the Committee on the issues raised and responded to further questions.

The applicant and representatives of 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.

Councillor Barr and both of the representatives in attendance from Police Scotland excused themselves from the business of the Committee at the conclusion of the foregoing Hearing. Neither Councillor Barr nor the Police Scotland Representatives returned prior to the end of the meeting.

4.4 Taxi Operator's Licence: Kevin Blades: TL/041

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter the applicant addressed the Committee on the issues raised and responded to questions. The licence holder then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed (a) to suspend Licence TL/41 in terms of Paragraph 11(2)(a) and (d) of Schedule 1 to the Civic Government (Scotland) Act 1982 ("Ordinary Suspension"); (b) to direct that the Suspension should be for a period of 14 days, in terms of Paragraph 11(11); (c) that, having the opinion that the circumstances of the case did not justify Immediate Suspension, the Suspension should take effect on Monday 18 April 2016, in terms of Paragraph 11(9); and (d) that, in respect of the other Taxi Licences held by the licence holder and not having the opinion that the carrying on of the activity to which those Licences relates is causing or is likely to cause a serious threat to public order or public safety, those Licences should not be Suspended under Paragraph 12 ("Emergency Suspension")."

Part B: Applications for Licences and Renewal of Licences

4.5 Taxi Driver's Licence: Peter Smith: TDL/01926 (New)

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. Civic Government (Scotland) Act 1982, Section 13 and Schedule 1: Dress Code

Submitted report by the Chief Executive on a proposal to update the dress code for licensed drivers.

The Committee, at its meeting on 25 February 2016, received a report on a proposed amendment to the dress code and agreed to continue consideration of the matter to allow the Chief Executive to submit proposals to the next meeting.

The report set out the current Dress Code condition for taxi drivers and private hire car drivers and proposed a series of amendments.

Members discussed the following:-

- (i) the amendment to the report, condition 3.1(f), submitted by Enforcement Officer Drew Robertson; and
- (ii) whether the conditions contained in the Dress Code should be prescriptive or prohibitive.

The Committee unanimously agreed that condition 3.1(f) should appear as the first condition of the Dress Code and that the proposed amended conditions and exceptions set out at Section 3 of the report should apply in terms of the Dress Code for licensed drivers.

The meeting ended at 12.05 p.m.