

Licensing Committee
12 August 2015

IRVINE, 12 August 2015 - 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

W. O'Brien and K. Sharkey, Solicitors (Licensing), D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, J. Armstrong, Senior Clerical Assistant, and M Anderson, Acting Committee Services Manager (Chief Executive's Service)

Also In Attendance

Inspector 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 Agenda Items 5 (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 6 - Successive Applications) and 6 (Civic Government (Scotland) Act 1982 - Taxi Stance at Hamilton Street, Saltcoats) to take place immediately after Agenda Item 4 (Civic Government (Scotland) Act 1982: Licensing Matters) (Part A: Hearings).

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Councillors Code of Conduct.

3. Minutes

The accuracy of the Minutes of the special meeting of the Committee held on 22 June and the ordinary meeting held on 10 June, 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Civic Government (Scotland) Act 1982: Taxi Fare Scales Review

Submitted report by the Chief Executive on the statutory process in respect of the Taxi Fare Scales Review. Appendix 1 to the report set out the Minute of a consultation meeting held on 21 April 2015 and attended by the Chair and Members of the Licensing Committee, representatives of the taxi trade and relevant Officers of the Council. Appendices 2 and 3 detailed the current and proposed tariffs, respectively.

At its meeting on 20 May 2015, the Committee reviewed the existing scales and the proposed new scales in terms of Section 17(4A)(b) of the Civic Government (Scotland) Act 1982, and authorised the Chief Executive to advertise the draft scales for public consultation. 53 written representations have been received, copies of which were circulated at the meeting. A Members' briefing note was also circulated.

The Chair invited those members of the taxi operator trade present to ask questions and make comment in respect of the proposed new rates.

Thereafter, the Chair, in terms of Standing Order 5.7, agreed to adjourn the meeting for a period of 30 minutes to allow Members to consider the briefing note circulated and representations made at the meeting. The meeting reconvened with the same Members and Officers present and in attendance.

Decision

The Committee, having carried out a review of the existing scales in accordance with Section 17(4A) and having considered representations received on the draft scales previously agreed by the Committee, Government guidance and the economic statistical information provided within the report, agreed, under Section 17(2) of the Civic Government (Scotland) Act 1982 (a) to fix the scales for the fares of taxis and other charges as follows:-

Tariff 1 (Day) (Tariff 4 if more than 4 passengers carried)

All journeys starting or ending in the period 06.00 a.m. to 24.00 p.m. (midnight) (except where Tariffs 2 or 3 apply):

Initial Charge - For a distance not exceeding 1,320 yards ($\frac{3}{4}$ of a mile) (or waiting time not exceeding 10 minutes) - £2.60.

Additional Charge: Each additional 1/17 of a mile (about 104 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 2 (Nights and Sundays) (Tariff 5 if more than 4 passengers carried)

All journeys (except where Tariff 3 applies):

- starting or ending in the period 24.00 p.m. (midnight) to 06.00 a.m., or
- starting or ending at any time on Sundays

Initial Charge - For a distance not exceeding 1,320 yards ($\frac{3}{4}$ of a mile) (or waiting time not exceeding 10 minutes) - £3.00.

Additional Charge: Each additional $\frac{1}{18}$ of a mile (about 98 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 3 (Festive Periods) (Tariff 6 if more than 4 passengers carried)

All journeys starting or ending at any time on 25th or 26th December or 1st or 2nd January:

Double Tariff 1 Charges (Initial and Additional).

Extra Charges

1. If the vehicle starts by carrying more than 4 passengers, the fare is charged as Tariff 1, 2 or 3 (as appropriate) but with 50% added (Tariffs 4, 5 or 6). The higher Tariff applies until the hire ends, whether or not any of the passengers leave the vehicle earlier.
2. Soiling Charge - £50.

Notes

1. The fare scale applies only to journeys which end within North Ayrshire. Fares for journeys beyond the Council area should be agreed between the passenger and the driver before the start of the journey.
2. Luggage shall be carried free if it is of a size which can reasonably be accommodated in the car.
3. The metered charge is the maximum which can be charged. The driver can always charge less.
4. The Tariff 2 charge applies as soon as the journey starts, and it does not change if part of the journey is inside the Night Period or Sunday and part outside"

and (b) that the revised charged some into effect from 2 November 2015.

5. 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

5.1 Public Charitable Collection: Asthma UK Scotland

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant, 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 applicant. Thereafter the applicant addressed the Committee, providing details of the proposed event and responded to questions.

The Committee noted that (i) the application for collection from 28 August until 6 September 2015 was outwith Council policy that street collections should only be permitted on a Saturday and (ii) that permission had been granted for another charitable collection to take place at the Viking Festival. The Committee considered whether or not the particular case could be treated as an exception to the policy and whether to grant the application subject to the collection being limited to Main Street, Largs, rather than the Promenade area in which the Viking Festival would take place.

Decision

The Committee unanimously agreed, having regard to the information presented, to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Saturday 29 August and Saturday 5 September 2015 only, subject to the collection being limited to Main Street, Largs, and to the Council's usual conditions.

5.2 Public Charitable Collection: Ayrshire Hospice

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was neither present nor represented.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant..

The Committee noted that the application for collection on Sunday 30 August 2015 was outwith Council policy that street collections should only be permitted on a Saturday. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

Decision

The Committee unanimously agreed, having regard to the information presented, (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 under Section 119(5) of the Civic Government (Scotland) Act 1982 on Sunday 30 August 2015, subject to the Council's usual conditions.

5.3 Public Charitable Collection: Isle of Cumbrae Tourist Association

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was neither present nor represented. A written submission was provided by the applicant.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant..

The Committee noted that the application for collection on 26 September 2015 (evening collection) was outwith Council policy that street collections should not be permitted after 6.00 p.m. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

Decision

The Committee unanimously agreed, having regard to the information presented, (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 under Section 119(5) of the Civic Government (Scotland) Act 1982 on the evening of 26 September 2015, subject to the Council's usual conditions.

5.4 Public Charitable Collection: Kilwinning Friends of Ayrshire Hospice

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was neither present nor represented. A written submission was provided by the applicant.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant..

The Committee noted that the application for collection between 7 and 11 September 2015 was outwith Council policy that house to house collections should not be permitted after 6.00 p.m. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

Decision

The Committee unanimously agreed, having regard to the information presented, (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 under Section 119(5) of the Civic Government (Scotland) Act 1982 between 7 and 11 September 2015, subject to the Council's usual conditions.

5.5 Public Entertainment Licence: North Ayrshire Educational Services: PEL/067

The Committee considered an application for a temporary variation to a Public Entertainment Licence in respect of the Volunteer Rooms, Irvine, to allow the extension of the terminal operating hour under the principal licence by one hour on Saturday 22 August 2015.

The applicant, 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 applicant. Thereafter the applicant addressed the Committee providing details of the proposed event and responded to questions.

Decision

The Committee unanimously agreed, having regard to the information presented, to grant a temporary variation of the principal licence to extend the operating hours to 2.00 a.m. on 22 August 2015, subject to the Council's standard conditions in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.6 Booking Office Licence: Kevin Blades: BOL/015

The Committee considered an application for a new Booking Office Licence in respect of 15 Dale Crescent, Irvine.

The applicant, having been duly cited to attend, was present and represented. Representatives of 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 of Police Scotland then addressed the Committee setting out an objection in relation to the application. Thereafter, the applicant and his representative addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor McLean, moved that consideration of the application be continued pending the outcome of legal proceedings involving the applicant.

As an amendment, Councillor Marshall, seconded by Councillor McNicol, moved that the application be granted.

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

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

5.7 Taxi Operator Licences: Kevin Blades: TL/067, 041, 074, 116, 151, 050 and 043

The licence-holder, having been duly cited to attend, was present and represented. 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 of Police Scotland then addressed the Committee on the terms of a letter requesting an 'Ordinary Suspension' of the licences under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982. Thereafter, the applicant and his representative addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor McLean, moved that consideration of the application be continued to the next meeting pending the outcome of legal proceedings involving the applicant.

As an amendment, Councillor Marshall, seconded by Councillor McNicol, moved that the Committee approve the 'Ordinary Suspension' of the licences under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

Accordingly, the Committee agreed to continue consideration of the application to the next meeting pending the outcome of legal proceedings involving the applicant.

5.8 Street Trader Employee Licence: David Hastings: STL/E/260

The licence-holder, 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 of Police Scotland then addressed the Committee on the terms of a letter requesting an 'Ordinary Suspension' of the licences under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed not to take any action in respect of the request by Police Scotland for an 'Ordinary Suspension' of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.9. Exclusion of the Public

The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the remainder of the business of Agenda Item 4 (Civic Government (Scotland) Act 1982: Licensing Matters) (Part A: Hearings) on the grounds that otherwise "Exempt Information" of the type described in Paragraphs 14 and 15 of Part 1 of Schedule 7A to the Act might be disclosed.

5.10 Street Trader Operator's Licence: Neil McIntyre: STL/O/414

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 of Police Scotland then addressed the Committee on the terms of a letter setting out an objection 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

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.

5.11 Taxi Driver's Licence: Ryan Kerr: TDL/01963

The applicant, having been duly cited to attend, was present and represented. 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 of Police Scotland then addressed the Committee on the terms of a letter setting out an objection in relation to the application. Thereafter, the applicant's agent addressed the Committee on the issues raised and responded to questions. Two character references were also submitted on behalf of the applicant.

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.

The Committee adjourned for a short comfort break at 12.40 p.m., reconvening at 12.50 p.m.

5.12 Taxi Driver's Licence: Alasdair Drummond: TDL/01968

The applicant, having been duly cited to attend, was present and represented. 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 of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant's agent addressed the Committee on the issues raised and responded to questions. A character reference was also submitted on behalf of the applicant.

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.

5.13 Taxi Driver's Licence: Gurupreet Singh: TDL/01983

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 of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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 Easdale left the meeting at this point.

5.14 Taxi Driver's Licence: Roy Stephens

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 of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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.

5.15 Taxi Driver's Licence: Rashid Kamran: TDL/01965

The Solicitor (Licensing) advised that this application had been withdrawn by the applicant.

Noted.

6. Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 6 - Successive Applications

Submitted report by the Chief Executive on a prospective application in terms of Schedule 1, Paragraph 6 of the Civic Government (Scotland) Act 1982.

At its meeting on 10 June 2015, the Committee agreed to refuse an application for a Public Entertainment Licence under Section 41 of the 1982 Act. The 12-month bar applies to this matter, meaning that the applicant would not be entitled to re-apply for a Licence until 10 June 2016, unless the Committee was satisfied that there had been a "material change of circumstances". The applicant has engaged with various officers of the Council and believes that he can address the issues raised previously.

The Committee heard from the applicant and his representative, who set out the circumstances which they considered had materially changed since the original application.

The Committee unanimously agreed, being satisfied that a material change of circumstances existed, to permit the applicant to re-apply for a Public Entertainment Licence.

7. Civic Government (Scotland) Act 1982 - Taxi Stance at Hamilton Street, Saltcoats

Submitted report by the Chief Executive on the taxi stance at Hamilton Street, Saltcoats, which is little used.

The Committee was invited to consider whether or not the appropriate statutory procedure should be carried out with a view to revoking the appointment of the stance. Members heard that the stance in question is little used and that an alternative taxi stance is available within the nearby Sainsbury car park.

The Committee agreed to (a) support the proposal to revoke the appointment of the Taxi Stance at Hamilton Street, Saltcoats; and (b) instruct the Solicitor (Licensing) to commence the statutory procedure for intimating the proposal.

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

Part B: Applications for Licences and Renewal of Licences

8.1 SPTL/033 (New) Robert Alexander

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

8.2 TDL/01432 (New) John Cooper

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

8.3 TDL/01981 (New) William Gorman

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

8.4 TDL/01983 (New) John Cannon

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

8.5 TDL/01986 (New) George John McFarlane

The Committee 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.

8.6 TDL/01987 (New) Niall O'Flaherty

The Committee 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.

8.7 TDL/01988 (New) Gordon Law

The Committee 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.

8.8 TDL/01991 (New) John Muir

The Committee 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.

8.9 TL/250 (Renewal) and TL/213 (Renewal) William Myers

The Committee 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.

9. Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 6

The Solicitor (Licensing) advised that this report had been withdrawn.

Noted.

The meeting ended at 1.40 p.m.