

Licensing Committee  
17 August 2010

**IRVINE, 17 August 2010** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.30 a.m.

**Present**

William Gibson, Robert Barr, Ruby Kirkwood, John Moffat, Ryan Oldfather and Joan Sturgeon.

**In Attendance**

W. O' Brien, Senior Solicitor, P. Aitken, Solicitor and A. Toal, Administrative Assistant Legal and Licensing (Corporate Services); and C. Rowney, Communications Officer and P. Shiach, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Gibson.

**Apologies for Absence**

Ian Clarkson, Elisabeth Marshall and Alan Munro

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16.

**2. Civic Government (Scotland) Act 1982: Taxi Fare Tariff**

Submitted report by the Solicitor to the Council on the outcome of the consultation meeting convened for the purpose of hearing representations from the taxi trade relating to the Taxi Fare Review 2010.

At its meeting held on 25 May 2010, the Committee approved the timetable for the conduct of the Taxi Fare Review for 2010. The timetable included the convening of a consultation meeting between the Committee and representatives from the taxi trade. Notice of the consultation meeting, including an open invitation to attend or make written representations, was provided to all North Ayrshire taxi operators.

The consultation meeting took place on 22 June 2010. Four written submissions were received and circulated for discussion at the meeting. The main points raised were: -

- Many operators considered that in the current economic climate an increase on the flag fall from £2.20 to £2.50 and a reduction in the distance from 1/14 of a mile to 1/15 of a mile was reasonable;

- One operator wanted an additional charge where a vehicle was carrying more than 4 passengers. The possibility of charging £1.00 per passenger was raised; and
- Many operators wanted an increase in the waiting time charges as follows:

Rate 1: 10p every 25 seconds

Rate 2: 10p every 20 seconds

Rate 3: 10p every 20 seconds

Rate 4: 100% Rate 1

Consultations have taken place with neighbouring licensing authorities.

The Committee agreed (a) to note the representations made by those members of the trade in attendance at the consultation meeting on 22 June 2010 as summarised in the report; (b)(i) to approve the proposed increases in flag fall from £2.20 to £2.50 and the increases in waiting time, and (ii) that there be no change to the charge payable where a vehicle was carrying more than 4 passengers; and c) authorised the Solicitor to the Council to advertise the draft tariff for public consultation.

### **3. Civic Government (Scotland) Act 1982: Licensing Matters**

Submitted report by the Solicitor to the Council on (a) applications for the grant or renewal of licences and permits; (b) issues arising in respect of existing licences and permits; and (c) Hearings to be determined, all in terms of the Civic Government (Scotland) Act 1982.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

The meeting ended at 11.30 a.m.

## **PART A**

### **Applications for Licences/Renewal of Licences**

#### **Public Charitable Collections Licence**

##### **1. PCC (New) Ann Porter (Ayrshire Cancer Support)**

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

#### **Street Traders Licence**

##### **1. STL/E/178 (Renewal) Brian Blockley**

The Committee unanimously agreed to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

##### **2. STL/O/304 (New) John Peter McIver Drysdale**

The Committee unanimously agreed on the basis of the information before it, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **Taxi Drivers Licence**

##### **1. TDL/00278 (New) Bernard Thomas Oakley**

The Committee unanimously agreed to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of previous convictions.

**2. TDL/00280 (Renewal) Alister James Gill**

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

**3. TDL/00569 (Renewal) David Ronald Tudhope**

The Committee unanimously agreed to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of convictions.

**4. TDL/01002 (New) Paul Murphy**

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

**5. TDL 01047 (Renewal) John A. Stevenston**

The Committee unanimously agreed to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) advise the applicant in writing of his duty to comply with the licence condition relating to the disclosure of convictions.

**6. TDL/01418 (Renewal) Mary Myra Craig**

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

**7. TDL 01649 (New) Paul Williams**

The Committee unanimously agreed on the basis of the information before it, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**8. TDL/01651 (New) Colin James Williams**

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

## **PART B**

### **Issues in respect of Existing Licences**

#### **Street Trader Operator's Licence**

##### **1. STL/O/193 Elaine McIntyre**

The Committee agreed, on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **Taxi Driver's Licence**

##### **1. TDL/00422 James Cunninghame**

The Committee agreed, on the basis of the information presented that no further action be taken.

##### **2. TDL/00432 Angela Murray**

The Committee agreed, on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

##### **3. TDL/00850 Albert Lamberton**

The Committee agreed, on the basis of the information presented, to advise the licensee in writing of his responsibilities in relation to displaying his badge and licence at all times when operating as a taxi driver.

##### **4. TDL/01274 Cameron Philips**

The Committee agreed, on the basis of the information presented, to advise the licensee in writing of the licence conditions in relation to smoking while operating as a taxi driver.

##### **5. TDL/01570 Charles Muir**

The Committee agreed, on the basis of the information presented, that no further action be taken.

## **Taxi Operator's Licence**

### **1. TL/414 Alan Simpson**

The Committee agreed, on the basis of the information presented, to continue consideration of this matter until October 2010, and to advise the licensee in writing of the requirement to obtain and submit for test, a suitable vehicle by that time or surrender his licence.

## **PART C**

### **Hearing**

#### **1. ST/O/298 Big Mini'z Hotdogs (Lesley Anne and Cetin Ozdemir)**

The Committee at its meeting held on 3 August 2010, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 (3) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Senior Solicitor (Legal and Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter the licence holder 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 to grant the variation of the principal licence in terms of 10 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982 to allow the trader to trade at the layby at Williamfield, Irvine, subject to the condition that the variation is restricted to 21 August 2010 only.