



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

14 November 2013

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 1, Cunninghame House, Irvine on **WEDNESDAY 20 NOVEMBER 2013** at **10.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 2 October 2013 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

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

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

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

Submit report by the Chief Executive on an update on the statutory process for Review (copy enclosed).

5. Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Alex McLean
Ruth Maguire
Alan Munro
Donald Reid
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
2 October 2013

IRVINE, 2 October 2013 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alex McLean, Alan Munro, Donald Reid and Robert Steel.

In Attendance

C. Andrew, Senior Manager Legal Services, W. O'Brien, Solicitor (Licensing), K. Sharkey, Training Solicitor, A. Toal, Administrative Assistant and M. Anderson, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Skimming and PC McLean (Police Scotland).

Chair

Councillor McNicol in the Chair.

1. Declarations of Interest

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors, Councillor Reid, as the applicant, declared an interest in Agenda Item 3.2 (Urgent Item: Public Charitable Collection) and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 21 August 2013 and the Special meeting held on 10 September 2013 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

Part A: Hearings

4.1 LHCL/109 (Suspension) GB Oils Limited - Castlebay Filling Station, Largs

The Committee, at its meeting on 21 August 2013, 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 licenceholder, having been duly cited to attend, was in attendance and was represented. One of the complainers, John Maxwell, was also in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder's representative, the complainant and the representatives from Police Scotland addressed the Committee on the issues raised. Thereafter, the licenceholder responded to questions.

The licenceholder, his representatives, the complainant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

After discussion, Councillor Maguire, seconded by Councillor Bruce, moved that the Committee agree not to suspend the licence.

As an amendment, Councillor McLean, seconded by Councillor Marshall, moved that the licence be suspended.

On a division, there voted for the amendment 4 and for the motion 6, and the motion was declared carried.

Accordingly, the Committee agreed not to suspend the licence.

Thereafter, the Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.2 LHCL/111 (New) Muhammed Aslam

The Committee, at its meeting on 21 August 2013, 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 represented at the meeting. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that the observation of Police Scotland had been withdrawn on the basis that the operation of the business would not now extend beyond 1.00 a.m.

Decision

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.

4.3 TDL/01698 (Renewal) Martin Cruickshank

The Committee, at its meeting on 21 August 2013, 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 licenceholder, having been duly cited to attend, was in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

The licenceholder 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 subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.4 TDL/01848 (New) Charles Stewart

The Committee, at its meeting on 21 August 2013, 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 in attendance. Representatives from Police Scotland were 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 letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.5 TDL/011855 (New) David Smith

The Committee, at its meeting on 21 August 2013, 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 in attendance. Representatives from Police Scotland were 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 letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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

After discussion, Councillor Maguire, seconded by Councillor Munro, moved that the application be granted.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be refused.

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 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.

4.6 TDL/01860 (New) Dominic McCann

The Committee, at its meeting on 21 August 2013, 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 not in attendance. The Committee was satisfied that due notice of the meeting had been given and resolved to proceed in the absence of the applicant. Representatives from Police Scotland were 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 letters setting out the observations of Police Scotland in relation to the application.

Representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

After discussion, Councillor Marshall, seconded by Councillor Maguire, moved that the application be granted.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be refused.

On a division, there voted for the amendment 2 and for the motion 7, and the motion was declared carried.

Accordingly, the Committee 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.

Councillor Maguire left the meeting at this point.

4.7 TDL/01862 (New) Mohamed Othmani

The Committee, at its meeting on 21 August 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Standard conditions attached to Taxi and Private Hire Car Licences include that all applicants for whom English is not a first language, prove their competence in English. The applicant addressed the Committee on the issues raised and responded to questions.

Decision

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.

4.8 TDL/01865 (New) Saman Mohammed

The Committee, at its meeting on 21 August 2013, 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 cited to attend, was not in attendance.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting.

4.9 TDL/00804 (Suspension) Patrick John Griffin

The Committee, at its meeting on 21 August 2013, unanimously agreed (a) to suspend licence TDL/00804 in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982; (b) on the basis of the information presented, to proceed to a Hearing, within 6 weeks, in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been cited to attend, was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. He advised that the licenceholder had surrendered his licence, but that the licence itself had not yet expired.

Decision

The Committee unanimously agreed to suspend licence TDL/00804 with immediate effect and for the remaining duration of the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.10 TDL/196 (New) Peter Cassidy

The Committee, at its meeting on 21 August 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that the licenceholder's vehicle has now passed its inspection.

Decision

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.

Part B - Applications for Licences and Renewal of Licences

4.11 LHCL/084 (Variation) Nasir Gulem

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 LHCL/110 (New) Shahzad Hassan

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 MOL/001 (Renewal) Spook Erection Limited

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.

4.14 PCC (Temporary) Hansel

The Committee unanimously agreed to grant the application subject to conditions in terms of Section 119 of the Civic Government (Scotland) Act 1982.

4.15 PEL/173 (New) Aquilla Clark

After discussion, Councillor Munro, seconded by Councillor Marshall, moved that the application be granted for a period of 3 years.

As an amendment, Councillor McLean, seconded by Councillor Reid, moved to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 2 and for the motion 7, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application for a period of 3 years subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.16 PEL/176 (New) Beachcombers Kiosks

After discussion, Councillor Marshall, seconded by Councillor Munro, moved that the application be granted for a period of 3 years.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application for a period of 3 years subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.17 SPTL/019 (New) Anita Rose Wood

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.

4.18 STL/O/385 (New) Kerry Smith

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.

4.19 TDL/00259 (Renewal) Robert Howie

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.

4.20 TDL/00840 (New) Ian Roderickson

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.

4.21 TDL/01454 (New) Ronald Smallridge

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.

4.22 TDL/01711 (Renewal) Gareth Walsh

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.

4.23 TDL/01866 (New) Roderick Cameron

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.

4.24 TDL/01869 (New) Martin Sneddon

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.

4.25 TDL/01870 (New) Thomas Brownlow

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.

4.26 TDL/01872 (New) Atif Mahmood

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.

4.27 TDL/01874 (New) Paul 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.

4.28 TDL/01875 (New) Donald McMahon

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.

4.29 TDL/01868 (New) John Symington

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.

Part C - Issues in Respect of Existing Licences

4.30 Booking Office Licence - Kevin Blades - 1 Dale Crescent, Irvine

The Committee was advised of complaints received in respect of the operation of the business from residential premises.

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) 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 update Members and to allow the matters to be actioned without delay.

5.1 PCC (Temporary) Donald Reid

Donald Reid has applied for a Public Charitable Collection Permission under Section 119 of the Civic Government (Scotland) Act 1982. The proposal was for a street collection in Kilwinning on 5 November 2013 between 5.00 p.m. and 8.00 p.m.

The Committee considered whether or not to make exceptions to the following Council policies:-

(a) days:

(i) house to house collections are only permitted on Monday-Friday

(ii) street collections are only permitted on Saturday

and only one of each is allowed on a particular day in a particular town. Neither is permitted on Sunday.

(b) times:

the Licensing Committee decided at its meeting on 20 March 2012 that collections should not happen after 6.00 p.m.

On considering the circumstances, the Committee unanimously agreed to grant the Permission as requested, subject to the usual North Ayrshire Council conditions under Section 199(5), other than the condition prohibiting collections after 6.00 p.m.

5.2 Public Entertainment Licences

At its meeting of 26 June 2012, the Committee agreed (a) to the establishment of a Member/Officer working group, comprising Councillors McNicol, Clarkson, Marshall and Reid, to review the existing Resolution and propose a draft for the Committee's consideration; (b) thereafter, to consider the draft and amend it as appropriate; (c) that the amended draft be used in the statutory review procedure; and (d) that after consideration of any representations from the public, the Committee adopt an amended Resolution.

The Solicitor (Licensing) advised of arrangements for a meeting to discuss the amended draft Resolution, to which Elected Members on the Member/Officer working group would be invited to attend.

Noted.

The meeting at 4.40 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

20 November 2013

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Licensing Matters**

Purpose: To advise the Committee of (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

2. Current Position

- 2.1 The attached appendices detail the matters before the Committee for determination as follows:-

Appendix A:

Issues in respect of existing licences.

Appendix B:

Applications for the grant or renewal of licences and permits.

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

4.2 None

Legal Implications

4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

4.4 None

Environmental Implications

4.5 None

Implications for Key Priorities

4.6 None

5. Consultations

5.1 Consultations have been undertaken with Police Scotland, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

6.1 The Committee is requested to consider and dispose of the matters before it.



ELMA MURRAY
Chief Executive

Reference : PAT

For further information please contact William O'Brien, Solicitor (Licensing)
on 01294 324305

Background Papers

None

APPENDIX A

Hearings

Hearing 1 (Variation) **Late Hours Catering Licence** **LHCL/109**

Licenceholder and Address **Certas Energy UK Ltd**
(formerly G B Oils Ltd)
302 Bridgewater Place
Birchwood Park
Warrington
WA3 6XG

Premises **Castlebay Filing Station**
Irvine Road
Largs

Suspension Hearing 2 **Booking Office Licence** **BOL/015**

Licenceholder and Address Kevin **Blades**
15 Dale Crescent
Irvine
KA12 0RU

Premises 15 Dale Crescent
Irvine
KA12 0RU

Duration of licence 5 August 2011 - 31 August 2014

Hearing 3 (Variation) **Late Hours Catering Licence** **LHCL/084**

Licenceholder and Address Nasir **Gulem**
2 McKillop Place
Saltcoats
KA21 6AZ

Premises **Turkish Food Club**
49a Hamilton Street
Saltcoats

APPENDIX A

Hearings

Hearing 4	Late Hours Catering Licence	LHCL/110 (New)
Applicant and Address	Shahzad Hassan 79 Boyd Street Glasgow G42 8AH	
Premises	Abid's Takeaway 3 Courthill Street Dalry	
Hearing 5	Market Operator's Licence	MOL/001 (Renewal)
Licenceholder and Address	Spook Erection Ltd c/o Bruce Armstrong-Payne The Coach House Sandath Fell Lane Penrith Cumbria CA11 8BJ	
Premises	Saltcoats Market Car Park & Ground to rear of Saltcot Kirkgate/Hamilton Street Saltcoats	
Hearing 6	Licence for the Business Providing Tattooing	SPTL/019 (New)
Applicant and Address	Anita Rose Wood 78 Kennedy Drive Kilmarnock KA3 7SZ	
Premises	Sin on Skin Tattoo 117 High Street Irvine	

APPENDIX A

Hearings

Hearing 7	Street Trader Operator's Licence	STL/O/385 (New)
Applicant and Address	Kerry Smith 60 Dirrans Terrace Kilwinning KA13 7PJ	
Vehicle Details	Ford Transit V319 DSM	
Hearing 8	Taxi Driver's Licence	TDL/00259 (Renewal)
Applicant and Address	Robert Howie 66 Ford Avenue Dreghorn Irvine KA11 4BN	
Hearing 9	Taxi Driver's Licence	TDL/01454 (New)
Applicant and Address	Ronald Smallridge 1 Linn Avenue Largs KA30 9JT	
Hearing 10	Taxi Driver's Licence	TDL/01711 (Renewal)
Applicant and Address	Gareth Walsh 41 Dennyholm Wynd Kilbirnie KA25 6HG	
Hearing 11	Taxi Driver's Licence	TDL/01865 (New)
Applicant and Address	Samam Mohammed 11 Lochgoin Gardens Drumchapel Glasgow G15 8HA	

APPENDIX A

Hearings

Hearing 12	Taxi Driver's Licence	TDL/01866 (New)
Applicant and Address	Roderick Cameron 45 Lynn Avenue Dalry KA24 4AP	
Hearing 13	Taxi Driver's Licence	TDL/01868 (New)
Applicant and Address	John Symington 55 Montgomerie Terrace Kilwinning KA13 7NR	
Hearing 14	Taxi Driver's Licence	TDL/01869 (New)
Applicant and Address	Martin Sneddon 8 Mossgiel Drive Irvine KA12 0QT	
Hearing 15	Taxi Driver's Licence	TDL/01872 (New)
Applicant and Address	Atif Mahmood 6 Rose Street Halifax HX1 4DN	
Hearing 16	Taxi Driver's Licence	TDL/01875 (New)
Applicant and Address	Donald McMahon 31 Milton Quadrant Kilbirnie KA25 7ER	

APPENDIX B

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Comments
MDL/047 (New)	William Morgan 6D Dunlop Street Stewarton KA3 5AS	Police Objection received
PHCL/324 (New)	Mark McGill 19 Thorntree Avenue Beith KA15 2EE	Police Observation received
Vehicle Details	Vauxhall Vectra AE58 ZWS	
PCC	Renalda Ruginiene Studio 320 Highgate Studios 53 - 79 Highgate Road London NW 5 1TL	Outwith Council Policy
TDL/00184 (Renewal)	Alan John Duncan 17B Holehouse Road Largs KA30 9TH	Police Observation received and non disclosure during term of licence
TDL/01469 (New)	Bradley McGrath 162 Campbell Avenue Stevenston KA20 4BS	Police Observation received
TDL/01880 (New)	Charles Rawley 22 George Street Largs KA30 9AJ	Police Observation received

APPENDIX B

Applications for Licences/Renewal of Licences

Type of Licence/Reference Number	Details of Applicant	Comments
TDL/01883 (New)	Russell Drummond 9 Milgarholm Avenue Irvine KA12 0EP	Police Objection received
TDL/01884 (New)	Mark McGill 19 Thorntree Avenue Beith KA15 2EE	Police Observation received
TDL/01885 (New)	Peter Brown 211 Glasgow Street Ardrossan KA22 8JT	Police Objection received

NORTH AYRSHIRE COUNCIL

Agenda Item 4

20 November 2013

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Taxi Fare Scale Review**

Purpose: To continue the statutory process for Review.

Recommendation: That the Committee (a) notes the consultation with the Taxi trade; (b) reviews the tariff system and approved a draft Scale; (c) instructs the Clerk to give public notice of that draft; (d) continues consideration of the Review until a further Meeting of the Committee at least one month after that public notice has been given; and (e) at that later Meeting, considers any public representations on the draft Scale, and fixes a Scale.

1. Introduction

- 1.1. In terms of the Civic Government (Scotland) Act 1982, the Council as Licensing Authority is required to review the maximum fares that taxis operating within North Ayrshire may charge, and to set a Scale. The 1982 Act requires that this should be done at maximum intervals of eighteen months.
- 1.2. It should be noted that the fares approved by the Committee are maximum fares which may be charged and it is open to operators to discount these rates if they so wish. While it is obligatory to review fare levels periodically, there is no obligation to increase or alter the existing fares.
- 1.3. The Review procedure is prescribed by the 1982 Act. The licensing authority must:
 - (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area (Section 17(4A)(a));
 - (b) following such consultation, review the existing scales, and propose new scales (whether at altered rates or the same rates) (Section 17(4A)(b));

- (c) publish those proposed scales in a newspaper circulating in its area, setting out the proposed scales (there is a period of at least one month after publication in which any person may make representations in writing) (Section 17(4A)(c));
 - (d) consider any such representations and fix the new scale (Section 17(4A)(d));
 - (e) give notice of the new scale to taxi operators and trade organisations, and advise them of their right to Appeal. Within 14 days of that notice, an Appeal to the Traffic Commissioner may be made by any taxi operator or trade organisation (an Appeal postpones the operation of the new Scale); the Traffic Commissioner may decline to proceed with an appeal if he considers that the appellant's case is not representative of the view of a substantial proportion of the operators of Taxis operating in the Council's area;
 - (f) give newspaper notice to the public of the new scale (if there is no appeal, after the 14 day appeal period; if there is an appeal, when it is abandoned or determined).
- 1.4. The Council is to determine when the new scale will be effective, provided that this is not less than 7 days after the stage (f) notice. Accordingly, at the time when newspaper notice is instructed, the scale fixed will be amended to state "Maximum Taxi Fares effective from 'date' ", where 'date' is between 7 and 14 days after the notice. This will be done because publication will be in two or more local newspapers, and since these have different publication dates a single date will be chosen so ensure that sufficient notice is given to the public.

2. Current Position

- 2.1. Stage (a) (trade consultation) has already taken place: on 2 October 2013 the Convenor, Vice-convenor and Councillor Clarkson met several taxi operators and representatives of organisations representing operators. Attached to this Report is a Minute of that meeting. The discussion included a comparison with the tariffs of other adjoining licensing authorities. As the Committee has done before, all licence holders were invited to the meeting. This was done since it has been the Committee's view in the past that although Taxi Operators' Associations exist within North Ayrshire, these may not be wholly representative. Accordingly it has always been the practice to notify each individual Operator of the review and invite them to attend a meeting with the Committee to discuss any proposals. This has been done as part of the present Review.

- 2.2. The consideration by the Committee on 20 November 2013 is Stage (b). The Committee should
- (a) consider the representations made at the trade consultation meeting, and
 - (b) propose new scales (whether at altered rates or the same rates).
- 2.3. It should be noted that all the Committee is doing at this stage is proposing new scales - the Committee does not then fix the new scales, and will not do so until after the proposed scales have been published and at least one month has passed during which anyone can make representations. The Review will appear on a later Agenda (Stage (d)).
- 2.4. Once the Committee has approved a draft tariff, the proposed draft tariff will be advertised in the local press: Stage (c). A period of one month is set aside to allow representations from the public. Any representations will be reported and considered by the Committee at a further Meeting after that period (Stage (d)). The Committee will then reconsider the draft tariff in the light of any representations received, and fix a new set of scales. The new scales will then be notified to individual licence holders, and publicised (Stages (e) and (f)).

3. Proposals

- 3.1 For the purpose of discussion two possible draft scales have been prepared:

Scheme A contains 4 different Tariffs, as with the existing tariff.

Scheme B contains 3 different Tariffs, as with the existing Tariff 3 is deleted.

- 3.2 The form and content of the new scales is up to the Committee and these documents are only possible arrangements. They reflect the consensus expressed at the trade consultation meeting, both by Councillors and by the trade, that the existing North Ayrshire tariff card is unduly complicated. No other neighbouring Council has the same tariff structure as North Ayrshire, and since some things for which North Ayrshire has a specific tariff have no equivalent in other Council scales, the table of comparisons across Councils has been difficult to prepare.

- 3.3 Both Schemes omit an extra fare for a journey between North Ayrshire zones.

4. Implications

Financial Implications

- 4.1. The taxi fare structure has substantial implications for both the trade and the community. In addition, legal costs to the Licensing Authority may arise if the fare review becomes subject to an appeal to the Traffic Commissioner.

Human Resource Implications

- 4.2. None.

Legal Implications

- 4.3. Possible appeal to the Traffic Commissioner.

Equality Implications

- 4.4. None.

Environmental Implications

- 4.5. None.

Implications for Key Priorities

- 4.6 Setting fares at a level which helps maintain the level of taxi provision by balancing the needs of taxi operators and passengers is consistent with the NA CPP Single Outcome Agreement Objective 1a ("Transport links and services to and from North Ayrshire have improved").

Simplifying the tariff should benefit the trade and its customers since it could make the tariff easier to understand and reduce misunderstandings between drivers and passengers. The existing tariff card displayed in hire cars requires to use a small type-face to accommodate the quantity of text, and may not be easy for passengers to read. Since the overall amount of text can be reduced, the type-face can be larger and easier to read, so the proposed simplification benefits visually-impaired passengers.

5. Consultations

- 5.1 The consultation required by statute has in part already taken place and will continue after the Committee makes a proposal. No consultations with neighbouring authorities are required, although information about their fare tariffs has been considered.

6. Conclusion

- 6.1 The Committee is requested to proceed as recommended.



ELMA MURRAY
Chief Executive

Reference : WOB/GEN17

For further information please contact William O'Brien, Solicitor (Licensing)
on 01294-324345

Background Papers

1. Minutes of Trade Consultation 2 October 2013
2. Scheme A (possible revision of taxi fare tariff)
3. Scheme B (possible revision of taxi fare tariff)

North Ayrshire Council
Review of Taxi Fare Scale
Civic Government (Scotland) Act 1982, Section 17
Minutes of Section 17(4A)(a) Consultation Meeting

Meeting in Council Chambers, Cunninghame House, Irvine, held on 2 October 2013

Members of Licensing Committee Present: Councillors McNicol (Convenor), Marshall (Vice-Convenor) and Clarkson.

Also Present: William O'Brien, Solicitor (Licensing) and Anne Toal, Administrative Assistant.

Licence-holders Present: Michael Cassidy
Donald Fudge
Christine Boyd, Brisbane Taxis, Largs
Isobel Moriarty
Hugh O'Neill
Stewart Leatherston
Jim McKerrell, Ardrossan
Davy Hanson
Hugh Conway
David Wright, Irvine T.O.A.
Norrie Campbell, Irvine T.O.A.
Steven Kelly, Irvine T.O.A.

Information packs had been prepared consisting of:

1. Tariff of NAC (approved 16 April 2012).
2. Tariff of South Ayrshire Council (effective from 3 December 2012).
3. Tariff of East Ayrshire Council (effective from 1 August 2012).
4. Tariff of Inverclyde Council (effective from 25 November 2012).
5. Proposal from Brisbane Taxis, Largs.
6. Fax of item 5.
7. Proposal from Jim McKerrell, Ardrossan.
8. Proposal from Michael Cassidy, Ardrossan.
9. Proposal from Irvine T.O.A..
10. Comparison table showing NAC, SAC, EAC and IC Tariffs.

The Convenor welcomed those attending. The Information packs were handed out to all present and time was allowed for everyone to read them.

Tariff 1

The Convenor observed that this appeared to be already agreed.

JMcK said that he had requested 180p as the additional charge (beyond the initial 3/4 mile covered by the flagfall, which should rise from 250p to 260p), but he noted that others proposed 170p. and he would agree to that.

NC said that 10p should be added to the flagfall and that the distance mileage should be increased from 150p to 170p. He said that drivers would only make 120p or 130p on a 5-mile journey, that there was high unemployment and high fuel charges, that the trade had declined an increase at the last fare review, and so the ordinary fares (i.e. for vehicles which did not carry over 4 passengers) had not increased since 2010.

DF said that the waiting time should be changed. He said that at present passengers could use the waiting time to do a “mini shopping”.

NC disagreed, and said that if a fare increase was accompanied by an increase in the waiting time charge, the taxi trade would be “tarnished”. He suggested that there should be no change to the waiting time charge.

JH (the meter agent) referred to the waiting time tariff - “not exceeding 10 minutes” - and after that time the waiting charge was 10p every 25 seconds. He said that the waiting charge began to be applied after 4 minutes. He pointed out that the NAC charge was approximately the same as the 20p every 48 seconds charge in the SAC Tariff.

DF confirmed he would accept the status quo.

JH said that, if NAC played around with the flagfall, this could cause a slight increase in the waiting charge.

It was generally agreed that the initial flagfall should be 260p (i.e. a rise of 10p). The Convenor said that the waiting time interval would remain 25 seconds.

Tariff 2

The Convenor observed that Tariff 2 was very complex, and the other Councillors agreed. He suggested that this Tariff could be made simpler, and he referred to the example of the EAC Tariff (item 3).

Operators agreed that this should be simplified and commented that the current form of Tariff 2 dated from a previous Chief Legal Officer (Licensing and District Court).

MC said that this tariff should operate earlier in the day, at 7 pm rather than 12 midnight. He said this issue did not affect him personally because he did not work at night, but he pointed out that other workers get overtime yet taxi drivers have to work till midnight to get higher rates.

NC said that the tariff time should be kept at midnight for most of the year, but should be 7 pm at Christmas and New Year. He said any increase would risk “assaulting” the customers. The mileage charge should be kept as it currently was.

HO'N said that Tariff 2 should apply all weekend, on Saturday as well as Sunday.

NC disagreed, and said that this was NA, not Blackpool.

CB referred to the map of Largs which she had prepared, and said that the flagfall was within the circle marked around the town centre, so she had a shortage of cars in the evening as there was no incentive for drivers to work then. She suggested increasing the flagfall after 7 pm.

DH said that EAC and SAC do not have a Sunday supplement. He said Tariff 2 should be for anti-social working times, such as after 12 midnight. He gave the example of charging an old lady to go to church - charging 200p. a mile was a 40p. increase. This would hurt the trade. Maybe the Tariff could be charged earlier in the evening, but not just because it was a Sunday.

CB said that she could not get drivers to work on Sundays if they were not getting Tariff 2, and she would agree to Tariff 2 operating from 7 pm.

NC said that Tariff 2 was currently 280p and Irvine TOA was suggesting 290p. He said that changing the charging time to 7 pm would harm the trade.

JMcK enquired why MC should suggest that Tariff 2 should start earlier when he himself said he did not need it. He said that starting Tariff 2 at 7 pm was unacceptable. He said he would rescind his own written submission on Tariff 2, and agree with NC.

MC said that this would bring taxi drivers into parity with other workers.

HC suggested that Tariff 2 should operate from 10 pm. MC, CB and HO'N agreed with this.

NC disagreed. He said that taxi drivers were out working when other workers were not working, e.g. a taxi might be taking pub staff home after closing. He thought that Tariff 2 should be kept for after midnight and Sundays.

CB said she would accept the consensus.

Councillor Marshall commented that the fares for buses and trains do not increase at 10 pm. He thought the Tariff should be simpler. Overtime rates were not automatic - nowadays some people worked 7 days on basic rates. He would agree to Tariff 2 after midnight and on Sundays.

Councillor Clarkson said that taxi drivers did not get overtime.

JMcK said that NAC was the only Council, of the 3 Ayrshire Councils, with a zone charge. This charge was inappropriate.

Councillor Clarkson asked those present if, in the past year, business was busier or quieter? The consensus was 'quieter'.

NC said that the trade should not charge people too much at nights, but people accepted that they should pay more to get a taxi home after midnight.

DH enquired why what he described as “normal people” should pay extra on Sunday?

NC said he understood CB's point about having difficulty getting drivers to work on Sundays, but on balance he said Tariff 2 should be kept as it was, but with a 10p rise on the flagfall and 20p rise on the additional mileage.

JMcK enquired what was the point of worrying about Tariff 2 when passengers negotiated their fares.

The Convenor said that Tariff 2 would be simplified, but would have a 290p. flagfall and a 180p additional mileage charge.

DF commented that the existing tariff card said that luggage had to be carried free.

There was consensus that these words were outdated and should be removed from the tariff card. However, if a passenger booked a taxi to take 4 people with their luggage to the airport, then a higher charge could be made if the operator provided a bigger car. CB pointed out that the last review had resulted in a 50% surcharge for cars carrying over 4 passengers.

The Convenor said that the tariff card would be amended to allow for the extra charge where that car was 'capable' of carrying more than 4 passengers, even if it was actually carrying 4 or fewer.

Tariff 3

NC said that Tariff 3 was not used in Irvine at all, and he suggested it should be abolished. He said it was introduced due to the “Metro” nightclub in Saltcoats, now closed. Therefore, he said that the Tariff card could be simplified: instead of having 4+4=8 Tariffs, it could have 3+3=6 Tariffs.

JMcK said he would agree with NC, but that the Traffic Commissioners would be brought in if there was no increase.

WOB (legal adviser) explained that the process was a review, so in theory the Committee could decrease fares, or increase some while decreasing others.

JMcK said he would agree to removal of Tariff 3.

Councillor Clarkson asked what difference Tariff 3 made?

JMcK said that it did not make much difference, because 9 times out of 10 the fare is negotiated with the passenger, but drivers did use Tariff 3 sometimes.

Councillor Clarkson asked, if Tariff 3 was not being used, why keep it? What difference did it make to a journey from Irvine to Saltcoats?

JMcK said it would be 300p extra.

NC said that Tariff 3 should be double-fare for Xmas, but otherwise he did not see the need for it. Tariff 2 could be Tariff 1 plus a quarter.

HC pointed out that on a recent Saturday he had used Tariff 3 for three consecutive fares, so there was a use for it.

CB said that Tariff 3 was used in Largs, but customers were aware of the potential for abuse of this tariff.

IM said that it would not be fair to remove Tariff 3, as this would mean local hires were charged at the same rate as out-of-town hires.

HO'N said Tariff 3 should be left as it is.

DH said that Tariff 3 would only be 10p different from Tariff 2, being 290p plus 180p.

NC repeated that he did not see the need for Tariff 3. The existing NAC Tariff card was a “shambles”, and he agreed with DH that Tariff 3 was hardly different from Tariff 2.

The Convenor asked what would happen if the Metro re-opened?

Councillor Clarkson suggested that the Metro was unlikely to re-open.

JMcK said that Tariff 3 should be left as it is.

The Convenor said that the flagfall for Tariff 3 would be raised 20p but the mileage charge would not be changed.

Tariff 4

There was consensus that the status quo should remain.

Other charges

Soiling Charge

The Convenor suggested that the soiling charge should be increased from £30 to £35.

CB said that it cost her £45, but if this was on the tariff card the Police would back up the driver.

The Convenor said this would be £35.

Charge for children

CB said that the wording of the licence was unclear, in referring to the charge for the 4th child: some children might in fact be so big that they required a seat belt.

Bus Lane, Stevenston

JMcK raised this. The Convenor explained that this was not an issue for the Licensing Committee, but the Roads Department. Councillors Gibson, Munro and the Convenor had raised the issue with that Department.

Tariffs 5 - 8

CB asked that there be no change to these additional tariffs. The Convenor confirmed this.

The meeting ended at 11.04 a.m..

[Draft Taxi Fare Scale Oct 2013 Revision]

Scheme A

NORTH AYRSHIRE COUNCIL

Maximum Taxi Fares effective from [date]

Tariff 1 (Day)

All journeys starting or ending in the period 06.00 a.m. to 12.00 p.m. (midnight) (except where Tariffs 3 or 4 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 $\frac{1}{16}$ of a mile (110 yards) or additional waiting time of up to 25 seconds - 20p.

Tariff 2 (Night)

All journeys starting or ending in the period 12.00 p.m. (midnight) to 06.00 a.m. (except where Tariffs 3 or 4 apply):

Initial Charge: £2.90

Additional Charge: same as Tariff 1.

Tariff 3 (lower festive fares)

All journeys starting or ending in the periods:

19.00 p.m. - 24.00 p.m. on 24 December

6.00 a.m. - 24.00 p.m. on 26 December

19.00 p.m. - 24.00 p.m. on 31 December

6.00 a.m. - 24.00 p.m. on 2 January

Initial Charge: £3.20

Additional Charge: same as Tariff 1.

Tariff 4 (higher festive fares)

All journeys starting or ending in the periods:

00.00 - 24.00 on 25 December and to 6.00 a.m. on 26 December

00.00 - 24.00 on 1 January and to 6.00 a.m. on 2 January

The Tariff 1 Charges (Initial and Additional) plus 100%.

Extra Charges

1. Large Vehicle surcharge: Where a vehicle is capable of carrying more than 4 passengers (even if the vehicle is actually carrying fewer passengers) - 50% added to the Tariff Charge.
2. Soiling Charge - £35.

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. If a vehicle is capable of carrying more than 4 passengers is provided to allow more luggage to be carried, the operator is permitted to add the Large Vehicle surcharge.
3. The metered charge is the maximum which can be charged. The driver can always charge less.

[Draft Taxi Fare Scale Oct 2013 Revision]

Scheme B

NORTH AYRSHIRE COUNCIL

Maximum Taxi Fares effective from [date]

Tariff 1 (Day)

All journeys starting or ending in the period 06.00 a.m. to 12.00 p.m. (midnight) (except where Tariff 3 applies):

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 $\frac{1}{17}$ of a mile (about 104 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 2 (Night)

All journeys starting or ending in the period 12.00 p.m. (midnight) to 06.00 a.m. (except where Tariff 3 applies):

Initial Charge: For a distance not exceeding 1,320 yards ($\frac{3}{4}$ of a mile) (or waiting time not exceeding 10 minutes) - £2.90

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)

All journeys starting or ending in the periods

any time on 25 December until 7.00 a.m. on 26 December

any time on 31 December until 7.00 a.m. on 1 January

Double Tariff 1 Charges (Initial and Additional).

Extra Charges

1. Large Vehicle surcharge: Where a vehicle is capable of carrying more than 4 passengers (even if the vehicle is actually carrying fewer passengers) - 50% added to the Tariff Charge.
2. Soiling Charge - £35.

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. If a vehicle capable of carrying more than 4 passengers is provided to allow more luggage to be carried, the operator is permitted to add the Large Vehicle surcharge.
3. The metered charge is the maximum which can be charged. The driver can always charge less.