

Licensing Committee
25 February 2016

IRVINE, 25 February 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Inspector J. Conway and Sergeant G. Griffiths (Police Scotland).

Chair

Councillor Clarkson in the Chair

Apologies for Absence

John Bruce.

1. 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.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 3 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.

3. Exclusion of Public

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters (Part A: Hearings) on the grounds indicated in terms of Paragraph 14 of Part 1 of Schedule 7A of the Act.

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 Public Charitable Collection: Ivy Fundraising

The applicant, having been duly cited to attend, was not present or represented. The Committee was advised of a letter from the applicant intimating that she was unable to attend the hearing.

The Committee noted that the application for collection from 25 April to 1 May 2016 was outwith Council policy that street collections should only be permitted on a Saturday. The Committee considered whether the particular case could be treated as an exception to the policy and also whether the amount likely to be applied for charitable purposes in consequence of the collection was inadequate having regard to the likely amount of the proceeds of the collection.

Decision

The Committee unanimously agreed, having regard to the information presented to refuse the application under Section 119(6)(a) and (c) of the Civic Government (Scotland) Act 1982.

4.2 Taxi Driver's Licence: Paul McPherson: TDL/01168

At its meeting on 3 February 2016, 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.

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

The Committee unanimously agreed (a) to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the Council's Enforcement Officer make contact with the applicant's former employer with a view to ensuring that the company undertakes all necessary checks to verify the validity of its drivers' photo card driving licences.

4.3 Taxi Driver's Licence: Charles Stewart: TDL/01848

At its meeting on 3 February 2016, 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.

The applicant, having been duly cited to attend, was not present or represented. Representatives from Police Scotland were in attendance in respect of a letter of observation in relation to the application.

Decision

The Committee unanimously agreed to refuse the application in terms of Paragraph 5(1)(a) 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.

4.4 Taxi Driver's Licence: John D. Simpson: TDL/01070

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 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 refuse the application in terms of Paragraph 5(1)(a) 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.

4.5 Urgent Item

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

4.5.1 Street Trader Operator's Licence: Kenneth Holmes: STL/O/428

The Solicitor (Licensing) advised of an application for a temporary Street Trader's Operator's Licence which could not be dealt with by officers under delegated powers on the grounds that it was likely to be outwith the Council's policy in terms of proximity to a school and to other premises selling similar goods.

The applicant, having been duly cited to attend, was present, addressing the Committee on the issues raised and responding to questions.

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to authorise officers to exercise delegated powers to grant the application, subject to (i) the Council's usual conditions, (ii) the vehicle being situated within the Auchenharvie Leisure Centre grounds at a location approved by KA Leisure and (iii) the applicant demonstrating compliance with Environmental Health requirements.

Part B: Applications for Licences/Renewal of Licences

4.6 Taxi Driver's Licence: Gary George Williamson: TDL/00139 (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.

4.7 Taxi Driver's Licence: Alan Thom: TDL/00140 (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.

4.8 Taxi Driver's Licence: Robert Currie Haggarty: TDL/00142 (New)

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.

4.9 Taxi Driver's Licence: Robert Crozier Boyd: TDL/01956 (Renewal)

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

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 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:-

- circumstances in which clothing with printing or lettering may be deemed appropriate; and
- issues surrounding head wear of a religious nature.

The Committee unanimously agreed to continue consideration of this matter to allow the Chief Executive to submit amended dress code proposals to the next meeting.

The meeting ended at 11.35 a.m.