

Licensing Committee  
4 March 2020

**IRVINE**, 4 March 2020 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Todd Ferguson, John Easdale, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

**In Attendance**

D. Robertson, Civic Licensing Standards Officer, W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector Alison Wilson, Sergeant Scott Barrie and Dawn Hastings (Police Scotland).

**Chair**

Councillor Ferguson in the Chair.

**Apologies**

Ronnie McNicol, Robert Barr and Scott Gallagher.

**1. Chair Remarks**

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of two matters raised under Appendix B (Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters) immediately after case 4 Private Hire Car Operator's Licence: PHCL/371 (New): Craig Dobbin and Stephen Dobbin, to allow Police Scotland to hear the information held by the Committee.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Todd Ferguson declared an interest in Agenda Item 5.4: Private Hire Car Licence: PHCL/371 (New): Craig and Stephen Dobbin in that the applicants are known to him, and took no part in the discussion thereon.

**3. Minutes**

The Minutes of the Ordinary Meeting held on 5 February 2020 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information

as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

## **5. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

### **Appendix A: Hearings**

#### **5.1 Late Hours Catering Licence: LHCL/125 (New): Qaisar Raza**

The Committee at its meeting held on 5 February 2020 agreed, on the basis of information presented, to (a) grant a Temporary Late Hours Catering Licence in terms of Paragraph 7 of Schedule 1 of the Civic Government (Scotland) Act 1982 for the period from Wednesday 5 February 2020 until the next Committee meeting on Wednesday 4 March 2020; and (b) proceed to a Hearing.

The licence-holder, having been duly cited to attend, was not present.

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

### **Decision**

The Committee agreed to continue consideration of this item to a future meeting.

#### **5.2 Taxi Driver's Licence: TDL/02228 (New): David J Brown**

The Committee at its meeting held on 5 February 2020 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 their representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor Easdale, seconded by Councillor Reid, moved that the Committee 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 for a period of one year. There being no amendment the motion was declared carried.

### **5.3 Taxi Driver's Licence: TDL/02230: Peter D Ritchie**

The applicant, having been duly cited to attend, was present and accompanied by his Solicitor, Mr. McLaughlin. 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 a letter setting out their objection in respect of the application. Thereafter the applicant and his Solicitor addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Reid, seconded by Councillor McTiernan, moved that the Committee refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant is not a fit and proper person to be the holder of a licence. There being no amendment the motion was declared carried.

The Chair then advised the applicant of his right to re-apply after a period of one year in terms of Paragraph 6 of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **5.4 Private Hire Car Operator's Licence: PHCL/371 (New): Craig Dobbin and Stephen Dobbin**

The Committee at its meeting held on 23 October 2019 agreed to delegate authority to the Solicitor (Licensing) to grant the application, subject to the vehicle being tested, and also in terms of the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants', having been duly cited to attend, were not present or represented.

The Solicitor (Licensing) set out the background to the hearing as previously intimated in writing to the applicants and advised that the vehicle test was scheduled for 9 March 2020.

## **Decision**

The Committee agreed to continue consideration of this item to a future meeting.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **5.5 TDL/02199 (New): Abdul Masood**

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

### **5.6 TDL/02201 (New): Iqbal Naveed**

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

Police Scotland left the meeting at this point.

### **5.7 SPTL/039 (Renewal): Susan Marshall**

The Committee agreed to continue consideration of this item to a future meeting.

### **5.8 TDL/02229 (New): James Murray**

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.

### **5.9 TDL/02233 (New): Ian Davidson**

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

## **Appendix C: Preliminary Consideration of possible Revocation or Suspension**

### **5.10 TDL/01756: Alan McKie**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

### **5.11 TDL/01780: John Swindle**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

## **5.12 TDL/00388: Douglas McGregor**

The Committee unanimously agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982 at the meeting to be held on 13 May 2020.

## **6. Urgent Items**

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

### **6.1 Taxi Driver's Licence: TDL/000428: Robert Frew**

The Solicitor (Licensing) set out the background to a request for an exception to the Dress Code Policy.

### **Decision**

The Committee unanimously agreed (a) to grant the request for an exception to the Dress Code Policy; and (b) to note that the matter would be reviewed at the time of renewal of the licence in 2022.

The meeting ended at 11.10 a.m.