



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Licensing Committee

A Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 16 November 2022** at **10:00** to consider the undernoted business.

### Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.

#### 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 Licensing Committee held on 24 October 2022 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 and other Licensing Statutes: Licensing Matters**

Submit report the Head of Democratic Services on hearings to be determined and applications for grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

#### **4 Urgent Items**

Any other items which the Chair considers to be urgent.

#### **Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## **Licensing Committee Sederunt**

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Eleanor Collier (Chair)  
Nairn McDonald (Vice-Chair)  
John Bell  
Cameron Inglis  
Christina Larsen  
Jean McClung  
Matthew McLean  
Donald L. Reid  
Ronnie Stalker  
Angela Stephen

Chair:

Apologies:

Attending:



**IRVINE, 24 October** - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Eleanor Collier, Nairn McDonald, Stewart Ferguson, Christina Larsen, Matthew McLean, Donald L. Reid, Ronnie Stalker and Angela Stephen.

**Also Present**

Cameron Inglis (Agenda Item 1 – 3).

**In Attendance**

R. Lynch, Senior Manager, C. Pollock, Administration Officer (Licensing), D. Grier, Solicitor, D. Robertson, Enforcement Officer (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Chair**

Councillor Collier in the Chair.

**Apologies**

John Bell and Jean McClung.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on (i) the Ordinary Meeting of the Licensing Committee held on 17 August 2022; (ii) the Special Meeting held on 26 September 2022; and (iii) the Special Meeting held on 3 October 2022 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Civic Government (Scotland) Act 1982: Taxi Fare Review**

Submitted report by the Head of Democratic Services on the Taxi Fare Review. The current taxi Scales were set out at Appendix A, the minute of the Stage (a) meeting held on 13 June 2022 was set out at Appendix B, the proposed Taxi Fare Scales set out at Appendix C; consultation responses were set out at Appendix D; Economic Indicators set out at Appendix E, a spreadsheet estimating the effect of increases was set out at Appendix F the report.

The Committee noted that the Boundary Zone Charges were not included in the Taxi Fare review but will be reviewed at a future date.

Councillor Collier, seconded by Councillor Reid, moved that the Committee agree to approve the proposed draft scales set out at Appendix C to the report effective from Monday 21 November 2022. There being no amendment the motion was declared carried.

#### **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 Taxi Driver Licence: TDL/02026 (New): Scott Walker**

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

#### **5.2 Taxi Driver Licence: TDL/02325 (New): Kenneth Watt**

At a previous meeting on 17 August 2022, the Committee agreed to continue consideration of this application.

The applicant, having been duly cited to attend, was present. A representative from Police Scotland was also in attendance.

A representative 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.

## **Decision**

The Committee unanimously 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.

Councillor Reid left the meeting at this point.

### **5.3 Booking Office Licence: BOL/022: TOA Taxis (North Ayrshire) Ltd and Taxi Driver Licence: TDL/01599: Donald Newall**

At a previous meeting on 17 August 2022, following a complaint made against two licence holders, the Committee had agreed to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Representatives of TOA Taxis (North Ayrshire) Ltd and the licence holder, having been duly cited to attend, joined the meeting at this point. The complainants were also in attendance.

The Enforcement Officer addressed the Committee on the complaint made against two licence holders.

The complainants then addressed the Committee and responded to questions. Thereafter TOA Taxis (North Ayrshire) Ltd representatives and licence holder addressed the Committee on the issues raised and responded to questions.

The Committee agreed to continue consideration of this item to the 7 December 2022 meeting of the committee.

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

### **5.5 LHCL/141 (New): Motor Fuel Limited**

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.

### **5.6 STL/O/528 (Amend): Nicola Robinson & James Smith**

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.

### **5.7 STL/O/534 (New Temp): Daisy McConnachie**

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.

#### **5.8 TDL/00737 (Renewal): William Murray**

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.

The meeting ended at 5.10 p.m.



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## NORTH AYRSHIRE COUNCIL

16 November 2022

### Licensing Committee

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**Title:** Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters

**Purpose:** To advise the Committee of:  
a) Hearings to be determined  
b) Applications for the grant or renewal of licences and permits under the Civic Government (Scotland) Act 1982 and other statutes within the Committee's remit.

**Recommendation:** 1) That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which any of the matters in this Report are to be considered;  
2) That the Committee consider and determine the matters before them.

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### 1. Executive Summary

1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

### 2. Background

2.1 The Committee's business under the 1982 Act is as follows:

Appendix A - Licences and Permits where Hearings have been convened

Appendix B - Applications for the grant or renewal of Licences and Permits

#### Exempt Information

2.2 The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The information is covered by one or more of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 3: "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."

Paragraph 6: "Information relating to the financial or business affairs of any particular person (other than the authority)."

Paragraph 14: "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."

Paragraph 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.

2.3 The details of the cases in the Appendix, with any relevant documents (such as letters from the Police or objectors) are in the background papers given to Committee Members and will be sent to the respective Applicants or Licence-Holders before the Meeting. The Schedules are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information".

2.4. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

2.5. For example:

Paragraph 3 could apply in relation to information or advice requested by a member of the public.

Paragraph 6 could apply to a business activity (such as where an Applicant wants a Licence for business or employment).

Paragraphs 14 or 15 could apply where it was alleged that there was criminal conduct or anti-social behaviour committed by or against a Licence-Holder or Applicant for a Licence, or where the Committee was told that any person had committed a criminal offence (whether or not there had been concluded Court proceedings).

2.6. Accordingly, if a Resolution is made:

- (a) the publicly-accessible Minutes will exclude so much of the proceedings during which the public were excluded (Section 50C);
- (b) the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

### **3. Proposals**

3.1 It is proposed that the Committee consider and determine each of the listed cases in accordance with the required procedure.

## **4. Implications/Socio-economic Duty**

### **Financial**

4.1 There are possible financial implications in relation to any Licensing decision.

### **Human Resources**

4.2 None

### **Legal**

4.3 There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.

### **Equality/Socio-economic**

4.4 Equality Act 2010 imposes duties on the Council:

Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council

"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

Section 149(1) ("Public sector equality duty"): the Council

"must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act];
- (b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it;
- (c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it."

The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Clerk has considered these Duties in preparing this Report and any specific impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant impacts to be considered

### **Climate Change and Carbon**

4.5 None.

## **Key Priorities**

- 4.6 An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders, the safety of vehicles, and the suitability of premises, helps progress towards one of the Priority Outcomes of the North Ayrshire Council Plan 2019-2024: "North Ayrshire's residents and communities are safe."

## **Community Wealth Building**

- 4.7 There are no Community Wealth Building issues.

## **5. Consultation**

- 5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates.

Aileen Craig  
Head of Democratic Services

For further information please contact **William O'Brien, Solicitor (Licensing)**, on **[Licensing@north-ayrshire.gov.uk](mailto:Licensing@north-ayrshire.gov.uk)**.

## **Background Papers**

None

## Appendix A

|                  |  |                                  |
|------------------|--|----------------------------------|
| <b>Case 1</b>    | <b>Late Hours Catering<br/>Licence</b>       | <b>LHCL/141 (NEW)</b>            |
| <b>Applicant</b> | <b>Motor Fuel Limited</b>                    |                                  |
| <b>Case 2</b>    | <b>Street Trader Operator's<br/>Licence</b>  | <b>STL/O/528 (Amend)</b>         |
| <b>Applicant</b> | Nicola <b>Robinson</b><br>James <b>Smith</b> |                                  |
| <b>Case 3</b>    | <b>Street Trader Operator's<br/>Licence</b>  | <b>STL/O/534<br/>(NEW)(TEMP)</b> |
| <b>Applicant</b> | Daisy <b>McConnachie</b>                     |                                  |

## Appendix B

|                  |   |                        |
|------------------|---|------------------------|
| <b>Case 1</b>    | <b>Taxi Driver's Licence</b>            | <b>TDL/02353 (NEW)</b> |
| <b>Applicant</b> | Hashar <b>Murad</b>                     |                        |
| <b>Case 2</b>    | <b>Street Trader Operator's Licence</b> | <b>STL/O/535 (NEW)</b> |
| <b>Applicant</b> | Emma and Chris <b>Ferguson</b>          |                        |