

Licensing Committee
24 October 2022

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.