

Licensing Committee
10 April 2019

IRVINE, 10 April 2019 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Easdale, Scott Gallacher, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

In Attendance

A. Craig, Senior Manager (Legal Services), A. Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McNicol in the Chair.

Apologies

Todd Ferguson.

1. Chair's Remarks

The Chair welcomed everyone to the Special Meeting of the Licensing Committee and introduced all Members and officers present to the licence holder who was in attendance and the complainant who was present via Skype. He outlined the process that would be undertaken during proceedings and asked that the complainant advise if at any point he was unable to hear the discussion or questions from Members to allow these to be repeated.

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3. 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 the following item of business on the grounds that it involves 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."

4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on a hearing to be determined under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

4.1 Taxi Driver's Licence

The Committee at its meeting on 30 January 2019, considered information relating to a complaint against a licence holder. The complainant and the licence holder had submitted written statements but had been unable to attend the meeting. The Committee agreed to continue consideration of the matter to a future Special Meeting, at a date convenient to the licence holder and the complainant, to allow them both to participate in the meeting.

The Committee was advised of an error in the report at Appendix 1, Page 5, Section 3.2, which stated "The alternative vehicle the complainant in fact used was not "wheelchair accessible", and his wheelchair and luggage were carried in the boot". Following circulation of the agenda papers the complainant advised by email that "The alternative vehicle I used was fully wheelchair accessible and I travelled in my wheelchair".

The licence holder and complainant each addressed the Committee on the issues raised and responded to questions.

The Members withdrew to deliberate and returned to advise of the Committee's decision. The Skype video conferencing facilities remained live throughout.

Decision

The Committee stressed the importance of having a robust system in place so that members of the public have confidence in the taxi hire system.

Councillor McTiernan, seconded by Councillor McNicol moved that the Committee agree (a) there had been a breach of Condition 13 in that the complainant had to make the initial arrangements to contact another driver to fulfil the contract; (b) not to sanction by revocation or suspension as the licence holder permitted the use of his vehicle to fulfil the contract; and (c) that a formal written warning be issued to the licence holder advising that licence conditions must be adhered to and that any failure to do so in future will result in a further call to appear before the Committee. There being no amendment, the motion was declared carried.

The meeting ended at 11.45 a.m.