

Licensing Committee  
10 May 2023

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

**Present (Physical Participation)**

Eleanor Collier, Nairn McDonald, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Donald L. Reid and Ronnie Stalker.

**Present (Remote Participation)**

Angela Stephen.

**In Attendance**

D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service).

**Also in Attendance**

Detective Chief Inspector I. Spence and Sergeant S. Syme (Police Scotland)

**Chair**

Councillor Collier in the Chair.

**Apologies**

John Bell

**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 19 April 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**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 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."

#### **4. 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**

#### **4.1 Taxi Driver's Licence: TDL/00298 (Renewal): John Phillips**

At a previous meeting on 19 April 2023, the Committee agreed to continue consideration to allow the licence holder to attend.

The applicant, having been duly cited to attend, was not present.

#### **Decision**

The Committee agreed to defer consideration of this application to a future meeting to allow the applicant to attend.

#### **4.2 Private Hire Car Licence: PHCL/369 (Substitute): Kelly Scott**

The applicant, having been duly cited to attend, was present.

The applicant then addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers can be used to determine the application.

### **4.3 Taxi Driver's Licence: TDL/01773: Colin Bennett**

At a previous meeting on 19 April 2023, the Committee considered a complaint against the licence holder and agreed to continue consideration until a Hearing to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder, having been duly cited to attend, was present. The complainants were also in attendance.

The complainants addressed the Committee and responded to questions. The licence holder then addressed the Committee on the issues raised and responded to questions.

The licence holder and the complainants then withdrew to allow the Committee to deliberate. Thereafter the licence holder and complainants re-joined the meeting, with the same Members and officers present and in attendance, to hear the Committee's decision.

#### **Decision**

Councillor McLean, seconded by Councillor Larsen, moved that the Committee revoke the Licence in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the licence holder is not a fit and proper person to be the holder of a licence.

Councillor Reid, seconded by Councillor Stalker, moved that the Committee suspend the Taxi Driver's Licence for a period of two months starting from 28 days after the date of the meeting.

On a division and a roll call vote, there voted for the amendment Councillors Collier, Inglis, McClung, Reid and Stalker (5) and for the motion, Councillors McDonald, Larsen, McLean and Stephen (4), and the amendment was declared carried.

Accordingly, the Committee agreed to suspend the Taxi Driver's Licence for a period of two months starting from 28 days after the date of the meeting.

### **4.4 Taxi Driver's Licence: TDL/02310 (Renewal): Nathan Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

### **4.5 Taxi Driver's Licence: TDL/02310: Nathan Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

### **4.6 Taxi Driver's Licence: TDL/02283: Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.7 Taxi Licence: TL/440: Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.8 Taxi Driver's Licence: TDL/02303: Calvin Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.9 Taxi Licence: TL/441: Calvin Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.10 Taxi Licence: TL/001: Hugh O'Neill, Calvin Smith, Jamie Dorrans, Desmond Quigley**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.11 Taxi Licence: TL/034: Hugh O'Neill, Gordon Smith, Calvin Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.12 Taxi Licence: TL/436: Hugh O'Neill, Gordon Smith, Calvin Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.13 Taxi Licence: TL/073: Hugh O'Neill, Gordon Smith, Calvin Smith, Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.14 Taxi Licence: TL/431: Hugh O'Neill, Gordon Smith, Calvin Smith, Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.15 Taxi Licence: TL/435: Hugh O'Neill, Gordon Smith, Calvin Smith, Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.16 Taxi Licence: TL/155: Hugh O'Neill, Jamie Dorrans**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.17 Taxi Licence: TL/443: Gordon Smith**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.18 Taxi Licence: TL/443: Hugh O'Neill**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

#### **4.19 Booking Office Licence: BOL/023: Hugh O'Neill**

The Committee agreed to continue consideration of this item to a Special meeting of the Committee on 31 May.

The meeting ended at 12.05 p.m.