

Licensing Committee
5 February 2008

IRVINE, 5 February 2008 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro, Ryan Oldfather, Robert Rae and Joan Sturgeon

In Attendance

A Fraser, Manager, Legal Services, W O'Brien, Senior Solicitor, A Livingstone, Solicitor and A. Toal, Administrative Assistant (Legal and Protective); and P. Shiach, Corporate Support Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Elizabethe Marshall

1. Minutes - Review of Taxi and Private Hire Vehicle Specifications etc.,

Submitted the Minutes of the Member/Officer Working Group on the Review of Taxi and Private Hire Vehicle Specifications etc, held on 15 January 2008.

The Group discussed a variety of issues and made the following recommendations:-

a) Taxi Numbers Limitations and Zoning

that (a) the existing taxi numbers and zoning arrangements be continued, subject to zone 5 - Cumbrae being amended by substituting the taxi numbers limitation from "3" to "2", and (b) that these arrangements be subject to regular review;

b) Vehicle Age Limitations

that (a) existing vehicles over 5 years of age licensed as taxis or private hire cars within North Ayrshire should in future be subject to twice yearly testing, and (b) no vehicle over 5 years to be licensed to operate as a taxi or private hire car within North Ayrshire when first licensed;

c) Use of Purpose Built Taxis

that the Council as Licensing Authority should not impose a requirement that vehicles licensed as taxis be purpose built;

d) Accessibility Issues

the Working Group noted that the Council has previously agreed, following a Review on 12th August 2002, to increase the allocated number of taxis to meet demand within each zone specifically to cater for the requirement to provide wheelchair accessible vehicles. In addition, where existing taxi licence is surrendered to the Licensing Authority and is to be reissued it must be in relation to a wheelchair vehicle. The Working Group agreed to recommend to the Licensing Committee that the Council introduce a requirement that all new or replacement vehicles which are wheelchair accessible and licensed in terms of the Council's earlier decision of 12th August 2002 should in future be side loading;

e) Vehicle Identification

that (a) commencing from 1 April 2008 all new or replacement vehicles licensed as taxis within North Ayrshire should be required to carry a standardised roof sign, such sign to be supplied by the Council and fitted by the Council's vehicle inspection team, and (b) that all existing vehicles licensed as taxis be required to carry the standardised roof sign by 1 April 2009 or on renewal of the licence, whichever is the latter;

f) Medical Examinations

that consideration of the current policy in respect of medical examinations be continued pending the submission of a further report thereon;

g) Training on Disability Issues

that no action be taken at this time, but that the situation continue to be monitored;

h) Dress Code

that the current approved dress code be continued with the proviso that polo shirts be permitted and only t-shirts with collars be permitted .

The Licensing Committee further agreed to submit to a subsequent member/officer working group the following matters:-

- i) level of enforcement and costs thereof
- ii) vehicle emissions standards
- iii) stretch limousines
- iv) foreign drivers, and
- v) private car hire licensing.

2. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Assistant Chief Executive (Legal and Protective) on applications for the grant or renewal of licences and permits.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

The Meeting ended at 3.40p.m.

PART A

Taxi Driver Licence

1. TDL/1394 (New) James Berry Trainer

The Committee considered an application by James Berry Trainer for a Taxi Drivers Licence in terms of Paragraph 5(1)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Solicitor advised the Committee of the applicant's previous convictions as detailed in the application

Councilor Kirkwood, seconded by Councillor Clarkson, moved that the application be granted for a period of one year.

As an amendment, Councillor Gibson, seconded by Councillor Munro, moved that the application be granted for a period of three years.

On a division, there voted for the amendment 6 and for the motion 3, and the amendment was declared carried

The Committee agreed to grant the application for a period of 3 years subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART C

Hearings

1. TDL/251 Alfred McClelland

The Committee at its meeting held on 15 January 2008, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited was not represented at the hearing. The Solicitor advised that the applicant had formally withdrawn his application

.Decision

The Committee noted that the application had been formally withdrawn.

2. TDL/1384 Andrew Charles Gillespie

The Committee at its meeting held on 15 January 2008, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited was present at the hearing. A representative from Strathclyde Police was also in attendance.

The Solicitor set out the background to the hearing as previously intimated in writing to the applicant. The Representative from Strathclyde Police then addressed the Committee on the terms of letters dated 28 November and 18 December 2007 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions

The applicant then addressed the Committee on the issues raised and responded to questions. All parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. TDL/944 Roderick Clotworthy

The Committee at its meeting held on 11 December 2007, unanimously agreed, on the basis of the information before it, to hold a suspension hearing in terms of Paragraph of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited was present at the hearing.

The Solicitor set out the background to the hearing as previously intimated in writing to the applicant.

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

The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982. However, the applicant was warned as to his future conduct in relation to timeously advising the Licensing Authority of any future convictions.