

Licensing Committee  
3 February 2016

**IRVINE, 3 February 2016** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ian Clarkson, Robert Barr, John Bruce, John Easdale, Tom Marshall, Catherine McMillan and Donald Reid.

**In Attendance**

W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), A. Toal, Administrative Assistant, A. Pearson, Committee Services Support Officer and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Inspector B. Skimming and Sergeant G. Griffiths (Police Scotland).

**Chair**

Councillor Marshall in the Chair (Agenda Item 3 (part) and Councillor Clarkson in the Chair (for all other items of business).

**Apologies for Absence**

Grace McLean and Ronnie McNicol.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Clarkson declared an indirect, non-pecuniary interest in a Taxi Driver's Licence by David Logan which formed part of Appendix A of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters), on the grounds that the applicant was known to him. Councillor Clarkson vacated the chair for this item of business and took no part in its determination.

Councillor Easdale also declared an indirect, non-pecuniary interest in the above-mentioned application on the same grounds, and took no part in its determination.

Councillor Barr declared an indirect, non-pecuniary interest in Appendix C of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) on the grounds that a party to the issue being raised was known to him, taking no part in the determination of this matter.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 9 December 2015 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Civic Government (Scotland) Act 1982: Licensing Matters**

Submitted report by the Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

#### **Part A: Hearings**

##### **3.1 Taxi Driver's Licence: Hugh Rodgers : TDL/00119 (New)**

The applicant, having been duly cited to attend, was not present or represented. The Committee was advised of the content of a written submission provided by the applicant. Representatives of Police Scotland were in attendance.

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the application.

#### **Decision**

Councillor Marshall, seconded by Councillor McMillan moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

Councillor Bruce joined the meeting at this point.

##### **3.2 Taxi Driver's Licence: Paul McPherson: TDL/01168**

The applicant, having been duly cited to attend, was not present or represented. The Committee was advised of the content of a written submission provided by the applicant. Representatives of Police Scotland were in attendance.

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the application.

#### **Decision**

Councillor Barr, seconded by Councillor Reid, moved that consideration of the application be continued to the next meeting. There being no amendment, the motion was declared carried.

##### **3.3 Taxi Driver's Licence: David Logan: TDL/01810**

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

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

The Committee unanimously agreed (a) to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year; and (b) to issue a warning letter to the licenceholder in respect of his future conduct.

### **3.4 Taxi Driver's Licence: Charles Stewart: TDL/1848**

The applicant, having been duly cited to attend, was not present or represented. Representatives from Police Scotland were in attendance.

### **Decision**

The Committee agreed, Councillor Barr dissenting, that consideration of the application be continued to the next meeting.

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

### **3.5 Late Hours Catering Licence: Wm Morrison Supermarket PLC: LHCL/121 (New)**

The Committee unanimously agreed to grant the application for a Late Hours Catering Licence for the supermarket premises at 4 Irvine Road, Largs, for the period 11.00 p.m. until midnight 7 days a week, subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **3.6 Late Hours Catering Licence: Wm Morrison Supermarket PLC: LHCL/120 (New)**

The Committee unanimously agreed to grant the application for a Late Hours Catering Licence for the supermarket premises at Hawkhill Farm, Kilwinning Road, Stevenston, for the period 11.00 p.m. until midnight 7 days a week, subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **Part C: Issues in Respect of Existing Licences**

### **3.7 Taxi Operator's Licence: Kevin Blades**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Suspension Hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4. Civic Government (Scotland) Act 1982 - Taxi Stance at Hamilton Street, Saltcoats**

Submitted report by the Chief Executive on the background to the proposed revocation of the appointment of the Taxi Stance at Hamilton Street, Saltcoats, and advising the Committee of its legal powers in this regard.

At its meeting on 12 August 2015, the Committee agreed to support the proposal to revoke the appointment of the Taxi Stance at Hamilton Street, Saltcoats, and instruct the Solicitor (Licensing) to commence the statutory procedure for intimating the proposal. Consultation has now been carried out according to the statutory requirement.

The Committee agreed to (a) revoke the appointment of the Taxi Stance at Hamilton Street, Saltcoats; and (b) request the Chief Executive to make appropriate alterations to signs or road markings at this location.

#### **5. Wheelchair-Accessible Vehicles - Taxi and Private Hire Car Vehicle Specification Under Civic Government (Scotland) Act 1982, Section 10(2)**

Submitted report by the Chief Executive on wheelchair-accessible vehicles as they relate to the taxi and private hire car vehicle specification under the Civic Government (Scotland) Act 1982, Section 10(2). The Council's current 'Vehicle Specification, which sets standards which a vehicle must meet, was attached as an appendix to the report.

The Committee was advised of the terms of a letter and supporting documentation submitted by a Taxi Operator, which requested an amendment to the existing Vehicle Specification. The Operator requested that the requirement that all new or replacement vehicles licences as taxis must be side-loading in order to qualify as a Wheelchair Accessible Vehicle is removed. The operator requested that the Specification be amended to allow both side loading and rear-loading taxis to qualify as Wheelchair Accessible Vehicles. The Operator also requested a hearing on this matter and invited Members to inspect an examples of the permitted and proposed vehicle types.

The Taxi Operator (Mr George Torbet), his partner (Ms Elaine Connor) and a fellow Taxi Operator (Ms Christine Boyd) addressed the Committee on the background and reasons for the request that the Council review its Vehicle Specification, and responded to questions from Members.

The Committee agreed (a) to undertake a review of its Taxi and Private Hire Car Vehicle Specification, including consultation with the Disability Forum; and (b) that, immediately following the meeting, Members take the opportunity to inspect the side-loading and rear-loading vehicle types referred to by the Taxi Operator.

The meeting ended at 11.20 a.m.