

Licensing Committee  
5 October 2010

**IRVINE, 5 October 2010** - 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, Ryan Oldfather and Joan Sturgeon.

**In Attendance**

W. O'Brien, Senior Solicitor, P. Atiken, Solicitor, D. Wallace, Enforcement Officer and A. Toal, Administrative Assistant (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Sergeant Menzies, Strathclyde Police.

**Chair**

Councillor Gibson in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16.

**2. Minutes**

The Minutes of the previous meeting of the Committee held on 14 September 2010 were 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 Solicitor to the Council on the proposed new North Ayrshire Taxi Fare Tariff.

The Council is required in terms of the Civic Government (Scotland) Act 1982 to review the maximum fares that taxis operating within North Ayrshire may charge. Before completing any review, the Council requires to carry out preliminary consultations with local organisations representing the Taxi Operators and thereafter invite the public, by way of advertisement, to lodge representations. The previous review of the taxi fare tariff was concluded on 24 March 2009 and the current fare tariff came into effect in April 2009.

A consultation meeting between Members, officials, and representatives from the Taxi and Private Hire Car Trades took place on 22 June 2010. Four written submissions were circulated prior to the meeting and discussed along with other various issues including an increase on the flag fall, the possibility of charging an additional £1 per passenger where a vehicle was carrying more than 4 passengers and an increase in the waiting time rates.

On 17 August 2010, the Committee agreed to approve a draft taxi fare tariff and in accordance with the statutory requirements, public notice was given of the draft taxi fare tariff and representatives invited from the general public. No representations have been received in response to this public notice.

The Committee agreed to approve the taxi fare tariff, as detailed in the appendix to the report, to come into effect from 11 October 2010.

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

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

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

#### **5. Urgent Items**

The Chair agreed that the undernoted item be considered as a matter of urgency to allow consideration to be given to the future frequency of the Committee.

##### **5.1 Frequency of Licensing Committee Meetings**

The Chair advised that it has been proposed that future meetings of the Licensing Board take place on the first Tuesday of each month at 10.00 a.m.

The Committee discussed the practicalities of bringing the frequency of the Licensing Committee into line with that of the Licensing Board.

The Committee agreed that the Chief Executive submit a report to the Council on the proposal that future meetings of the Licensing Committee take place on the first Tuesday of each month at 2.00 p.m.

The meeting ended at 2.50 p.m.

## **PART A**

### **Applications for Licences/Renewal of Licences**

#### **Street Trader Licence**

##### **1. STL/O/314 (New) Paul Donald Darroch**

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

#### **Taxi Driver Licences**

##### **1. TDL/01061 (Renewal) Elizabeth Ann Dunn**

The Committee unanimously agreed to (a) grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) advise the applicant in writing of her duty to comply with the licence condition relating to the disclosure of previous convictions.

##### **2. TDL/01658 (New) John Welsh**

The Committee unanimously agreed on the basis of the information before it, to proceed to a Hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **PART C**

### **Hearings**

#### **1. TDL/01644 Brian Martin Watson**

The Committee at its meeting held on 14 September 2010, 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.

The applicant, having been duly cited to attend, was not present. A representative from Strathclyde Police was in attendance.

The Senior Solicitor (Legal and Licensing) 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 4 June and 11 August 2010 setting out the observations of the Chief Constable of Strathclyde Police on the application.

#### **Decision**

The Committee unanimously agreed to refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Paragraph 5 (3)(a)(ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.

#### **2. STL/O/193 Elaine McIntyre**

The Committee at its meeting held on 17 August 2010, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was not present. Through a letter from her Solicitor, the Committee was advised of a medical appointment that prevented the licence holder from attending and a request that the Hearing be adjourned to allow her to attend at a future date.

#### **Decision**

The Committee on the basis of the information presented, agreed to adjourn the Hearing to the next meeting of the Committee to allow the licence holder to attend.

### **3. PHCL/279 Ettero and Angela Murray**

The Committee at its meeting held on 17 August 2010, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holders, having been duly cited to attend, was present.

The Senior Solicitor (Legal and Licensing) set out the background to the Hearing as previously intimated in writing to the licence holders. Thereafter the licence holders addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **4. TDL/00432 Angela Murray**

The Committee at its meeting held on 17 August 2010, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present.

The Senior Solicitor (Legal and Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter the licence holder addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.