

Licensing Committee
19 April 2023

IRVINE, 19 April 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Eleanor Collier, Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Matthew McLean and Donald L. Reid.

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 Inspector S. Ridge, Sergeant S. Syme and D. Hastings (Police Scotland)

Chair

Councillor Collier in the Chair.

Apologies

Jean McClung, Ronnie Stalker and Angela Stephen

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 8 March 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

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

Representatives from Police Scotland addressed the Committee on the terms of a letter setting out their representation.

Decision

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

4.2 Taxi Licence: TL/437 (Substitute): Alexander Davidson

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 grant the application for consent to a material change under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

4.3 Taxi Licence: TL/444 (New): Stacey Beattie

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 could be used to determine the application.

4.4 Taxi Driver's Licence: TDL/02177: Francis Clarke

At a previous meeting on 8 March 2023, the Committee considered a complaint against the licence-holder and agreed to continue consideration to allow the licence holder to attend.

The licence holder and licence holder's Solicitor, having been duly cited to attend, were present. The licence holder and licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

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

Decision

The Committee unanimously agreed (a) to uphold the complaint; and (b) to suspend the Taxi Driver's Licence for a period of 14 days starting from 28 days after the date of the meeting.

5. Urgent Items

The Chair agreed that the following items be considered as a matter of urgency to allow matters to be actioned without delay.

- 5.1 Taxi Licence TL/440: Jamie Dorrans**
- Taxi Licence TL/441: Calvin Smith**
- Taxi Driver's Licence: TDL/2283: Jamie Dorrans**
- Taxi Driver's Licence: TDL/2303: Calvin Smith**
- Taxi Driver's Licence: TLD/2310: Nathan Gordon Smith**

The Committee was advised of information from Police Scotland requesting the suspension of the licences in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

Representatives from Police Scotland addressed the Committee on the terms of a letter setting out their representation.

The Committee unanimously agreed (a) to suspend the Taxi Licences and Taxi Driver's Licences with immediate effect under the "Emergency Suspension" procedure prescribed by Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982; (b) to proceed to a Hearing under the "Ordinary Revocation or Suspension" procedure in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

5.2 Private Hire Car Licence: PHCL/369 (Substitute): Kelly Scott

The Committee unanimously to continue consideration of the Licence-Holder's application for consent to a material change under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

5.3 Preliminary Consideration of Complaint Against a Licence-holder

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

The meeting ended at 1.15 p.m.