



Cunninghame House,
Irvine.

16 January 2014

Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 22 JANUARY 2014** at **10.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 20 November 2013 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

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

Submit report by the Chief Executive on (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

4. Civic Government (Scotland) Act 1982: Taxi Fare Scale Review

Submit report by the Chief Executive on the statutory process for Review (copy enclosed).

5. Urgent Items

Any other items which the Chair considers to be urgent.

Licensing Committee

Sederunt: Ronnie McNicol (Chair)
Tom Marshall (Vice Chair)
Robert Barr
John Bruce
Ian Clarkson
Alex McLean
Catherine McMillan
Alan Munro
Donald Reid
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Licensing Committee
20 November 2013

IRVINE, 20 November 2013 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, Ian Clarkson, Donald Reid and Robert Steel.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant, and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Skimming and PC McLean (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Bruce, Alex McLean, Ruth Maguire and Alan Munro.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 2 October 2013 were confirmed and the Minutes 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 (a) Hearings to be determined; and (b) 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 Late Hours Catering Licence LHCL/109 - Certas Energy UK Ltd (formerly G B Oils Ltd)

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder.

The Committee unanimously agreed in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982, to restrict the hours of operation covered by the licence to 11.00 p.m. to 01.00 a.m. only each night.

3.2 Booking Office Licence BOL/015 - Kevin Blades

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was in attendance and represented. The complainer, Mr Smyth was also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The licenceholder's representative and the complainant addressed the Committee on the issues raised. Thereafter, the licenceholder responded to questions.

The licenceholder, his representative and the complainer then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no further action at this time and that the Police monitor the situation.

3.3 Late Hours Catering Licence LHCL/084 - Nasir Gulem

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. Representatives from Police Scotland addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application.

Representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to refuse the application to vary the late hours catering licence in terms of Paragraph 10(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3.4 Late Hours Catering Licence LHCL/110 (New) - Shahzad Hassan

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that home delivery drivers operating from the premises should park in the car park.

3.5 Market Operator's Licence MOL/001 (Renewal) - Spook Erection Ltd

The Committee, at its meeting on 2 October 2013, agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licenceholder, having been duly cited to attend, was in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

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

Decision

The Committee unanimously agreed in terms of Paragraph 10 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982, to grant the variation to Condition 18 of the licence, providing for the attendance of one superintendent only at Saltcoats General Retail Market held on Saturdays, rather than a superintendent and an assistant.

3.6 Licence for the Business Providing Tattooing SPTL/019 (New) - Anita Rose Wood

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Councillor Clarkson left the meeting.

3.7 Street Trader Operator's Licence STL/O/385 (New) - Kerry Smith

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 to refuse the application on the grounds set out in Paragraph 5(3)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Taxi Driver Licences

3.8 TDL/00259 (Renewal) - Robert Howie

The Committee, at its meeting on 2 October 2013, 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 licenceholder, having been duly cited to attend, was in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the licenceholder addressed the Committee of the issues raised and responded to questions.

The licenceholder 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 to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3.9 TDL/01454 (New) - Ronald Smallridge

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 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 Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

3.10 TDL/01711 (Renewal) - Gareth Walsh

The Committee, at its meeting on 2 October 2013, 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 licenceholder, having been duly cited to attend, was in not attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder.

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 Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

3.11 TDL/01865 (New) - Samam Mohammed

The Committee, at its meeting on 21 August 2013, 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 Committee unanimously agreed to continue consideration of this matter to the next meeting.

The Committee, at its meeting on 2 October 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant.

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)(d) of the Schedule.

3.12 TDL/01866 (New) - Roderick Cameron

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application.

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

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 Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

3.13 TDL/01868 (New) - John Symington

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, for a period of one year under Paragraph 8(2).

3.14 TDL/01869 (New) - Martin Sneddon

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of letters setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, for a period of one year under Paragraph 8(2).

3.15 TDL/01872 (New) - Atif Mahmood

The Committee, at its meeting on 2 October 2013, 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 in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant.

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)(d) of the Schedule.

3.16 TDL/01875 (New) - Donald McMahon

The Committee, at its meeting on 2 October 2013, 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 in attendance. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out the observations of Police Scotland in relation to the application. Thereafter, the applicant addressed the Committee of 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 to grant the application subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, for a period of one year under Paragraph 8(2).

Councillor Steel left the meeting

Part B: Applications for Licences/Renewal of Licences

3.17 MDL/047 (New) William Morgan

The Committee unanimously 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.

3.18 PHCL/324 (New) Mark McGill

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

3.19 PCC Renalda Ruginiene

The Committee considered the Application for Permission under Civic Government (Scotland) Act 1982, Section 119, in which the Applicant sought Permission for the period 2 to 26 January 2014, which failing the period 3 February to 2 March 2014, which failing the period 3 to 30 March 2014.

As the Committee wished to be satisfied that none of the grounds of refusal set out in Section 119(6), and wished to consider whether or not any special conditions should be attached under Section 119(5), the Committee continued consideration of the application.

3.20 TDL/00184 (Renewal) Alan John Duncan

The Committee unanimously 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.

3.21 TDL/01469 (New) Bradley McGrath

The Committee unanimously 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.

3.22 TDL/01880 (New) Charles Rawley

The Committee unanimously 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.

3.23 TDL/01883 (New) Russell Drummond

The Committee unanimously 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.

3.24 TDL/01884 (New) Mark McGill

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

3.25 TDL/01885 (New) Peter Brown

The Committee unanimously 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.

4. Civic Government (Scotland) Act 1982: Taxi Fare Scale Review

Submitted report by the Chief Executive on the outcome of the consultation meeting convened for the purpose of hearing representations from the taxi trade relating to the Taxi Fare Review.

At its meeting held on 21 August 2013, the Committee approved the timetable for the conduct of the Taxi Fare Review. The timetable included the convening of a consultation meeting between the Committee and representatives from the taxi trade. A consultation meeting between Members, officials, and representatives from the Taxi and Private Hire Car Trades took place on 2 October 2013. The minute of the meeting was attached as an appendix to the report. The consultation meeting discussed a comparison with the tariffs of other adjoining licensing authorities and the existing North Ayrshire scale which consisted of four different tariffs. There was a consensus that the existing North Ayrshire tariff is unduly complicated. Two possible draft tariff scales were proposed, Scheme A and B.

The Committee agreed to (a) note the representations made by those members of the trade in attendance at the consultation meeting on 2 October 2013 as summarised in Appendix 1 to the report; (b) approve Scheme B containing 3 different tariffs, as with the existing tariff 3 deleted, as detailed in Appendix 1 of the report; and (c) authorise the Chief Executive to advertise the draft tariff for public consultation.

5. Urgent Items

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

5.1 TDL/01881 Diane Hamilton

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

5.2 Vehicle Inspection Fees

The Committee was advised that a report will be presented to the Audit Committee in December 2013 on proposed increases to vehicle inspection fees.

Noted.

The meeting ended at 1.40 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

22 January 2014

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Licensing Matters**

Purpose: To advise the Committee of (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

Recommendation: That the Committee considers and determines the matters before it.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

2. Current Position

- 2.1 The attached appendices detail the matters before the Committee for determination as follows:-

Appendix A:

Issues in respect of existing licences.

Appendix B:

Applications for the grant or renewal of licences and permits.

Appendix C:

Issues in respect of existing licences.

3. Proposals

- 3.1 It is proposed that the Committee considers and determines each of the listed cases in accordance with the required procedures.

4. Implications

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities

- 4.6 None

Community Benefit Implications

- 4.7 None

5. Consultations

- 5.1 Consultations have been undertaken with Police Scotland, Strathclyde Fire and Rescue, and the appropriate Council Services.

6. Conclusion

- 6.1 The Committee is requested to consider and dispose of the matters before it.

A handwritten signature in black ink, reading "Elma Murray". The signature is written in a cursive style with a large initial 'E' and a long, sweeping tail on the 'y'.

ELMA MURRAY
Chief Executive

Reference : PAT

For further information please contact William O'Brien, Solicitor Licensing on
01294 324305

Background Papers

None

APPENDIX A

Hearings

| | | |
|----------------------------------|--|----------------------------|
| Hearing 1 | Metal Dealer's Licence | MDL/047 (New) |
| Applicant and Address | William Morgan 6D Dunlop Street Stewarton KA3 5AS | |
| Hearing 2 | Public Charitable Collection | |
| Applicant and Address | Renalda Ruginiene Studio 320 Highgate Studios 53-79 Highgate Road London NW5 1TL | |
| Organisation | Appco Group Support (collection on behalf of Erskine Hospital) | |
| Hearing 3 | Taxi Driver's Licence | TDL/00814 (Renewal) |
| Licenceholder and Address | Alan Duncan 17B Holehouse Road Largs KA30 9JH | |
| Hearing 4 | Taxi Driver's Licence | TDL/01479 (New) |
| Applicant and Address | Bradley McGrath 162 Campbell Avenue Stevenston KA20 4BS | |
| Hearing 5 | Taxi Driver's Licence | TDL/01880 (New) |
| Applicant and Address | Charles Rawley 22 George Street Largs KA30 9AJ | |

APPENDIX A

Hearings

| | | |
|------------------------------|--|------------------------|
| Hearing 6 | Taxi Driver's Licence | TDL/01883 (New) |
| Applicant and Address | Russell Drummond 9 Milgarholm Avenue Irvine KA12 0EP | |
| Hearing 7 | Taxi Driver's Licence | TDL/01885 (New) |
| Applicant and Address | Peter Brown 211 Glasgow Street Ardrossan KA22 8JT | |

APPENDIX B

Applications for Licences/Renewal of Licences

| Type of Licence/ Reference Number | Details of Applicant | Comments |
|--------------------------------------|---|-----------------------------|
| MOL/044 (New) | Continental Market Ltd 47 Petrel Way Dunfermline KY11 8GY | Police observation received |
| Premises | Bridgegate Irvine | |
| TDL/01013 (New) | Brian Hamilton 20 Adams Avenue Saltcoats KA21 6AW | Medical grounds |
| TDL/01384 (New) | Andrew Gillespie The Bungalow 2 Sloan Avenue Irvine KA12 0HU | Police observation received |
| TDL/01773 (New) | Colin Bennett 12 Alford Place Irvine KA11 1RZ | Police observation received |
| TDL/01889 (New) | David Clarkson 34 Hunter Drive Irvine KA12 9AT | Police observation received |

APPENDIX C

Issues in respect of Existing Licences

| | | |
|----------------------------------|--|------------------|
| Case 1 | Taxi Driver's Licence | TDL/00901 |
| Licenceholder and Address | William Simson 25 Reids Avenue Stevenston KA20 4BD | |
| Duration of Licence | 01/04/2011 - 31/03/2014 | |

NORTH AYRSHIRE COUNCIL

Agenda Item 4

22 January 2014

Licensing Committee

Subject: **Civic Government (Scotland) Act 1982: Taxi Fare Scale Review**

Purpose: To continue the statutory process for Review.

Recommendation: That the Committee agrees to (a) consider public representations on the draft Scale; (b) fix a Scale; and (c) decide when the new Scale will commence.

1. Introduction

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council as Licensing Authority is required to review the maximum fares that taxis operating within North Ayrshire may charge, and to set a Scale. The 1982 Act requires that this should be done at maximum intervals of eighteen months.
- 1.2 It should be noted that the fares approved by the Committee are maximum fares which may be charged and it is open to operators to discount these rates if they so wish. While it is obligatory to review fare levels periodically, there is no obligation to increase or alter the existing fares.
- 1.3 The Review procedure is prescribed by the 1982 Act. The licensing authority must:
 - (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area (Section 17(4A)(a));
 - (b) following such consultation, review the existing scales, and propose new scales (whether at altered rates or the same rates) (Section 17(4A)(b));

- (c) publish those proposed scales in a newspaper circulating in its area, setting out the proposed scales (there is a period of at least one month after publication in which any person may make representations in writing) (Section 17(4A)(c));
- (d) consider any such representations and fix the new scale (Section 17(4A)(d));
- (e) give notice of the new scale to taxi operators and trade organisations, and advise them of their right to Appeal. Within 14 days of that notice, an Appeal to the Traffic Commissioner may be made by any taxi operator or trade organisation (an Appeal postpones the operation of the new Scale); the Traffic Commissioner may decline to proceed with an appeal if he considers that the appellant's case is not representative of the view of a substantial proportion of the operators of Taxis operating in the Council's area;
- (f) give newspaper notice to the public of the new scale (if there is no appeal, after the 14 day appeal period; if there is an appeal, when it is abandoned or determined).

2. Current Position

2.1 The fare review process is now at Stage (d).

2.2. Earlier Stages were completed:

Stage (a) (trade consultation) took place on 2 October 2013, when the Convenor, Vice-convenor and Councillor Clarkson met several taxi operators and representatives of organisations representing operators.

Stage (b) (proposal of new scales) took place on 20 November 2013. For the purpose of Committee discussion two possible draft scales had been prepared:

Scheme A contained 4 different Tariffs, as with the existing tariff;

Scheme B contained 3 different Tariffs (with the existing Tariff 3 deleted).

The drafts reflected the consensus expressed at the trade consultation meeting, both by Councillors and by the trade, that the existing North Ayrshire Council tariff card is unduly complicated. No other neighbouring Council has the same tariff structure as North Ayrshire, and as some things for which the Council has a specific tariff have no equivalent in other council scales, the table of comparisons across councils was difficult to prepare.

Both Schemes omit an extra fare for a journey between North Ayrshire Council zones.

Stage (c) (newspaper publication of the proposed new scales) happened soon after, and the matter is calling again after the statutory consultation period has expired.

- 2.3 At the meeting Members will be given copies of the proposed new scales and of any representations received.

3. Proposals

- 3.1 The Committee is now to reconsider the draft tariff in the light of any representations received, and fix a new set of scales. The new scales will then be notified to individual licence holders, and publicised (Stages (e) and (f)).
- 3.2 The Council is to determine when the new scale will be effective, provided that this is not less than 7 days after the stage (f) notice. Accordingly, at the time when newspaper notice is instructed, the scale fixed will be amended to state "Maximum Taxi Fares effective from [date]".
- 3.3 In the earlier draft publicised, the date was stated as 10 March 2014. The Committee should decide whether this date should be used in the finalised scale, but whatever date is to be chosen should ensure that sufficient notice is given to the public, and should take account of the fact that publication will be in two or more local newspapers, with different publication dates.

4. Implications

Financial Implications

- 4.1 The taxi fare structure has substantial implications for both the trade and the community. In addition, legal costs to the Licensing Authority may arise if the fare review becomes subject to an appeal to the Traffic Commissioner.

Human Resource Implications

- 4.2 None.

Legal Implications

- 4.3 Possible appeal to the Traffic Commissioner.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 None.

Implications for Key Priorities

- 4.6 Setting fares at a level which helps maintain the level of taxi provision by balancing the needs of taxi operators and passengers is consistent with the North Ayrshire Community Planning Partnership (CPP) Single Outcome Agreement Objective 1a ("Transport links and services to and from North Ayrshire have improved").

Community Benefit Implications


- 4.7 Simplifying the tariff should benefit the trade and its customers since it could make the tariff easier to understand and reduce misunderstandings between drivers and passengers. The existing tariff card displayed in hire cars requires to use a small type-face to accommodate the quantity of text, and may not be easy for passengers to read. Since the overall amount of text can be reduced, the type-face can be larger and easier to read, so the proposed simplification benefits visually-impaired passengers.

5. Consultations

- 5.1 The consultation required by statute has already taken place. No consultations with neighbouring authorities are required, although information about their fare tariffs has been considered.

6. Conclusion

- 6.1 The Committee is requested to proceed as recommended.



ELMA MURRAY
Chief Executive

Reference : Reference : WOB/GEN17

For further information please contact William O'Brien, Solicitor (Licensing)
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Background Papers

None