

Licensing Committee
22 January 2014

IRVINE, 22 January 2014 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 am.

Present

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

In Attendance

C. Andrew, Senior Manager Legal Services, W. O'Brien, Solicitor (Licensing), K. Sharkey, Trainee Solicitor, A. Toal, Administrative Assistant, and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Jones and Sergeant McIntosh (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Bruce 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 20 November 2013 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Chair's Remarks

The Chair, in terms of Standing Order 9.1, agreed to vary the order of business to allow earlier consideration of Agenda Item 4 (Civic Government (Scotland) Act 1982: Taxi Fare Scale Review).

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

Submitted report by the Chief Executive on the continuation of the statutory process in connection with the Taxi Fare Review.

At its meeting on 20 November 2013, the Committee reviewed the existing scales and the proposed new scales under Section 17(4A)(b)(ii), and authorised the Chief Executive to advertise the draft scales for public consultation.

The Committee (i) having carried out a review of the existing scales in accordance with Section 17(4A), and (ii) having considered representations received on the draft scales previously agreed by the Committee, agreed (a) under Section 17(2) to fix the scales for the fares of taxis and other charges, by amending that draft as follows:-

Maximum Taxi Fares effective from Monday 10 March 2014

Tariff 1 (Day)

All journeys starting or ending in the period 07.00 a.m. to 12.00 p.m. (midnight) (except where Tariff 3 applies):

Initial Charge - For a distance not exceeding 1,320 yards ($\frac{3}{4}$ of a mile) (or waiting time not exceeding 10 minutes) - £2.60.

Additional Charge - Each additional $\frac{1}{17}$ of a mile (about 104 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 2 (Nights, Sundays and across zones)

All journeys (except where Tariff 3 applies):

- starting or ending in the period 12.00 p.m. (midnight) to 07.00 a.m., or
- starting or ending at any time on Sundays, or
- from the zone for which the vehicle is licensed to another zone in North Ayrshire.

Initial Charge - For a distance not exceeding 1,320 yards ($\frac{3}{4}$ of a mile) (or waiting time not exceeding 10 minutes) - £3.00.

Additional Charge - Each additional $\frac{1}{18}$ of a mile (about 98 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 3 (Festive Periods)

All journeys starting or ending in the periods

- any time on 25 December until 7.00 a.m. on 26 December
- any time on 1 January until 7.00 a.m. on 2 January

Double Tariff 1 Charges (Initial and Additional).

Extra Charges

1. If the vehicle is carrying more than 4 passengers, the charge is 50% added to the Tariff.
2. Soiling Charge - £35.

Notes

1. The fare scale applies only to journeys which end within North Ayrshire. Fares for journeys beyond the Council area should be agreed between the passenger and the driver before the start of the journey.
2. Luggage shall be carried free if it is of a size which can reasonably be accommodated in the car.
3. The metered charge is the maximum which can be charged. The driver can always charge less."

and (b) under Section 18A(1)(a) that the scales should come into effect on 10 March 2014.

5. Exclusion of the Public

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for Part A - Hearings on the grounds indicated in terms of Paragraph 14 of Part 1 of Schedule 7A of the Act.

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

Submitted 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.

Part A: Hearings

6.1 Metal Dealer's Licence MDL/047 (New) - William Morgan

The Committee, at its meeting on 20 November 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 present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 11 November 2013 setting out the observations of the Chief Constable of Police Scotland on the applicant.

Inspector Jones advised the Committee that there were also 'spent convictions' which should not be considered by the Committee, due to Section 1(1) of the Rehabilitation of Offenders Act 1974, although he submitted that the condition in Section 7(3) was satisfied (that justice could not be done in the case except by admitting evidence relating to spent convictions). The Applicant agreed that the

Committee could look at the spent conviction. The Committee was satisfied that the condition was satisfied, and accordingly agreed to consider the terms of a further letter from the Chief Constable in relation to a 'spent' conviction. 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.

After discussion, Councillor Reid, seconded by Councillor Marshall moved that the application should be granted.

As an amendment, Councillor Barr, seconded by Councillor Steel, moved that the application should be refused.

On a division, there voted for the amendment 3 and for the motion 4 and the motion was declared carried.

Decision

Accordingly, the Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6.2 Public Charitable Collection - Renalda Ruginiene

The Committee considered an application for permission for a Public Charitable Collection made under Section 119 of the Civic Government (Scotland) Act, 1982. This application was continued from the meeting on 20 November 2013.

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 agreed to continue consideration of this application to its meeting on 5 March 2014 in order that further information can be obtained from the applicant.

6.3 Taxi Driver's Licence TDL/00814 (Renewal) - Alan Duncan

The Committee, at its meeting on 20 November 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 present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 23 October 2013 setting out the observations of the Chief Constable of Police Scotland on the licenceholder. Thereafter the licenceholder addressed the Committee on 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 in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6.4 Taxi Driver's Licence TDL/01479 (New) - Bradley McGrath

The Committee, at its meeting on 20 November 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 present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 10 October 2013 setting out the observations of the Chief Constable of Police Scotland on the applicant. 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 agreed, Councillor Barr dissenting, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6.5 Taxi Driver's Licence TDL/01880 (New) - Charles Rawley

The Committee, at its meeting on 20 November 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 present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 23 October 2013 setting out the observations of the Chief Constable of Police Scotland on the applicant. 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 to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6.6 Taxi Driver's Licence TDL/01883 (New) - Russell Drummond

The Committee, at its meeting on 20 November 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 was advised that the application had been withdrawn.

Noted.

6.7 Taxi Driver's Licence TDL/01885 (New) - Peter Brown

The Committee, at its meeting on 20 November 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 present. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 6 November 2013 setting out the observations of the Chief Constable of Police Scotland on the applicant. 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 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 Driver's Licence.

Part B: Applications for Licences and Renewal of Licences

6.8 MOL/044 (New) Continental Market Ltd

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.

6.9 TDL/01013 (New) Brian Hamilton

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

6.10 TDL/01384 (New) Andrew Gillespie

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.

6.11 TDL/01773 (New) Colin Bennett

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.

6.12 TDL/01889 (New) David Clarkson

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.

Part C: Issues in Respect of Existing Licences

6.13 TDL/00901 William Simson

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

7. 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.

7.1 TL/66 Thomas Coombe

The Committee was advised that in respect of the above Taxi Licence, the licenceholder had requested to alter the vehicle specification due to the purchase of a hybrid vehicle.

The Committee unanimously agreed to the use of a hybrid vehicle in respect of this Taxi Licence.

The meeting ended at 12.25 p.m.