

Licensing Committee  
8 February 2023

**IRVINE**, 8 February 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, Ronnie Stalker and Angela Stephen.

**In Attendance**

D. Grier, Solicitor, D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Also in Attendance**

Sergeant S. Syme (Police Scotland)

**Chair**

Councillor Collier in the Chair.

**Apologies**

Jean McClung and Donald L. Reid

**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 11 January 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/02353 (New): Hasher Murad**

The Licence holder and Licence holder's Solicitor, having been duly cited to attend, were present. A representative from Police Scotland was also in attendance.

A representative from Police Scotland addressed the Committee on the terms of a letter setting out their representation. Thereafter the Licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

Councillor Stalker, seconded by Councillor Larsen moved that (a) the complaint be upheld on the following grounds (i) Paragraph 11(2)(a): that the licence-holder is not or is no longer a fit and proper person to hold the licence; and (ii) Paragraph 11(2)(c): that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; (b) the Licence be revoked under Paragraph 11(1); and (c) the Committee determine under Paragraph 11(10) that the circumstances of the case justified immediate Suspension, on the basis that there was an immediate and substantial risk to public safety.

There being no amendment, the motion was duly carried. On the advice of the Solicitor (Licensing), this was further confirmed by a roll call vote, whereby there voted for the motion Councillors Collier, McDonald, Bell, Inglis, Larsen, McLean, Stalker and Stephen (8) and, in there being no amendment, the motion was carried unanimously.

#### **4.2 Private Hire Car Licence: PHCL/371 (Substitute): Craig Dobbin**

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 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) the Application for the Council's consent to allow the use of the proposed vehicle should be allowed, under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

#### **4.3 Taxi Licence: TL/438 (New): Colin Bennett**

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) the Application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

#### **4.4 Taxi Licence: TL/439 (New): Hugh O'Neill**

The applicant and applicant's Solicitor, having been duly cited to attend, were present.

The applicant's Solicitor 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) the Application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 11.40 a.m. for a short comfort break, reconvening at 11.55 a.m. with the same Members and officers present and in attendance.

#### **4.5 Taxi Driver Licence: TDL/00773: James McKerrell**

At a previous meeting on 11 January 2023, the Committee considered two complaints against the licence-holder and agreed to continue consideration until a Hearing of the complainers and the licence-holder to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder and licence holder's Solicitor, having been duly cited to attend, were present. The complainants were also in attendance.

The complainants then addressed the Committee and responded to questions. Thereafter, the licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

#### **Decision**

The Committee unanimously agreed (i) that neither complaint was upheld; and (ii) to take no further action.

#### **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 Preliminary Consideration of Complaint Against a Licence-holder: TDL/01837**

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.

##### **5.2 Preliminary Consideration of Complaint Against a Licence-holder: TDL/00121 AND TL/180**

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.

##### **5.3 Preliminary Consideration of Complaint Against a Licence-holder: TDL/02177**

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 2.15 p.m.