

Licensing Committee
20 May 2015

IRVINE, 20 May 2015 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Tom Marshall, Ian Clarkson, Grace McLean, Catherine McMillan and Donald Reid.

In Attendance

W. O'Brien, Solicitor (Licensing), K. Sharkey, Trainee Solicitor, J. Armstrong (Senior Clerical Assistant), A. Toal, Administrative Assistant and D. McCaw, 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

Robert Barr, John Bruce and John Easdale.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of Agenda Item 5 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) to take place immediately after consideration of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) (Part A: Hearings).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Reid, due to his association as organiser of the event, declared a non-pecuniary interest in Agenda Item 4.1 (Public Charitable Collection PCC Kilwinning Community Events).

3. Minutes

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 25 March 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. 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

4.1 Public Charitable Collection PCC: Kilwinning Community Events

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The Committee noted that the application was outside the Council's policy that street collections should not be permitted on a Thursday after 6pm. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

The applicant, having been duly cited to attend, was present.

Decision

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Thursday 5 November 2015 from 5pm to 8.30pm, subject to the Council's usual conditions.

4.2 Public Charitable Collection PCC: North Ayrshire Cancer Care MacMillan Nurses

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The Committee noted that the application was outside the Council's policy that street collections should not be permitted on a Sunday. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

The applicant, having been duly cited to attend, was present.

Decision

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Sunday 24 May 2015, subject to the Council's usual conditions.

4.3 Public Charitable Collection PCC: Royal British Legion Largs Branch

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The Committee noted that the application was outside the Council's policy that street collections should not be permitted on Sunday. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

The applicant, having been duly cited to attend, was present.

Decision

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on (i) Saturday 29 and Sunday 30 August; and (ii) Saturday 5 and Sunday 6 September 2015, subject to the Council's usual conditions.

4.4 Public Charitable Collection PCC: Royal British Legion Largs Branch

The Committee considered an application for a Public Charitable Collection under Section 119 of the Civic Government (Scotland) Act 1982.

The Committee noted that the application was outside the Council's policy that street collections should not be permitted on Sunday. The Committee considered whether or not the particular case could be treated as an exception to the Policy.

The applicant, having been duly cited to attend, was present.

Decision

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application under Section 119(5) of the Civic Government (Scotland) Act 1982 on Saturday 4 and Sunday 5 July 2015, subject to the Council's usual conditions.

4.5 Taxi Driver's Licence TDL/01470 (Renewal) (1 year) - Kerr Chapman

The licenceholder, having been duly cited to attend, was not present. 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. The representatives of Police Scotland then addressed the Committee setting out an observation in relation to 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 Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

4.6 Taxi Driver's Licence TDL/01885 (1 year) - Peter Brown

The applicant, having been duly cited to attend, was present. 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 an observation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Reid, seconded by Councillor Clarkson, moved that the Committee grant the application for the period of 1 year.

As an amendment, Councillor Marshall, seconded by Councillor McLean, moved that the application be refused.

On a division, there voted for the amendment 3 and for the motion 3. On the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee 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.

4.7 Taxi Driver's Licence TDL/01957 (1 year) - Matthew Lamont

The applicant, having been duly cited to attend, was present. 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 an observation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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.

5. Exclusion of the Public

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public on the grounds indicated in terms of Paragraph 14 and 15 of Part 1 of Schedule 7A of the Act.

6. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8.

6.1 Application for Landlord Registration: Hugh Begbie

The Committee considered (a) an application for Registration; and (b) an application under Section 95 for revocation of the Notice issued earlier under Section 94 (commonly described as a 'Rent Penalty Notice') which had been continued from the meeting on 25 March 2015.

The applicant was not present. A written update was provided by the Development Officer (Housing).

The Committee unanimously agreed (a) to grant the Application for Registration; and (b) under Section 95(2), to revoke the Notice previously made under Section 94 (the Rent Penalty Notice).

6.2 Application for Landlord Registration: Alistair Mills

The Committee considered (a) an application for Registration; and (b) an application under Section 95 for revocation of the Notice issued earlier under Section 94 (commonly described as a 'Rent Penalty Notice').

The applicant was present. A written update was provided by the Development Officer (Housing).

The Committee unanimously agreed (a) to continue consideration of (i) the application for Registration; and (ii) the application for revocation of the Notice issued earlier under Section 94 (commonly described as a 'Rent Penalty Notice') to the next meeting on 10 June 2015; and (b) to receive a further update report from the Development Officer (Housing) to that meeting.

6.3 Application for Landlord Registration: Steven Riley

The Committee considered an application for Registration under Section 84.

The applicant and his legal representative were present.

The Committee considered that information under category (e) was relevant as to whether the applicant was a fit and proper person in terms of Section 85(4). The applicant and his legal representative indicated that they were willing to address each item listed under category (e) and proceeded to address the Committee on the issues raised and responded to questions.

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

The Committee unanimously agreed to grant the Application for Registration.

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

Part B: Applications for Licences and Renewal of Licences

7.1 SHDL/176 (Renewal) Duskview Sales Ltd

The Committee 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.

7.2 TDL/00380 (New) David MacKie MacLeod

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.

7.3 TDL/00937 (New) Carolyn Ann Wright

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.

7.4 TDL/01295 (New) Paul Cumming

The Committee 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.

7.5 TDL/01963 (New) Ryan Kerr

The Committee 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.

7.6 TDL/01965 (New) Rashid Kamran

The Committee 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.

7.7 TDL/01968 (New) Alasdair Drummond

The Committee 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.

7.8 TDL/01969 (New) Colette McCreddie

The Committee 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

7.9 Street Trader Employee's Licence STL/E/260 - David Hastings

The Committee 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.

7.10 Taxi Driver's Licence TDL/00905 - Suzann McLaughlin

The Committee agreed, on the basis of the information presented, to issue a warning letter to the licenceholder on this occasion.

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

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

At its meeting held on 4 March 2015, 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. This meeting took place on 21 April 2015. A possible draft tariff was attached as an appendix to the report.

The next stage in the review process is to advertise the proposed draft tariff for public consultation and for the Committee to consider any representations received and fix the new scale at its meeting on 12 August 2015.

The Committee agreed to (a) approve in draft the scale detailed below:-

"North Ayrshire Council

Maximum Taxi Fares effective from Monday 2 November 2015

Proposed new scale - as proposed by the Licensing Committee at their Meeting on 22 May 2015 under Section 17(4A)(b) of the Civic Government (Scotland) Act 1982.

Tariff 1 (Day)

All journeys starting or ending in the period 06.00 a.m. to 24.00 p.m. (midnight) (except where Tariffs 2 or 3 apply):

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 1/17 of a mile (about 104 yards) or additional waiting time of up to 25 seconds - 10p.

Tariff 2 (Nights and Sundays)

All journeys (except where Tariff 3 applies):

- starting or ending in the period 24.00 p.m. (midnight) to 06.00 a.m., or
- starting or ending at any time on Sundays

Charges (Initial and Additional): Tariff 1 plus 10 per cent

The Tariff 2 charge applies as soon as the journey starts, and it does not change if part of the journey is inside the Night Period or Sunday and part outside.

Tariff 3 (Festive Periods)

All journeys starting or ending in the periods:

- between 21.00 on 24 December and 6.00 a.m. on 27 December
- between 21.00 on 31 December and 6.00 a.m. on 2 January

Double Tariff 1 Charges (Initial and Additional).

Extra Charges

1. If the vehicle starts by carrying more than 4 passengers, the charge is charged as Tariff 1, 2 or 3 (as appropriate) but with 50% added (Tariffs 4, 5 or 6). The higher Tariff applies until the hire ends, whether or not any of the passengers leave the vehicle earlier.
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) authorise the Chief Executive to advertise the draft scale for public consultation.

9. Urgent Items

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

9.1 Pending Private Hire Car Operator's Licence - William Taylor

The applicant, having been duly cited to attend, was present.

The Solicitor (Licensing) provided information on a request in respect of the applicant's licensed private hire vehicle to (a) allow the display of a tartan livery strip; and (b) grant an exemption to the policy regarding the display of the North Ayrshire Council door crest, on the vehicle. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed to grant the request for (a) for the display of the tartan livery strip on the applicant's Private Hire Car vehicle; and (b) an exemption from Council policy regarding the display of the North Ayrshire Council door crests on the vehicle.

9.2 Matthew Jackson: Vehicle Specification in relation to Hybrid Electrical Vehicles

The Committee was advised of a request from Matthew Jackson, Sustainable Transport Officer to amend the vehicle specification to allow hybrid electrical vehicles on the fleet.

The Committee unanimously agreed (a) to amend the vehicle specification to allow hybrid electrical vehicles on the fleet; and (b) that the Chief Executive provide a report to the meeting on 10 June 2015 reviewing the current vehicle specification.

9.3 Civic Government (Scotland) Act 1982: Taxi Stance at Invercloy, Isle of Arran

At its meeting held on 4 March 2015, the Committee agreed to (a) support the proposal to revoke the appointment of the Taxi Stance near the putting green at Invercloy, Isle of Arran; and (b) instruct the Solicitor (Licensing) to commence the statutory procedure for intimating the proposal.

The Committee, being satisfied that the statutory procedure had been completed, (a) revoked the appointment of the Taxi Stance near the putting green at Invercloy, Isle of Arran; and (b) requested the Chief Executive to make appropriate alterations to signs and road markings.

The meeting ended at 1.20 p.m.