

Licensing Committee  
28 September 2016

**Irvine, 28 September 2016** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, John Bruce, John Easdale, Tom Marshall, Grace McLean, Catherine McMillan and Donald Reid.

**In Attendance**

K. Sharkey, Solicitor (Contracts and Licensing), W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant and M Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Inspector J McMillan and Sergeant G. Griffiths (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

Alan Munro and Robert Steel.

**1. Chair's Remarks**

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of two Urgent Matters immediately following Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters).

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, due to the applicant's family being personally known to him, declared an interest in Hearing 1 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and took no part in the decision.

**3. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 7 September 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Exclusion of 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 the duration of the Committee's deliberations relating to hearings 1, 2 and 4 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and the first Urgent Item, 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 that described in Section 7A, Paragraph 6 ("Information relating to the financial business affairs of any particular person (other than the authority)") and Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime").

## **5. Civic Government (Scotland) Act 1982: Licensing Matters**

### **Part A: Hearings**

#### **5.1 Taxi Driver's Licence: Douglas Wraith TDL/00187 (New)**

The applicant, having been duly cited to attend, was not present or represented. The Chair referred to a letter submitted by the applicant to advise that he was unable to attend the hearing. Representatives from Police Scotland were in attendance.

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out a representation in relation to the application, as previously intimated in writing to the applicant.

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

#### **Decision**

Councillor Marshall, seconded by Councillor McLean, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

#### **5.2 Taxi Driver's Licence: David McBlain TDL/00189 (New)**

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were also in attendance.

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application, as previously intimated in writing to 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**

Councillor Reid, seconded by Councillor McLean, moved that the application be granted for a period of one year. There being no amendment, the motion was

declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

### **5.3 Taxi Driver's Licence: Ravinder Singh TDL/02003 (New)**

The Committee, at its meeting held on 17 August 2016, agreed to continue consideration of this application to allow the applicant to attend a hearing.

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

The applicant addressed the Committee on the issues raised and responded to questions.

#### **Decision**

Councillor Barr, seconded by Councillor McMillan, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

### **5.4 Taxi Driver's Licence: Carolyn Ann Wright TDL/00937 (New)**

The applicant, having been duly cited to attend, was present and accompanied by a relative.

The applicant addressed the Committee on the issues raised and responded to questions.

The applicant 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 the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

### **5.5 Public Charitable Collection: Hansel**

The applicant, having been duly cited to attend, was present. The applicant has applied for a Charitable Collection on 12-16 December 2016, which is outwith the Council's policy.

Members asked questions and received clarification from the applicant in respect of

the application.

### **Decision**

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

### **5.6 Public Charitable Collections: Be Child Cancer Aware**

The Solicitor (Contacts and Licensing) advised the Committee that these applications had been withdrawn by the applicant.

Noted.

### **5.7 Public Charitable Collection: Ivy Fundraising Limited**

The Solicitor (Contracts and Licensing) advised that correspondence issued to the applicant in connection with the application had been returned as undelivered as it appeared the applicant no longer resided at the address provided.

The Committee agreed to consider the application in the applicant's absence.

### **Decision**

The Committee unanimously agreed (a) that there were insufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to refuse the application under Section 119 of the Civic Government (Scotland) Act 1982.

## **Part B: Applications for Licences/Renewal of Licences**

### **5.8 Gordon McGregor: TDL/00456 (Renewal)**

Councillor Marshall, seconded by Councillor Reid, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed, Councillor McMillan dissenting, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

## **6. Urgent Items**

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

### **6.1 Paul Cumming: TDL/01295 (Renewal)**

The Solicitor (Contracts and Licensing) provided background information in relation to the application and invited the Committee to consider whether it would wish to proceed to a hearing.

## **Decision**

The Committee agreed, Councillor McMillan dissenting, to (a) note the information presented; and (b) grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

## **6.2 Vehicle Specification**

The Solicitor (Licensing) advised the Committee of a request from a local taxi operator, that consideration be given to a reduction in the minimum engine size within the Vehicle Specification, from a 1.6L model to a 1.4L model. The Committee was advised that the Enforcement Officer (i) had no objection to the proposed reduction, subject to the inclusion of an age restriction for the 1.4L model given advancements/improvements in vehicle manufacturing in recent years, subject to the inclusion of an age restriction for the 1.4L model and (ii) suggested that a date of first be specified within the amended Specification.

The Committee unanimously agreed to amend the Vehicle Specification to provide for a reduction in the minimum engine size from a 1.6L model to a 1.4L model, applicable to vehicles first registered on 1 September 2012.

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

The Solicitor (Licensing) advised the Committee that this report had been withdrawn in the absence of any Landlord Registration matters to be considered.

Noted.

The meeting ended at 11.00 a.m.