

Cunninghame House,  
Irvine.

1 June 2017

## **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 7 JUNE 2017** at **10.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

*Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.*

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

Submit report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

**3. Booking Office Licences**

Submit report by the Chief Executive on the current licensing system and proposed new condition and related Variation procedure (copy enclosed).

**4. Urgent items**

Any other items which the Chair considers to be urgent.

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## Licensing Committee

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Sederunt: Ronnie McNicol (Chair)  
Todd Ferguson (Vice Chair)  
Robert Barr  
Scott Davidson  
John Easdale  
Scott Gallacher  
John Glover  
Davina McTiernan  
Jimmy Miller  
Donald L. Reid

Chair:

Attending:

Apologies:

Meeting Ended:



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 2**

**7 June 2017**

#### **Licensing Committee**

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

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**Purpose:** To advise the Committee of

- a. Hearings to be determined; and
- b. Applications for the grant or renewal of licences and permits, under the Civic Government (Scotland) Act 1982 and other statutes within the Committee's remit.

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**Recommendation:** That the Committee consider and determine the matters before them.

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#### **1. Executive Summary**

- 1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, including the Civic Government (Scotland) Act 1982. Depending on the legislation, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.
- 1.2 This report details the licences to be considered at this meeting namely:- Hearings on Taxi Drivers licences; Taxi licence, Second Hand Motor dealer licence; applications for the grant and renewal of Taxi Drivers licences and an application for a Second Hand Motor Vehicle Dealer's licence.

#### **2. Background**

- 2.1 The Committee's business under the 1982 Act is detailed in three Appendices:

Appendix A: Licences where Hearings have been convened;

Appendix B: Applications for the grant or renewal of licences and permits.

### 3. Proposals

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

### 4. Implications

<b>Financial:</b>	There are possible financial implications in relation to any Licensing decision.
<b>Human Resources:</b>	None.
<b>Legal:</b>	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
<b>Equality:</b>	An "Equality Impact Assessment" is not necessary as the Equality Act 2010 is not a consideration in making a Licensing decision.
<b>Environmental &amp; Sustainability:</b>	None.
<b>Key Priorities:</b>	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active")
<b>Community Benefits:</b>	Not applicable, as the Report does not relate to tendering or procurement exercises.

### 5. Consultation

- 5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates.



ELMA MURRAY  
Chief Executive

Reference : WOB

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

**Background Papers**

## APPENDIX A

### Hearings

<b>Hearing 1</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01780</b>
<b>Licenceholder &amp; Address</b>	John <b>Swindle</b> 33 Gigha Terrace Broomlands Irvine KA11 1DJ	
<b>Hearing 2</b>	<b>Second Hand Motor Vehicle Dealer</b>	<b>SHDL/190 (New)</b>
<b>Applicant &amp; Address</b>	Kristofer William <b>Gibbs</b> 42 Hillpark Rise Kilwinning KA13 6QR	
<b>Hearing 3</b>	<b>Taxi Driver's Licence</b>	<b>TDL/02016 (New)</b>
<b>Applicant &amp; Address</b>	Joanne Carol <b>Harper</b> 3 Meadowside West Kilbride KA23 9DE	
<b>Hearing 4</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01469 (Renewal)</b>
<b>Applicant &amp; Address</b>	Charlene <b>Mclver</b> 10 Auchenharvie Road Saltcoats KA21 5RL	
<b>Hearing 5</b>	<b>Taxi Operator's Licence</b>	<b>TL/062 (Substitute Vehicle)</b>
<b>Licenceholder &amp; Address</b>	Samuel Burns <b>Stephens</b> 19A Garrier Road Springside Irvine KA11 3AT	





## APPENDIX B

### Applications for the grant/renewal of licences

APPLICATION TYPE	APPLICANT	REFERENCE No.
<b>Taxi Driver's Licence (New Application)</b>	Charles <b>Caven</b> 2D Parterre Irvine KA12 0DA	<b>TDL/01611</b>
<b>Taxi Driver's Licence (New Application)</b>	Colin Joseph Campbell <b>Thomson</b> 5 Holehouse Drive Kilbirnie KA25 7BJ	<b>TDL/02021</b>
<b>Taxi Driver's Licence &amp; Private Hire Car Licence (New Applications)</b>	Russell <b>Drummond</b> 9 Milgarholm Avenue Irvine KA12 0EP	<b>TDL/02025 &amp; PHCL/0349</b>
<b>Second Hand Motor Vehicle Dealer (New Application)</b>	Dennis Lawrence <b>Greenberg</b> 95 Heriot Avenue Kilbirnie KA25 7JB	<b>SHDL/192</b>



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 3**

**7 June 2017**

#### **Licensing Committee**

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**Title:** **Booking Office Licences**

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**Purpose:** To advise the Committee of the current licensing system and to suggest a new condition and related Variation procedure.

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**Recommendation:** That the Committee review Policy about Booking Office Licences and

1. decide whether or not there should be a licence condition limiting vehicle numbers; and if there was to be such a condition;
  2. decide what consultation with Council offices should be carried out as part of the statutory Variation procedure;
  3. decide whether or not the exercise of Delegated Powers should be delayed 28 days to permit third parties to lodge objections or representations;
  4. decide whether or not that procedure should be followed with a view to applying that new condition to existing Licences.
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#### **1. Executive Summary**

- 1.1 Booking Offices for Taxis and Private Hire Cars are licensed under the Civic Government (Scotland) Act 1982. The Licence lasts 3 years at a time, and is renewable.

#### **2. Background**

- 2.1 At present a Booking Office Licence contains only conditions required by statute, requiring records of:
- (a) every booking for the hire of a Taxi or PHC;
  - (b) the registration number of each vehicle booked;
  - (c) the driver's name.

The Booking Office Licence-holder must take all reasonable steps to ensure that any booking only relate to Licensed Taxis/PHCs and Licensed Drivers.

The current form of Licence does not contain a condition such as "this Licence authorises the use of a Booking Office for three Licensed Taxis or Private Hire Cars".

### **3. Proposals**

- 3.1 The Committee is invited to consider whether or not such a condition should be added.
- 3.2 There are considerations for and against. Booking Offices are sometimes in sensitive locations, like residential areas or narrow roads, but the Committee would have been entitled to refuse the Licence originally because the Premises were 'unsuitable'.
- 3.3 If the Committee do impose such a condition:
  - (a) the form of Licence would be amended to include such a condition;
  - (b) a Licence Holder would only be able to increase the number of permitted vehicles if the Board authorised Variation under 1982 Act, Schedule 1, Paragraph 10;
  - (c) The statutory Variation procedure requires intimation to the Police and Fire authorities, but does not require notice to third parties (such as neighbours) or the display of a Site Notice at or near the Premises. Since the Committee may vary a Licence on any grounds it sees fit, it would be reasonable to consult Council offices such as those responsible for Planning and Roads;
  - (d) the Committee would be entitled (but not required) to instruct the Clerk that Delegated Powers should not be used to grant Variation applications for 28 days after the start of the consultation procedure, and that if there were objections or representations from third parties in that time then the application should be referred to the Committee. Otherwise applications would not be referred to the Committee unless there were adverse responses from consultees;
  - (e) an application form would be drafted so that current Licence Holders who wanted to request Variation could do so;

- (f) the new condition would only be applied immediately to new Booking Offices. Existing Booking Offices would receive the new condition when the Licence was next renewed (Licences last 3 years). If the Committee wished the new condition to apply to existing Booking Offices also then the statutory Variation procedure would be required.

#### 4. Implications

<b>Financial:</b>	There are possible financial implications in relation to any Licensing decision.
<b>Human Resources:</b>	None.
<b>Legal:</b>	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
<b>Equality:</b>	An "Equality Impact Assessment" is not necessary as the Equality Act 2010 is not a consideration in making a Licensing decision.
<b>Environmental &amp; Sustainability:</b>	None.
<b>Key Priorities:</b>	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active")
<b>Community Benefits:</b>	Not applicable, as the Report does not relate to tendering or procurement exercises.

#### 5. Consultation

- 5.1 No Consultations have been undertaken as this is a policy decision for the Committee. If there is later Variation procedure, there will be consultation with Police Scotland, Scottish Fire and Rescue, and Council Directorates.



ELMA MURRAY  
Chief Executive

Reference : WOB/GEN50

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

#### Background Papers

None