

Licensing Committee
7 February 2012

IRVINE, 7 February 2012 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro and Joan Sturgeon.

In Attendance

W. O'Brien, Senior Solicitor (Licensing), D. Wallace, Enforcement Officer and A. Toal, Administrative Assistant (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector Skimming and PC Ritchie (Strathclyde Police).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Elisabethe Marshall.

1. Declarations of Interest

In terms of Standing Order 16, Councillor Moffat, as an acquaintance of the objector in respect of Hearings 2 and 3, declared an interest in Agenda Item 3, and left the meeting for those items of business.

2. Minutes

The Minutes of the Meeting held on 7 December 2011 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Solicitor to the Council on (a) Hearings to be determined; and (b) applications for the grant or renewal of licences and permits; all in terms of the Civic Government (Scotland) Act 1982.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

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

Submitted report by the Solicitor to the Council on the Taxi Fare Review for 2012.

At its meeting on 15 November 2011, the Committee received a report on the initial steps in the consultation procedure for the Taxi Fare Review for 2012. The Committee agreed to (a) approve the proposed timetable for the review process as appended to the report; (b) commence with the statutory consultation process, and (c) meet with the taxi operators to consider their proposals as part of the review.

On 10 January 2012, the Committee held a meeting with interested parties. The meeting considered a number of documents, including a draft fare scale, the current scales of the Councils for North Ayrshire, East Ayrshire, South Ayrshire, and Renfrewshire, the current and proposed scales for Inverclyde Council and a comparison table showing the various Council scales.

The report detailed a number of proposals submitted by representatives of the taxi trade that included:

- the simplification of the range of Tariffs by a reduction of the existing four Tariffs to two - Tariffs 2 and 3 to be combined and Tariff 4 to become Tariff 1 plus 100%;
- the maintenance of the existing taxi fare Tariffs with a review in 18 months or sooner if required - on the view that current economic factors are not conducive to an increase in rates;
- the incorporation of Sundays within Tariff 1 and an increase in the Tariff 1 flag-fall by 10p - on the view that Sundays are now considered a normal trading day, but members of the public are charged more for the same journey if taken on a Sunday;
- the removal of the internal zone Tariff 3 within North Ayrshire - this would allow drivers to pick up after dropping off when outwith their normal zone, but still within North Ayrshire;
- the increase of all Tariffs by a small amount - on the view that a small rise would help to offset the increased insurance, fuel, servicing and maintenance costs;
- the introduction of a rate specifically for MPV vehicles - a rate of fare-and-a-half for MPV vehicles when carrying more than 4 passengers - on the view this would help offset the expensive purchase and running costs of these vehicles;
- the reduction of Tariff 2 waiting time from 25 seconds to 20 seconds; and
- that Tariff 2 to take effect from 9.00 p.m. rather than midnight.

The Committee agreed to (a) maintain the existing taxi fare tariff, with the exception of the tariff for MPV vehicles carrying more than 4 passengers that will activate a 50% increase in the metered fare; (b) instruct the Solicitor to the Council to give public notice of that draft; (c) continue consideration of the review until a further meeting of the Committee at least one month after that public notice has been given, and then considering any written representations, fix a scale; and (d) undertake a further review at a future date to consider simplification of the existing tariff.

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

Submitted report by the Solicitor to the Council on the circumstances relating to an Application for Landlord Registration.

The Committee agreed to continue consideration of this item to a future meeting.

6. Regulation of Public Processions

Submitted report by the Solicitor to the Council on a review of the Standard Conditions relating to the regulation of public processions.

The Committee agreed to continue consideration of this item to a future meeting.

The meeting ended at 4.05 p.m.

PART A

Hearings

1. LHCL/105 (New) Mumtaz Khan

The Committee, at its meeting on 7 December 2011, 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 and represented. The objector was also in attendance.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The objector addressed the Committee setting out concerns in relation to noise disturbance and smells from the premises. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

The applicant and his representative, and the objector 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 subsection 3(c)(1) of Schedule 1 of the Licensing (Scotland) Act 1982, on the grounds that the premises are not suitable to hold a Late Hours Catering Licence at this time.

2. STL/O/261 David Duncan McIntyre

The Committee, at its meeting on 7 December 2011, 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 and represented. A representative from Environmental Health was in attendance. The objector's representative was also in attendance.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representative from Environmental Health addressed the Committee setting out the terms of a complaint about parking across the driveway of the objector and the vehicle being operated by an unlicensed individual. The objector's representative addressed the Committee setting out issues surrounding the parking of the vehicle. Thereafter the licenceholder and his representative addressed the Committee on the issues raised and responded to questions.

The licenceholder and his representative, the objector's representative and the representative from Environmental Health then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. STL/O/325 Ian Ewing

The Committee, at its meeting on 7 December 2011, 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 and represented. A representative from Environmental Health was in attendance. The objector's representative was also in attendance.

The Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representative from Environmental Health addressed the Committee setting out the terms of a complaint about parking across the driveway of the objector and the vehicle being operated by an unlicensed individual. The objector's representative addressed the Committee setting out issues surrounding the parking of the vehicle. Thereafter the licenceholder and his representative addressed the Committee on the issues raised and responded to questions.

The licenceholder and his representative, and the objector's representative and the representative from Environmental Health then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. STL/E/168 (New) Neil David McIntyre

The Committee, at its meeting on 7 December 2011, 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 agreed to continue consideration of this item to the next meeting.

5. TDL/00598 (Renewal) Gordon Dorrans

The Committee, at its meeting on 23 August 2011, agreed on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 (7) 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 Senior Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licenceholder. The representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 20 December 2011 setting out the observations of the Chief Constable of Strathclyde Police on the licenceholder. Thereafter the licenceholder addressed the Committee on the issues raised and responded to questions.

Both parties 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.

PART B

Applications for Licences/Renewal of Licences

1. LHCL/095 (Renewal) Kulwant Singh

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.

2. STL/O/342 (New) Garry Hamilton

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.

3. TDL/01751 (New) George Donaldson Wyper

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.

4. TDL/01753 (New) Graham Colman Cooper

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.