

Licensing Committee
6 December 2023

IRVINE, 6 December 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, Jean McClung, Donald L. Reid and Ronnie Stalker.

In Attendance

R. Lynch, Senior Manager (Legal Services), D. Robertson, Enforcement Officer, C. Pollock, Licensing Administration Officer and C. Stewart, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also in Attendance

Sergeant S. Syme (Police Scotland).

Chair

Councillor Collier in the Chair.

Apologies

Angela Stephen.

1. Chair's Opening Remarks

The Chair welcomed those present and intimated her intention to vary the Order of Business to take the report in relation to Agenda Item 4 (Public Charitable Collections) before Agenda Item 3 (Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters).

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 accuracy of the Minutes of the Meeting of the Licensing Committee held on 8 November 2023 were confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Public Charitable Collections

Submitted report by the Head of Democratic Services informing of the legislation and current Council policy in relation to Public Charitable Collections.

The Committee agreed to endorse the suggested changes set out in the report, subject to there being no "House-to-House Collections" permitted on a Sunday.

Councillor Bell joined the meeting during consideration of this item.

4. 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 Item 3 (*subsequently re-numbered as Agenda Item 5 for the purposes of the Minute*) (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."

5. 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.

5.1 Taxi Driver's Licence: TDL/02399 (New): Alan MacDonald

The applicant, having been duly cited to attend, was present. A representative from Police Scotland was in attendance.

Police Scotland addressed the Committee on the terms of a letter setting out their representation.

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

Decision

Councillor Larsen, seconded by Councillor McDonald, moved that the licence be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.2 Private Hire Car Licence: PHCL/382 (Substitute): Steven Mason

The licence-holder, having been duly cited to attend, was present.

The licence-holder addressed the Committee on the issues raised and responded to questions.

Decision

Councillor McDonald, seconded by Councillor Bell, moved that the application be treated as an exception to the Council's Vehicle Specification Policy which required the use of a Wheelchair Accessible Vehicle. There being no amendment, the motion was declared carried.

Accordingly, the Committee unanimously agreed to (a) treat the application as an exception to the Council's Vehicle Specification Policy for the purposes of Section 10(2) of the Civic Government (Scotland) Act 1982; (b) treat the case as an exception to the part of the Policy requiring the use of a Wheelchair Accessible Vehicle; and (c) delegate authority to the Solicitor (Licensing) to grant the application.

5.3 Taxi Driver's Licence: TDL/00630: Thomas Anderson

The licence-holder, having been duly cited to attend, was present.

The Enforcement Officer addressed the Committee on the circumstances surrounding a failure on the part of the licence-holder to adhere to the North Ayrshire Council's Taxi Licensing Dress Code.

The licence-holder addressed the Committee on the issues raised and responded to questions.

Decision

Councillor McDonald, seconded by Councillor Inglis, moved that the Committee take no further action in relation to the matter. As an amendment, Councillor Larsen, seconded by Councillor Donald L. Reid, moved that the Committee direct the Clerk to issue a warning letter to the licence-holder.

On a division and a roll call vote, there voted for the amendment Councillors Collier, Bell, Larsen, McClung and Donald L. Reid (5) and for the motion, Councillors McDonald, Inglis and Stalker (3), and the amendment was declared carried.

Accordingly, the Committee agreed to direct the Clerk to issue a warning letter to the licence-holder.

5.4 Taxi Driver's Licence: TDL/01962: Stephen Reid

The licence-holder, having been duly cited to attend, was not present.

The Committee was advised that new information had come to light regarding this matter and, in the circumstances, agreed that a continuation would be the best way to proceed.

Decision

The Committee unanimously agreed to continue consideration of this matter to its meeting scheduled to take place on 10 January 2024.

5.5 Taxi Driver's Licence: TDL/00533: Martin Morrison

The licence-holder, having been duly cited to attend, was present.

The Enforcement Officer addressed the Committee on the circumstances surrounding (a) discrimination on the part of the licence-holder by refusing to undertake a taxi hire involving a guide dog and (b) failure to adhere to North Ayrshire Council's Taxi Licensing Smoking Policy.

The licence-holder addressed the Committee on the issues raised and responded to questions.

Decision

Councillor McDonald, seconded by Councillor McClung, moved that the Committee take no further action in relation to this matter. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to take no further action in relation to this matter.

5.6 Taxi Driver's Licence: TDL/00256: Daniel Tudhope

The licence-holder, having been duly cited to attend, was not present.

The Enforcement Officer addressed the Committee on the circumstances surrounding failure to adhere to North Ayrshire Council's Taxi Licensing Smoking Policy.

The Committee agreed that they had sufficient information available to allow them to make a decision in respect of this matter.

Decision

Councillor McClung, seconded by Councillor McDonald, moved that the Committee direct the Clerk to issue a warning letter to the licence-holder. As an amendment, Councillor Larsen, seconded by Councillor Stalker, moved that the Committee agree to continue this matter to its meeting scheduled to take place on 10 January 2024 and proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, in order that the licence-holder could be given a further opportunity to attend.

On a division and a roll call vote, there voted for the amendment Councillors Larsen and- Stalker (2) and for the motion, Councillors Collier, McDonald, Bell, Inglis, McClung and Donald L. Reid (6), and the motion was declared carried.

Accordingly, the Committee agreed to direct the Clerk to issue a warning letter to the licence-holder.

5.7 Taxi Driver's Licence: TDL/02247: Desmond Quigley

The licence-holder having been duly cited to attend, was present.

The Enforcement Officer addressed the Committee on the circumstances surrounding a failure on the part of the licence-holder to adhere to the North Ayrshire Council's Taxi Licensing Dress Code.

The licence-holder addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Larsen, seconded by Councillor McDonald, moved that the Committee direct the Clerk to issue a warning letter to the licence-holder. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to direct the Clerk to issue a warning letter to the licence-holder.

The meeting ended at 11.05 a.m.