

Licensing Committee
8 November 2023

IRVINE, 8 November 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Eleanor Collier, Nairn McDonald, Christina Larsen, Jean McClung, Donald L. Reid and Ronnie Stalker.

In Attendance

R. Lynch, Senior Manager, W. O'Brien, Solicitor (Licensing), D. Robertson, Enforcement Officer, A. Toal, Administration Assistant (Licensing), S. Dalgoutte, Senior Clerical Assistant (Licensing) and M. Anderson, Senior Manager (Committee and Member Services) (Chief Executive's Service).

Also in Attendance

Inspector D, Cameron (Police Scotland).

Chair

Councillor Collier in the Chair.

Apologies

John Bell, Cameron Inglis, Matthew McLean and Angela Stephen.

1. Chair's Opening Remarks

The Chair welcomed those present and intimated her intention to consider a number of urgent matters in terms of Agenda Item 4 (Urgent Items).

In terms of Standing Order 10.5, the Chair further advised that one urgent item, in respect of a short-term let, would be considered immediately following Case 3, Agenda Item 3 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters).

2. 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.

3. Minutes

The accuracy of the Minutes of the Ordinary Meeting of the Licensing Committee held on 4 October 2023 and the Special Meeting held on 23 October 2023 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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 Items 3 and 4 (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/1642 (New): Thomas Bagan

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 Stalker, 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 Taxi Driver's Licence: TDL/2160 (Renewal): Brenda Barratt

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

The Licence holder and representative from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter the Licence-holder and representative from Police Scotland re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision

Decision

Councillor McDonald, seconded by Councillor Stalker, moved that the Committee grant the application, but limit the duration to one year (rather than the default period of 3 years) for a period of one year under the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 8(2)(b), on the basis that in the circumstances it was not appropriate to renew for the default duration of a Licence. There being no amendment, the motion was declared carried.

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

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 11.10 a.m. for a short comfort break. The meeting reconvened at 11.15 a.m., with the same Members and officers present and in attendance.

5.3 Taxi Driver's Licence: TDL/2415 (New): Mark Monaghan

The applicant, having been duly cited to attend, was not present or represented. A representative from Police Scotland was in attendance.

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

Decision

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

5.4 Application for Grant of Short Term Let Licence

The Solicitor (Licensing) advised the Committee of a matter pertaining to an application for grant of a short-term let licence.

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

5.5 Taxi Licence: TL/454 (New): Mohamed Asli

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 McDonald, seconded by Councillor McClung, 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 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.

5.6 Taxi Licence: TL/456 (New): Ravinderjit Singh

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

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

Decision

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.

5.7 Taxi Licence: TL/457 (New): Partnership of Calvin Smith, Gordon Smith, Jamie Dorrans

The applicants having been duly cited to attend, were present.

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

Decision

Councillor Larsen, seconded by Councillor McDonald, 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 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.

6. Urgent Items

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

6.1 Report on North Ayrshire Council's Taxi Dress Code

The Solicitor (Licensing) advised the Committee of a request made by a licenced taxi driver on behalf of a number of taxi drivers, for a review of the North Ayrshire Council's Taxi Licensing Dress Code.

The Committee unanimously agreed (a) that the Enforcement Officer submit a report on a proposed revised Taxi Licensing Dress Code for consideration by the Committee; (b) thereafter, that the draft be sent to the local Taxi Owners Associations for written comments; and (c) to review the draft and any such comments.

6.2 TDL/630 / TL13: Thomas Anderson

The Enforcement Officer provided information 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.

Decision

Councillor Larsen, seconded by Councillor Donald L. Reid, moved to proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland Act) 1982. As an amendment, Councillor McDonald, seconded by Councillor McClung, moved that the Committee direct the Clerk to write to the licence-holder.

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

Accordingly, the Committee agreed to direct the Clerk to write to the licence-holder.

6.3 TDL/1962 / TL85: Stephen Reid

The Enforcement Officer provided information on the circumstances surrounding a failure on the part of the licence-holder to adhere to North Ayrshire Council's (a) the Taxi Licensing Dress Code and (b) Taxi Licensing Smoking Policy.

Decision

The Committee unanimously agreed to proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland Act) 1982.

6.4 TDL/533: Martin Morrison

The Enforcement Officer provided information 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.

Decision

The Committee unanimously agreed to proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland Act) 1982.

6.5 TDL/256 / TL24: Daniel Tudhope

The Enforcement Officer provided information on the circumstances surrounding a failure on the part of the licence-holder to adhere to North Ayrshire Council's Taxi Licensing Smoking Policy.

The Committee unanimously agreed to proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland Act) 1982.

6.6 TDL/2247: Desmond Quigley

The Enforcement Officer provided information 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 Committee unanimously agreed to proceed to a hearing in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland Act) 1982.

The meeting ended at 12.15 p.m.