

Licensing Committee
10 January 2024

IRVINE, 10 January 2024 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

John Bell, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean and Ronnie Stalker.

In Attendance

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

Also in Attendance

Sergeant S. Syme (Police Scotland).

Chair

Councillor Larsen in the Chair.

Apologies

Eleanor Collier, Nairn McDonald, Donald L. Reid and Angela Stephen.

1. Appointment of Chair

In the absence of the Chair and Vice-Chair, the Committee unanimously agreed to appoint Councillor Larsen to chair this meeting of the Committee.

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 Meeting of the Licensing Committee held on 6 December 2023 were 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 Item 3 (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/02414 (New): Adrian Frew

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

Details of a written statement, supplied by the applicant, had been sent to Members of the Committee for their information.

Decision

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

5.2 Taxi Driver's Licence: TDL/02415 (New): Mark Monaghan

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

Decision

The Committee unanimously agreed to continue consideration of this matter to its meeting scheduled to take place on 7 February 2024.

5.3 Taxi Driver's Licence: TDL/02420 (New): Daniel McNab

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.

The applicant and representative from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter the applicant 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 McClung, seconded by Councillor Inglis, moved that the Committee agree 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. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed 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.

5.4 Taxi Driver's Licence: TDL/02423 (New): Dale Mitchell

The applicant, having been duly cited to attend, was not 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 Committee agreed that it had sufficient information available to allow it to make a decision in respect of this matter.

Decision

Councillor McClung, seconded by Councillor Bell, moved that the application be refused on the basis that the Applicant was not a fit and proper person to hold the Licence applied for, in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982.

There being no amendment, the motion was declared carried.

5.5 Late Hours Catering Licence: LHCL/142 (Amendment): A G Restaurants Ltd.

The licence-holders having been duly cited to attend, were present.

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

Decision

Councillor Stalker, seconded by Councillor McClung, moved that the Committee agree to (a) treat the application as an exception to the Council's Policy on the operating hours of premises with Late Hours Catering Licences; and (b) grant the

application to seek consent to material change of the Late Hours Catering Licence under Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982, in that the licensed hours Monday to Sunday should be 11 p.m. – 5 a.m. for both the restaurant and drive-thru. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application to seek consent to material change of the Late Hours Catering Licence under Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982, in that the licensed hours Monday to Sunday should be 11 p.m. – 5 a.m. for both the restaurant and drive-thru.

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

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

The Committee considered reports from the Council's Civic Licensing Standards Officer making several allegations.

The allegations concerned several alleged breaches of Taxi Driver's Licence Conditions concerning the Dress Code, the No-Smoking Policy and Civility, and an alleged failure to agree the method of calculating the taxi fare prior to starting a journey crossing the Council boundary.

After hearing from the Civic Licensing Standards Officer and the Licence-Holder the Committee adjourned to consider the case.

Decision

The Committee decided unanimously that all allegations were established, and therefore considered what action was appropriate.

Councillor Inglis, seconded by Councillor Larsen, moved that the Committee agree to suspend the Licence for the unexpired portion of the duration of the Licence (Paragraphs 11(1) and 11(11)) and to direct that that suspension should have effect immediately as the circumstances of the case justified immediate suspension (Paragraph 11(10)). As an amendment, Councillor Bell, seconded by Councillor Stalker, moved the Committee agree to suspend the Licence for the unexpired portion of the duration of the Licence (Paragraphs 11(1) and 11(11)).

On a division and a roll call vote, there voted for the amendment Councillors Bell and Stalker (2) and for the motion, Councillors Inglis, Larsen, McClung and McLean (4), and the motion was declared carried.

Accordingly, the Licence was suspended with immediate effect under Paragraph 11(1) and 11(10) of Schedule 1 to the Civic Government (Scotland) Act 1982.

The meeting ended at 12.00 noon.