

Licensing Committee
7 February 2024

IRVINE, 7 February 2024 - 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, Jean McClung, Matthew McLean, Donald L. Reid, Ronnie Stalker and Angela Stephen.

In Attendance

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

Also in Attendance

Sergeant S. Syme and D. Hastings (Police Scotland).

Chair

Councillor Collier in the Chair.

Apologies

Christina Larsen.

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 10 January 2024 were confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Taxi Drivers Dress Code

Submitted report by the Head of Democratic Services on the review of dress code requirements for taxi drivers.

The Committee agreed that (a) Members of the Committee would submit any individual representations to officers on the revised dress code; (b) thereafter, a revised report be submitted to a future meeting of the Committee for consideration; (c) consultation would then take place with the taxi trade on such; and (d) a further report be brought to a future meeting of the Committee to determine the revised conditions to be adopted.

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, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

5.1 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.

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 Reid, seconded by Councillor McDonald, 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.

5.2 Taxi Driver's Licence: TDL/02437 (New): Shaun Blakely

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

The Committee unanimously agreed to continue consideration of this matter to the March meeting to allow the applicant to submit a character reference, including any appropriate further supporting information, to assist the Committee in making its decision.

5.3 Taxi Licence: TL/459 (New): Kirsten Stahly and Piotr Stachowski

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

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

Decision

The Committee agreed that the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles").

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 10.55 a.m. for a short comfort break, reconvening at 11.05 a.m. with the same Members and officers present and in attendance.

5.4 Short Terms Lets:- NA00306N: Mary Cleary; NA00307N: JDC Rentals Ltd.; NA00308N: JDC Rentals Ltd.; NA00309N: JDC Rentals Ltd.; NA00310N: JDC Rentals Ltd.; NA00311N: JDC Rentals Ltd.; NA00312P: JDC Rentals Ltd.; NA00313P: JDC Rentals Ltd.; NA00314N: JDC Rentals Ltd.; NA00315P: JDC Rentals Ltd.; and NA00317P: JDC Rentals Ltd.

Mary Cleary, having been duly cited to attend, was not present. However, Mary Cleary's son, Jason Cleary, was in attendance. Mr Cleary was represented at the hearing by Janet Hood, Solicitor, who also represented Mary Cleary and JDC Rentals Ltd. A representative from Police Scotland was in attendance.

A number of preliminary legal matters was dealt with at the outset of the meeting. It was also agreed that the 11 applications for Short Term Lets would be dealt with under one hearing, given the similarities pertaining to each of the applications under consideration.

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

Ms Hood then addressed the Committee on the issues raised and responded to questions.

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

Mr Cleary and his representative and the representative from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter, Mr Cleary and his representative and the 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

The Committee agreed to grant the applications under The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order") subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order; and (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing".

6. Urgent Items

There were no urgent items.

The meeting ended at 12.00 noon.