



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Licensing Committee

A Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 07 February 2024 at 10:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

Licensing Exemption Para

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the Meeting of the Licensing Committee held on 10 January 2024 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Taxi Drivers Dress Code

Submit report by the Head of Democratic Services on the review of dress code requirements for taxi drivers (copy enclosed).

4 Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters

Submit report by the Head of Democratic Services on hearings to be determined, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

5 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

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If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Licensing Committee Sederunt

Eleanor Collier (Chair)
Nairn McDonald (Vice-Chair)
John Bell
Cameron Inglis
Christina Larsen
Jean McClung
Matthew McLean
Donald L. Reid
Ronnie Stalker
Angela Stephen

Chair:

Apologies:

Attending:

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.

NORTH AYRSHIRE COUNCIL

7 February 2024

LICENSING COMMITTEE

Title: Taxi drivers dress code

Purpose: Review of dress code requirements for taxi drivers.

Recommendation: A review of the dress code is undertaken by the Committee, and that the Committee decide on the terms of the revised code and thereafter consult with the taxi trade on such with a further report back to the Committee to determine the revised conditions to be adopted.

1. Executive Summary

1.1 Following the Licensing Committee meeting on Wednesday 8th November 2023 it was proposed that the current "Dress Code " for licensed Taxi/Private Hire Drivers be reviewed and proposals put forward to reflect modern practice, standards, and terminology.

2. Background

2.1 The present dress code for taxi drivers is as follows –

When the vehicle is operating as a Taxi or Private Hire Car, the Licenceholder must conduct himself/herself in a proper and civil manner and **be clean and tidy in appearance.**

Licenceholders must, when operating the licensed vehicle, conform to the following 'Dress Code':

- a) The Licenceholder must wear trousers, slacks, or a skirt, with a shirt, a blouse, or similar top or t-shirt with a collar. No clothing should have a logo apart from a small manufacturer's logo;
- b) Any tie must be a "clip-on";
- c) The Licenceholder may not wear a tracksuit, shorts or any similar article of casual clothing;
- d) The Licenceholder may not wear any article of clothing more commonly associated with sporting activities (including head-gear and foot-wear). The following are not permitted - jeans of any colour or description, training shoes, baseball shoes, sandals, baseball caps, cargo pants, hooded sweatshirts or military-style clothing;

- e) The Licenceholder may not wear clothing with printing or lettering (unless it is the name or contact details of the Licenceholder, the taxi firm, or the Taxi Association);
- f) The Licenceholder may not wear a hat, cap or other head-wear while driving.

These requirements apply:

1. whether the vehicle is driving or not, and
2. whether or not it is at the time under hire or plying for hire,

except that requirement (f) (prohibition of hat, cap or other head-wear) only applies where the vehicle is driving and either under hire or plying for hire.

Departure from any of these requirements is permitted only where a particular type of clothing is required by the traditional and customary practices of the Licenceholder's particular religious, ethnic or other cultural group.

Where the Licenceholder is told by an officer of the Licensing Authority that, in the officer's opinion, the Licenceholder's clothing is not consistent with this Condition (including the 'Dress Code'), the Licenceholder shall cease operating under the Licence and shall not resume unless he/she has changed to clothing which meets the Licence Condition.

3. Proposals

3.1 The following is proposed as the revised Dress Code for taxi drivers:

When the vehicle is operating as a Taxi or Private Hire Car, the Licenceholder must conduct himself/herself in a proper and civil manner and **be clean and tidy in appearance**.

Licenceholders must, when operating the licensed vehicle, conform to the following 'Dress Code'

- (a) The Licenceholder must not wear a hat, cap, baseball style cap, beanie hat or any other head wear while driving the vehicle.
- (b) Trousers must be full length dress style with belt hoops.
- (c) Jeans of any colour or description along with jogging trousers, tracksuit trousers are not acceptable.
- (d) Polo shirts must be one colour and have a collar with no printing or lettering except a small manufacturer's logo. It is acceptable for a company name or logo on the shirt. T-shirts with a round neck line, football attire or club colours are not acceptable.
- (e) Dress shorts may be worn at any time of the year provided they have belt hoops and are one colour. Three quarter length shorts are not permitted. Highly patterned or advertising printing are not acceptable. There may be a small manufacturer's logo. Gym or beach shorts are not permitted.
- (f) Any tie should be a clip-on style for the driver's own personal safety.
- (g) Jumpers either crew or V neck are permitted provided they are not highly patterned and may have a small manufacturer's logo or taxi firm details. Hoodies are not permitted.
- (h) Footwear may be either shoes or training shoes. Sandals and flip flops/slidders are not appropriate.

Departure from any of these requirements is permitted only where a particular type of clothing is required by the traditional and customary practices of the Licenceholder's particular religious, ethnic or other cultural group.

Where the Licenceholder is told by an officer of the Licensing Authority that, in the officer's opinion, the Licenceholder's clothing is not consistent with this Condition (including the 'Dress Code'), the Licenceholder shall cease operating under the Licence and shall not resume unless he/she has changed to clothing which meets the Licence Condition.

4. Implications/Socio-economic Duty

Financial

4.1 "None."

Human Resources

4.2 "None."

Legal

4.3 If the dress code conditions are approved it will result in two sets of Conditions. All existing licences granted prior to the amendment will be operating on the old dress code conditions.

Equality/Socio-economic

4.4 "None."

Climate Change and Carbon

4.5 "None."

Key Priorities

4.6 "None."

Community Wealth Building

4.7 "None."

5. Consultation

5.1 When finalised consultation should take place with the TOA organisations along with independent drivers who are not members. Thereafter, a report should be brought back to the Committee detailing any comments received and observations thereon.

AILEEN CRAIG
Head of Democratic Services

For further information please contact **Drew Robertson, Civic Licensing Standards Officer**, on **01294 310000**.

Background Papers

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NORTH AYRSHIRE COUNCIL

7 February 2024

Licensing Committee

Title: **Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters**

Purpose: To advise the Committee of:
a) Hearings to be determined

Recommendation: 1) That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which any of the matters in this Report are to be considered;
2) That the Committee consider and determine the matters before them.

1. Executive Summary

1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

2. Background

2.1 The Committee's business under the 1982 Act is as follows:

Appendix A - Licences and Permits where Hearings have been convened

Exempt Information

2.2 The Committee will consider "Exempt Information" under the Local Government (Scotland) Act 1973, Schedule 7A. The information is covered by one or more of the following categories of "Exempt Information" under Schedule 7A:

Paragraph 3: "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."

Paragraph 6: "Information relating to the financial or business affairs of any particular person (other than the authority)."

Paragraph 14: "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."

Paragraph 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.

2.3 The details of the cases in the Appendix, with any relevant documents (such as letters from the Police or objectors) are in the background papers given to Committee Members and will be sent to the respective Applicants or Licence-Holders before the Meeting. The Schedules are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information".

2.4. The Committee is entitled, but not obliged, to make a Resolution excluding the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of "Exempt Information" (Section 50A(4)).

2.5. For example:

Paragraph 3 could apply in relation to information or advice requested by a member of the public.

Paragraph 6 could apply to a business activity (such as where an Applicant wants a Licence for business or employment).

Paragraphs 14 or 15 could apply where it was alleged that there was criminal conduct or anti-social behaviour committed by or against a Licence-Holder or Applicant for a Licence, or where the Committee was told that any person had committed a criminal offence (whether or not there had been concluded Court proceedings).

2.6. Accordingly, if a Resolution is made:

- (a) the publicly-accessible Minutes will exclude so much of the proceedings during which the public were excluded (Section 50C);
- (b) the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information' (Sections 50C(2) & 50C(1)(b)).

3. Proposals

3.1 It is proposed that the Committee consider and determine each of the listed cases in accordance with the required procedure.

4. Implications/Socio-economic Duty

Financial

4.1 There are possible financial implications in relation to any Licensing decision.

Human Resources

4.2 None

Legal

4.3 There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.

Equality/Socio-economic

4.4 Equality Act 2010 imposes duties on the Council:

Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council

"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

Section 149(1) ("Public sector equality duty"): the Council

"must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act];
- (b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it;
- (c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it."

The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Clerk has considered these Duties in preparing this Report and any specific impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant impacts to be considered

Climate Change and Carbon

4.5 None.

Key Priorities

4.6 An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders, the safety of vehicles, and the suitability of premises, helps progress towards one of the Priority Outcomes of the North Ayrshire Council Plan 2019-2024: "North Ayrshire's residents and communities are safe."

Community Wealth Building

4.7 There are no Community Wealth Building issues.

5. Consultation

5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates.

Aileen Craig
Head of Democratic Services

For further information please contact **Raymond Lynch, Manager, Legal Services**, on **Licensing@north-ayrshire.gov.uk**.

Background Papers

None

Appendix A

Case 1	Taxi Driver's Licence	TDL/02415 (New))
Applicant	Mark Monaghan	

Case 2	Taxi Driver's Licence	TDL/02437 (New)
Applicant	Shaun Blakely	

Case 3	Taxi Licence	TL/459 (New)
Applicants	Kirsten Stahly and Piotr Stachowski	

Case 4	Short Term Lets	NA00306N
Applicant	Mary Cleary	

Case 5	Short Term Lets	NA00307N
Applicant	JDC Rentals Ltd	

Case 6	Short Term Lets	NA00308N
Applicant	JDC Rentals Ltd	

Case 7	Short Term Lets	NA00309N
Applicant	JDC Rentals Ltd	

Case 8	Short Term Lets	NA00310N
Applicant	JDC Rentals Ltd	

Case 9	Short Term Lets	NA00311N
Applicant	JDC Rentals Ltd	

Case 10	Short Term Lets	NA00312P
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Applicant	JDC Rentals Ltd	
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Case 11	Short Term Lets	NA00313P
Applicant	JDC Rentals Ltd	

Case 12	Short Term Lets	NA00314n
Applicant	JDC Rentals Ltd	

Case 13	Short Term Lets	NA00315P
Applicant	JDC Rentals Ltd	

Case 14	Short Term Lets	NA00317P
Applicant	JDC Rentals Ltd	
