

Licensing Committee  
10 April 2024

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

**Present**

Eleanor Collier, John Bell, Cameron Inglis, Christina Larsen, Matthew McLean, Donald L. Reid, Ronnie Stalker and \*Angela Stephen.

\*Attended later in meeting.

**In Attendance**

R. Lynch, Senior Manager, D. Grier, Solicitor (Legal Services); C. Pollock, Licensing Administration Officer, D. Robertson, Enforcement Officer, A. Toal, Administration Assistant, S. Dalgoutte and A. Kellas, Senior Clerical Assistants (Licensing); S. McKenzie, Senior Manager (Protective Services) 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**

Nairn McDonald and Jean McClung.

**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.

Councillor Collier made a transparency statement advising that she was a Board Member of Cunninghame Housing Association (Case 1 & 2 in respect of Agenda Item 6: Civic Government Scotland Act 1982 and Other Licensing Statutes: Licensing Matters refer). Having applied the objective test, Councillor Collier assessed that it was not an interest in terms of the Councillors' Code of Conduct.

**2. Minutes**

The accuracy of the Minutes of the Meeting of the Licensing Committee held on 13 March 2024 were confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Variation in Order of Business**

Having heard Councillor Collier, Chair, the Committee agreed to vary the order of business as hereinafter recorded.

### **4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

#### **4.1 Street Trader's Licence (Operator): STL/O/546 (New): NB Catering (Case 3 in Agenda)**

The applicant, having been duly cited to attend, was present. The objector was not present but his written objection was considered in his absence.

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

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

#### **Decision**

Councillor Bell, seconded by Councillor Stalker, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application for Street Trader's Licence (Operator).

### **5. 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 certain cases (i.e. 4, 5 & 6) in respect of Agenda Item 6 (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."

Note: Councillor Stephen joined the meeting at this point in the proceedings.

## **6. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

### **6.1 Taxi Driver's Licence: TDL/02414 (New): Adrian Frew (Case 4 in Agenda)**

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

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 Inglis, seconded by Councillor McLean, moved that the application be granted. As an amendment, Councillor Larsen, seconded by Councillor Reid, 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.

On a division and a roll call vote, there voted for the amendment Councillors Bell, Larsen, Reid and Stalker (4) and for the motion, Councillors Collier, Inglis, McLean and Stephen (4), and on the casting vote of the Chair, 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.

### **6.2 Taxi Driver's Licence: TDL/02450 (New): Elaine Davidson (Case 5 in Agenda)**

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

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 Stalker, seconded by Councillor McLean, moved that the application 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.

### **6.3 Taxi Licence: TDL/401 (Exemption): Graham Cooper (Case 6 in Agenda)**

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

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

### **Decision**

Councillor Inglis, seconded by Councillor McLean, moved that the exemption be granted. There being no amendment, the motion was declared carried.

Accordingly, 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").

### **6.4 Public Entertainment Licence:- PEL/749 (Temporary): Wesley Smith; and PEL/750 (Temporary): Wesley Smith (Cases 1 & 2 in Agenda)**

The applicant, having been duly cited to attend, was present. The applicant was also accompanied by a member of Ardrossan Community Development Trust. A representative from Environmental Health was also present to answer questions in relation to the applications.

Objectors to the applications were in attendance and their principal spokesperson, amongst others, addressed the Committee and responded to questions. Written submissions were also considered by the Committee.

The representative from Environmental Health was heard in clarification of certain matters as well as in answer to questions by Members and the objectors present.

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

The applicant and objectors then withdrew to allow the Committee to deliberate. Thereafter the applicant and objectors re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

### **Decision**

Councillor Stalker, seconded by Councillor Reid, moved that the applications be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the applications subject to the Council's standard conditions in terms of Paragraph 7(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **6.5 Short Terms Lets: NA00162P (New): John/Janet Smith (Case 7 in Agenda)**

The applicant, having been duly cited to attend, was not present or represented.

Objectors to the application were in attendance and their principal spokesperson, amongst others, addressed the Committee and responded to questions.

Members expressed the view that, given the nature of the objections heard, they would like to hear from the applicant, or their representative, in relation to this application and that officers be requested to write to the applicant on this basis.

### **Decision**

The Committee unanimously agreed to continue consideration of this matter to its June 2024 meeting.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 1.05 p.m. for a short comfort break. The meeting reconvened at 1.35 p.m., with the same Members and officers present and in attendance, with the exception of Councillor Stalker.

### **6.6 Short Terms Lets: NA00399P (New): Lynda Heinemeier (Case 8 in Agenda)**

The applicant, having been duly cited to attend, was not present and neither was the objector.

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

### **Decision**

Councillor Collier, seconded by Councillor McLean, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application 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".

#### **6.7 Short Terms Lets: NA00335P (New): Mandy Coulter (Case 9 in Agenda)**

The applicant, having been duly cited to attend, was present. The objector to the application was not in attendance.

The applicant 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.

#### **Decision**

Councillor Reid, seconded by Councillor McLean, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application 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".

#### **7. Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A)**

Submitted report by the Head of Democratic Services advising Committee of the procedure in respect of the review and consultation process for the taxi fare review.

The Committee agreed to approve (a) the proposed timetable for the Review and Fixing Process, as set out in the Appendix to the report; and (b) the suggested process of Trade Consultation with Taxi Operators.

#### **8. Taxi Drivers Dress Code**

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

The Committee agreed that (a) the proposals contained in paragraph 3.1 of the report be revised on the basis discussed at the meeting; (b) consultation should now take place with the taxi trade on such; and (c) a further report be brought to a future meeting of the Committee to determine the revised conditions to be adopted.

#### **9. Public Entertainment License Resolution**

It was noted that this item would be continued and that a report would be submitted to a future meeting of the Committee for Members' consideration.

Noted.

## **10. Urgent Items**

There were no urgent items.

The meeting ended at 2.05 p.m.