

Licensing Committee
1 June 2022

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. within the Council Chambers, Irvine.

Present

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

In Attendance

W. O'Brien, Solicitor (Licensing) and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Collier in the Chair.

Apologies

Angela Stephen

1. Chair's Remarks

The Chair agreed, in terms of Standing Order 10.5, to vary the order of business to allow earlier consideration of Agenda Item 4: Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A) and Agenda Item 5: Taxi Stance at Hamilton Street, Saltcoats (Civic Government (Scotland) Act 1982, Sections 19).

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

Submitted report by the Head of Democratic Services on the Review and Fixing of Taxi Scales and the proposed timetable for the Review and Fixing Process.

The Committee agreed to approve (i) the proposed timetable for the Review and Fixing Process and (ii) the suggested process of Trade Consultation with Taxi Operators to take place on 13 June 2022 at 10.00 a.m. with Councillors Collier, McDonald and Stalker.

4. Taxi Stance at Hamilton Street, Saltcoats (Civic Government (Scotland) Act 1982, Sections 19)

Submitted report by the Head of Democratic Services on the Taxi Stance at Hamilton Street, Saltcoats.

The Committee agreed to approve (i) the Taxi Stance at Hamilton Street, Saltcoats; (ii) the Taxi Stance operating hours of 6pm – 3am for 6 spaces; and (iii) appropriate alterations to signs and road markings.

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 Agenda Items 5 and 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."

6. 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.

Appendix A: Hearings

6.1 Taxi Driver's Licence: TDL/02293 (New): John Welsh

The Committee at its meeting held on 9 March 2022 agreed, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

Appendix B: Applications for Licences/Renewal of Licences

6.2 PEL/670 (Temporary): Kelburn Arts Ltd

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 TDL/00422 (Renewal): James Cunninghame

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.

The meeting ended at 11.15 a.m.

Licensing Committee
20 June 2022

IRVINE, 20 June 2022 - At a Meeting of the Special Licensing Committee of North Ayrshire Council at 12.40 p.m. within the Council Chambers, Irvine.

Present

Eleanor Collier, Nairn McDonald, Stewart Ferguson, Christina Larsen, Jean McClung and Donald L. Reid.

In Attendance

R. Lynch, Senior Manager (Legal Services), C. Pollock, Licensing Admin Officer (Licensing) and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Collier in the Chair.

Apologies

John Bell and Angela Stephen

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. 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."

3. 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.

Appendix A: Hearings

3.1 Taxi Driver's Licence: TDL/02293 (New): John Welsh

At a previous meeting on 1 June 2022, the Committee agreed to continue consideration of this application.

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

The Senior Manager (Legal Services) set out the background to the Hearing as previously intimated in writing to the applicant and advised the Committee of a letter from Police Scotland setting out their representation in respect of the application.

The Senior Manager (Legal Services) advised the Committee the Applicant had a "Protected Conviction" to which the provisions of the Rehabilitation of Offenders Act 1974 applied. The Committee then carried out the procedure required under the Rehabilitation of Offenders Act 1974, Section 7(3) and determined that justice could not be done except by having regard to the Applicant's "Protected Conviction".

Decision

The Committee agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant is not a fit and proper person to be the holder of a licence. There being no amendment the motion was declared carried.

The meeting ended at 12.45 p.m.