



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, 20 November 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 23 October 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 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).

#### **4 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.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

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](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Licensing Committee Sederunt

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

Chair:

Apologies:

Attending:



At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

**Present (Physical Participation)**

Eleanor Collier, John Bell, Cameron Inglis, Christina Larsen and Ronnie Stalker.

**Present (Remote Participation)**

Donald L. Reid and Angela Stephen.

**In Attendance**

R. Lynch, Senior Manager (Legal Services); D. Robertson, Enforcement Officer, C. Pollock, Licensing Manager, A. Kellas, Administration Assistant and S. Dalgoutte, Senior Clerical Assistant (Licensing); and C. Stewart, Committee Services Officer (Corporate Services).

**Chair**

Councillor Collier in the Chair.

**Apologies**

Nairn Angus-McDonald, Jean McClung and Matthew McLean.

**1. Chair's Opening Remarks**

The Chair welcomed those present and intimated her intention to vary the Order of Business as hereinafter minuted.

**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 (i) the Ordinary Meeting of the Licensing Committee held on 11 September 2024; and (ii) the Special Meeting held on 17 September 2024 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 Case 3 in respect of Agenda Item 3 (*subsequently re-numbered as Agenda Item 5 for the purposes of the Minute*) (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**

### **5.1 Taxi Driver Licence: TDL/1470: Kerr Chapman (Case 3 in agenda)**

The licence-holder, 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 licence-holder 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 licence-holder and representative from Police Scotland then withdrew to allow the Committee to deliberate.

Thereafter the licence-holder 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 Collier, seconded by Councillor Larsen, moved that the Committee direct the Clerk to issue a warning letter to the licence-holder. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to direct the Clerk to issue a warning letter to the licence-holder.

### **5.2 Taxi Driver Licence: TDL/1780 (Renewal): John Swindle (Case 4 in agenda)**

The licence-holder, 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 licence-holder 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 licence-holder 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 Larsen, seconded by Councillor Bell, moved that the application be refused on the basis that the licence-holder 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. As an amendment, Councillor Stalker, seconded by Councillor Inglis, moved that the Licence applied for be granted.

On a division and a roll call vote, there voted for the amendment Councillors Inglis and Stalker (2) and for the motion, Councillors Collier, Bell, Larsen, Donald L. Reid and Stephen (5), and the motion was declared carried.

Accordingly, the Committee agreed that the application be refused.

### **5.3 Short Term Let: NA00711P: Kelly Burns (Case 1 in agenda)**

The applicant having been duly cited to attend, was present and addressed the Committee and responded to questions. No objector was present but their written objection in relation to the application was taken into consideration by the Committee.

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

### **Decision**

Councillor Inglis, 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 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".

### **5.4 Short Terms Let: NA00732P: Karen Pajovic (Case 2 in agenda)**

The applicant having been duly cited to attend, was present and addressed the Committee and responded to questions. The objector was present and addressed

the Committee and their written objection in relation to the application was also taken into consideration by the Committee.

The Committee agreed that it had sufficient information available to allow 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 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".

### **5.5 Taxi Licence: TDL/462 (New): Alexander Davidson (Case 5 in agenda)**

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

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

### **Decision**

Councillor Stalker, seconded by Councillor Inglis, moved that the application be treated as an exception to the Council's Vehicle Specification Policy which required the use of a Wheelchair Accessible Vehicle. There being no amendment, the motion was declared carried.

Accordingly, the Committee unanimously agreed to (a) treat the application as an exception to the Council's Vehicle Specification Policy for the purposes of Section 10(2) of the Civic Government (Scotland) Act 1982; (b) treat the case as an exception to the part of the Policy requiring the use of a Wheelchair Accessible Vehicle; and (c) delegate authority to the Solicitor (Licensing) to grant the application.

### **5.6 Private Hire Car Licence: PHCL/383 (New): Andrew Tremble (Case 6 in agenda)**

The applicant, having been duly cited to attend, was present.

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

### **Decision**

Councillor Larsen, seconded by Councillor Stalker, moved that the application be treated as an exception to the Council's Vehicle Specification Policy which required



the use of a Wheelchair Accessible Vehicle. There being no amendment, the motion was declared carried.

Accordingly, the Committee unanimously agreed to (a) treat the application as an exception to the Council's Vehicle Specification Policy for the purposes of Section 10(2) of the Civic Government (Scotland) Act 1982; (b) treat the case as an exception to the part of the Policy requiring the use of a Wheelchair Accessible Vehicle; and (c) delegate authority to the Solicitor (Licensing) to grant the application.

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

Submitted report by the Head of Democratic Services requesting consideration of the taxi fare review.

The Senior Manager (Legal Services) was heard in further explanation of the report.

Councillor Collier, seconded by Councillor Stalker, moved that the Committee agree to (a) consider representations on the proposed Scales; (b) fix new Scales; and (c) the date of 18 November 2024 as being the date on which the new Scales would become effective. There being no amendment, the motion was declared carried.

## **7. Urgent Items**

There were no urgent items.

The meeting ended at 12.35 p.m.

**The full meeting proceedings can be viewed at <https://north-ayrshire.public-i.tv/core/portal/home>**



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## NORTH AYRSHIRE COUNCIL

20 November 2024

### Licensing Committee

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**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.

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### 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 North Ayrshire Council has priorities for "Communities and Local Democracy" and "Wellbeing" in the Council Plan 2023-2028. An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Strategic Aim-Wellbeing.

## **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

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Case 1	Taxi Driver Licence	TDL/01625
Applicant	Scott <b>Havlin</b>	

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Case 2	Taxi Driver Licence	TDL/02114
Applicant	Andrew <b>Dysart</b>	

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Case 3	Short Term Let	NA00790N
Applicant	Louise <b>Mulvenny</b>	

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