

Licensing Committee
23 October 2024

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>**