

Licensing Committee
17 August 2022

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, Nairn McDonald, Stewart Ferguson, Donald L. Reid and Ronnie Stalker.

Present (Remote Participation)

John Bell and Christina Larsen

In Attendance (Physical Participation)

W. O'Brien, Solicitor (Licensing), A. Toal, Administration Assistant (Licensing), D. Robertson, Enforcement Officer (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

In Attendance (Remote Participation)

R. Lynch, Senior Manager (Democratic Services).

Chair

Councillor Collier in the Chair.

Apologies

Jean McClung 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. Minutes

The Minutes of the Meeting held on (i) 1 June and (ii) 20 June 2022 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Civic Government (Scotland) Act 1982: Taxi Fare Review

Submitted report by the Head of Democratic Services on the Taxi Fare Review. The current taxi Scales were set out at Appendix A, the minute of the Stage (a) meeting held on 13 June 2022 was set out at Appendix B, Economic Indicators set out at Appendix C, a spreadsheet estimating the effect of increases was set out at Appendix D and the proposed Taxi Fare Scales set out at Appendix E to the report.

The Committee noted that Appendix E to the report was a draft which had been prepared solely to assist discussion and no decision would be made until after the public consultation.

The Committee agreed to (a) approve the proposed draft scales set out as Appendix E to the report for consultation only; (b) instruct the Chief Executive to give notice of the draft scales; and (c) continue consideration of the Review until a further meeting of the Committee at least one month after that public notice has been given.

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 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."

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.

Appendix A: Hearings

5.1 Private Hire Car Licence: PHCL/375 (New): Andrew Read

The Committee noted that the application had been withdrawn.

5.2 Street Traders Operator's Licence: STL/O/530 (Temporary): Jane Gibb

The applicant, having been duly cited to attend, joined the meeting at this point.

Decision

Councillor Collier, seconded by Councillor Stalker, moved that the Committee delegate authority to the Solicitor (Licensing) to grant the Licence, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 when satisfied that the requirement made by Section 39(4) that the vehicle had a Certificate issued by a Food Authority in Scotland for the purposes of Section 5 of the Food Safety Act 1990 had been met. There being no amendment the motion was declared carried.

Appendix B: Applications for Licences/Renewal of Licences

5.3 TDL/02026 (New): Scott Walker

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.4 TDL/02243 (Renewal): Neil Morrison

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.

5.5 TDL/02325 (New): Kenneth Watt

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. Preliminary Consideration of Complaint Against Licence-holders

The Solicitor (Licensing) gave a verbal update on a complaint made against a two Licence-holders.

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

The meeting ended at 11.10 a.m.