

Licensing Committee
21 April 2021

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

Present

Ronnie McNicol, Todd Ferguson, Robert Barr, Jean McClung, Davina McTiernan, Donald L. Reid, and Angela Stephen.

In Attendance

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

Also in Attendance

Inspector Andy Dolan and Sergeant Scott Barrie (Police Scotland).

Apologies

John Easdale and Scott Gallagher

Chair

Councillor McNicol in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 10 March 2021 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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. The Minute of the Taxi Trade Consultation meeting was set out at Appendix A, the current Taxi Fare Scales were set out at Appendix B, the proposed Taxi Fares Scales (adopted by the Committee for the purpose of consultation on 10 February 2021) were set out at Appendix C, Economic Indicators were set out at Appendix D, and the proposed Taxi Fare Scales were set out at Appendix E to the report.

The Committee agreed to fix the Taxi Fares Scales, to take effect on Monday 24 May 2021. The Scales fixed were (i) the draft proposed scales set out at Appendix E to the report, with the following variations; (ii) the double fare for 25 December and 1 January (two days) was to extend also to 26 December and 2 January (so that the double fare covered a total of four days); and (iii) 26 December and 2 January were to be removed from Tariff 2.

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 Item 5 (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 Street Trader Employee Licence: STL/E/296 (New) Laura Henry

The applicant, having been duly cited to attend, joined the meeting at this point. A representative from Police Scotland was also in attendance.

The representative from Police Scotland addressed the Committee on the terms of a letter setting out their representation in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Reid, seconded by Councillor McTiernan, moved that the Committee 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. There being no amendment the motion was declared carried.

The applicant left the meeting at this point.

5.2 Taxi Driver's Licence: TDL/00792 (New) George Williams

The applicant, having been duly cited to attend, was not present. A representative from Police Scotland was in attendance.

The representative from Police Scotland addressed the Committee on the terms of a letter setting out their representation in respect of the application.

Decision

Councillor McNicol, seconded by Councillor Ferguson, moved that the Committee continue the application to a future meeting pending the conclusion of legal proceedings. There being no amendment the motion was declared carried.

5.3 Taxi Licence: TL/429 (New) & Taxi Driver's Licence: TDL/02197 (New) Gareth Wilkinson

The applicant, having been duly cited to attend, joined the meeting at this point. A representative from Police Scotland was also in attendance.

The representative from Police Scotland addressed the Committee on the terms of letters setting out their representation in respect of the applications. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Ferguson, seconded by Councillor McNicol, moved that the Committee continue both applications to a future meeting pending the conclusion of legal proceedings. There being no amendment the motion was declared carried.

The applicant left the meeting at this point.

5.4 Private Hire Car Licence: PHCL/369 (New) Kelly Scott

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

Councillor Ferguson, seconded by Councillor Reid, moved that the Committee 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. There being no amendment the motion was declared carried.

The meeting ended at 11.15 a.m.