

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF SPECIAL MEETING HELD ON THURSDAY 14 APRIL 2011 AT 1001 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, John MacKay, Robert Keohone, John Campbell, Gordon Cree, Neil McGhee, Jim Roberts, Barney Menzies, Kathy Morrice and Elaine Dinwoodie.

ATTENDING: Stuart McCall, Legal and Procurement Services Manager; Gillian Kuhn, Licensing Board Administrator; and Sharon McHarg, Administrative Officer.

CHAIR: Councillor Hugh Ross, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Panel resolved "That under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 14 of Schedule 7A of the Act".

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE
- STEVEN BURLEY**

2. There was submitted a report dated 24 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for grant of a Taxi Driver's Licence.

It was confirmed that Mr Steven Burley, the applicant, and representatives from Strathclyde Police were all in attendance.

2.1 Declaration of Interest

Councillor John Campbell declared a non-financial interest in respect of this item and intimated that the nature of the non-financial interest was significant having considered the terms of the objective test as outlined in paragraph 5.3 of the Councillors Code of Conduct and accordingly withdrew from the meeting.

The Legal and Procurement Services Manager outlined the agreed hearing procedure.

2.2 Hearing

The Panel heard Inspector Ireland, representing Strathclyde Police, in explanation of the Police observations and the applicant, who spoke to all matters raised, all in accordance with the agreed hearing procedure.

The applicant and the Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

2.3 Decision

It was agreed that the application for the Taxi Driver's Licence be granted for a period of 12 months, subject to the standard conditions.

The applicant was further advised that the Panel would take a very dim view of any similar offences or complaints which might be brought to their attention in future.

Councillor John Campbell re-joined the meeting following consideration of the above item.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE (3 YEAR EMPLOYEE) - DAVID GIBSON

3. It was reported and noted that this application had been withdrawn.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 804 - JAMES MORRISON (Item 7, Page 1561, 07/12)

4. There was submitted a report dated 6 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider the suspension of Taxi Driver's Licence No EA/TD 804.

It was confirmed that Mr Morrison, the applicant and representatives from Strathclyde Police were all in attendance.

The Legal and Procurement Services Manager then outlined the agreed hearing procedure.

4.1 Hearing

The Panel heard Inspector Ireland, representing Strathclyde Police in explanation of the Police request to consider suspension of the Taxi Driver's Licence and the applicant, who spoke to all matters raised, all in accordance with the agreed hearing procedure.

The applicant and the Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

4.2 Decision

Councillor Barney Menzies, seconded by Councillor John Campbell moved to suspend the Taxi Driver's Licence EA/TD 804 with immediate effect, for one year under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 with a suspensive condition that no future licence be issued until the Head of Legal, Procurement and Regulatory Services had received a letter from the applicant's GP to confirm that he was not aware of any medical reason that would render the applicant unfit to drive a taxi.

Councillor Elaine Dinwoodie, seconded by Councillor Kathy Morrice, moved as an amendment to suspend the Taxi Driver Licence EA/TD 804 with immediate effect, for the unexpired portion of the licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 with a suspensive condition that no future licence be issued until the Head of Legal, Procurement and Regulatory Services had received a letter from the applicant's GP to confirm that he was not aware of any medical reason that would render the applicant unfit to drive a taxi.

On a division by a show of hands, the amendment was carried by 6 votes to 5.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1101 - JAMES MACKENZIE**

5. There was submitted a report dated 6 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1101.

It was confirmed that representatives from Strathclyde Police were in attendance and that Mr MacKenzie, the applicant, was not present or represented.

5.1 Declaration of Interest

Councillor John Campbell declared a non-financial interest in respect of this item and intimated that the nature of the non-financial interest was significant having considered the terms of the objective test as outlined in paragraph 5.3 of the Councillors Code of Conduct and accordingly withdrew from the meeting.

The Legal and Procurement Services Manager outlined the agreed hearing procedure.

5.2 Hearing

The Panel heard Inspector Ireland, representing Strathclyde Police in explanation of the Police request to consider suspension of the Taxi Driver's Licence, all in accordance with the agreed hearing procedure.

The Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The Police representatives were then re-admitted.

5.3 Decision

Councillor Gordon Cree, seconded by Councillor Jim Roberts, moved to suspend, Taxi Driver's Licence No EA/TD 1101 with immediate effect, for two years, under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that carrying on of activity to which the licence related would cause or would be likely to cause a serious threat to public order and safety.

Councillor Elaine Dinwoodie, seconded by Rose-Ann Cuninghame moved to suspend, Taxi Driver's Licence No EA/TD 1101 with immediate effect, for the unexpired portion of the licence, under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that carrying on of activity to which the licence related would cause or would be likely to cause a serious threat to public order and safety.

There being an equality of votes, the Chair exercised his casting vote in favour of the motion which was accordingly carried.

Councillor John Campbell rejoined the meeting following consideration of the above item.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 843 - ROBERT ARCHIBALD**

6. There was submitted a report dated 6 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 843.

It was confirmed that Mr Archibald, the applicant and representatives from Strathclyde Police were all in attendance.

The Legal and Procurement Services Manager then outlined the agreed hearing procedure.

6.1 Hearing

The Panel heard Inspector Ireland, representing Strathclyde Police in explanation of the Police request to consider suspension of the Taxi Driver's Licence and the applicant, who spoke to all matters raised, all in accordance with the agreed hearing procedure.

The applicant and the Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

6.2 Decision

The Panel having taken all matters into consideration, agreed to suspend the Taxi Driver's Licence EA/TD 843 with immediate effect, for the unexpired portion of the licence, on the grounds that carrying on of activity to which the licence related would cause or would be likely to cause a serious threat the public order and public safety.

The meeting terminated at 1156 hours.