

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF SPECIAL MEETING HELD ON THURSDAY 24 MARCH 2011 AT
0930 HOURS IN 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 and Kathy Morrice.

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

APOLOGY: Councillor Elaine Dinwoodie.

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".

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 843
– ROBERT ARCHIBALD (Item 3, Page 1558, 07/12)**

2. There was submitted a report dated 21 March 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 843 in accordance with the terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982.

It was confirmed that representatives from Strathclyde Police were in attendance.

2.1 Consideration of Item

The Head of Legal, Procurement and Regulatory Services summarised the position and the representatives from Strathclyde Police spoke to all matters raised.

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.

2.2 Decision

It was agreed (i) to suspend the Taxi Driver's Licence EA/TD 843 with immediate effect under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that carrying on of the activity to which the licence related would cause or would be likely to cause a serious threat to public order and public safety; and (ii) to note that in terms of Paragraph 12 (5) of the Civic Government (Scotland)

Act 1982, an order under this paragraph suspending the licence shall have effect from the date on which it was made until whichever is the earlier of the following two dates (a) a date 6 weeks after the order was made; (b) the date of any decision of the Licensing Authority whether or not to further suspend the licence under Paragraph 11 of Schedule 1 of the Act; and (iii) in light of (ii) above, to convene a full hearing to consider the matter within six weeks from the date of this Panel.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 137 – COLIN COX

3. There was submitted a report dated 21 March 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 137 in accordance with the terms of Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982.

It was confirmed that representatives from Strathclyde Police were in attendance.

3.1 Consideration of Item

The Head of Legal, Procurement and Regulatory Services summarised the position and the representatives from Strathclyde Police spoke to all matters raised.

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.

3.2 Decision

It was agreed (i) to suspend the Taxi Driver's Licence EA/TD 137 with immediate effect under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that carrying on of the activity to which the licence related would cause or would be likely to cause a serious threat to public order and public safety; and (ii) to note that in terms of Paragraph 12 (5) of the Civic Government (Scotland) Act 1982, an order under this paragraph suspending the licence shall have effect from the date on which it was made until whichever is the earlier of the following two dates (a) a date 6 weeks after the order was made; (b) the date of any decision of the Licensing Authority whether or not to further suspend the licence under Paragraph 11 of Schedule 1 of the Act; and (iii) in light of (ii) above, to convene a full hearing to consider the matter within six weeks from the date of this Panel.

The meeting terminated at 0945 hours.