

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON WEDNESDAY 11 MAY 2011 AT 1000 HOURS  
IN COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

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

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

**APOLOGIES:** Councillors John Campbell, Neil McGhee, and Elaine Dinwoodie.

**CHAIR:** Councillor Hugh Ross, Chair.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD  
1257 – DAVID CRAIG**

1. There was submitted a report dated 20 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, suspension of Taxi Driver's Licence No EA/TD 1257.

It was confirmed that the applicant was not presented or represented.

The Legal and Procurement Services Manager summarised the position.

**1.1 Decision**

It was agreed to suspend Taxi Driver's Licence No EA/TD 1257 for the unexpired portion of its duration or until such time as the licence holder attended disability awareness training, whichever period was shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 113  
– JAMES MCCLUSKEY**

2. There was submitted a report dated 20 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, suspension of Taxi Driver's Licence No EA/TD 113.

It was confirmed that the application was not present or represented.

The Legal and Procurement Services Manager summarised the position.

**2.1 Decision**

It was agreed to suspend Taxi Driver's Licence No EA/TD 113 for the unexpired portion of its duration or until such time as the licence holder attended disability awareness training, whichever period was shorter.

### **EXCLUSION OF PRESS AND PUBLIC**

3. 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 Paragraphs of Schedule 7A of the Act as shown against each item".

### **APPLICATION FOR AN EXEMPTION CERTIFICATE IN TERMS OF THE EQUALITY ACT – MARK JAMES (PARA 6)**

4. There was submitted a report dated 4 May 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 an Exemption Certificate in terms of Section 166 of the Equality Act 2010.

It was confirmed that the applicant was present.

The Legal and Procurement Services Manager summarised the position and the applicant spoke to all matters raised.

#### **4.1 Decision**

It was agreed that an Exemption Certificate be granted in terms of Section 166 of the Equality Act 2010.

### **APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – BRYAN MCANESPIE (PARA 14)**

5. There was submitted a report dated 4 May 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 Taxi Driver's Licence.

It was confirmed that the applicant was not present or represented.

#### **5.1 Decision**

It was agreed that the application be continued to a future meeting of the Panel to afford the applicant a further and final opportunity to be heard in support of his application.

### **APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – COLIN FERGUSON (PARA 14)**

6. There was submitted a report dated 4 May 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 the applicant and representatives from Strathclyde Police were in attendance.

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

### **6.1 Hearing**

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

The applicant and the representatives from Strathclyde Police 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**

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

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 and in such circumstances would be unlikely to be minded to approve any renewal of the licence.

The meeting terminated at 1040 hours.