

EAST AYRSHIRE COUNCIL**LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 29 JULY 2010 AT 1005 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, Robert Keohone, John Campbell, Neil McGhee, Jim Roberts and Barney Menzies.

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

APOLOGIES: Councillors John MacKay, Jim Buchanan, Gordon Cree and 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 the Paragraph of Schedule 7A of the Act as shown against each item".

APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE EA/TD 792 - ANDREW NAIRN - CONTINUED HEARING (Item 4, Page 1186, 07/12) (PARA 14)

2. There was submitted a report dated 15 July 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for the renewal of a Taxi Driver's Licence (EA/TD 792).

It was confirmed that Andrew Nairn, the applicant, his wife and a friend and a representative from Strathclyde Police, were all in attendance.

The Head of Legal, Procurement and Regulatory Services summarised the position and thereafter outlined the agreed Hearing Procedure.

2.1 Preliminary Matter

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter dated 21 July 2010 had been received from the applicant's Solicitor.

It was confirmed that the representative from Strathclyde Police had no objection to the applicant's letter being circulated to the meeting.

In respect of the preliminary matter, it was agreed that the letter be accepted (then circulated).

2.2 Hearing

The Panel heard Sergeant Menzies, representing Strathclyde Police in explanation of the Police objections and the applicant, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

It was agreed that the Hearing be adjourned to allow the Head of Legal, Procurement and Regulatory Services to clarify certain matters with the Clerk to the Sheriff Court.

ORDER OF BUSINESS

3. The Chair, at his discretion and in terms of Standing Order 19, agreed to alter the order of business.

APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE - ADEEL CHOUDHRY - CONTINUED HEARING (Item 5, Page 1066, 07/12) (PARA 6)

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 It was reported and noted that this application had been withdrawn.

RE-ADMISSION OF PRESS AND PUBLIC

5. The Press and public were re-admitted.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 1227 - MUHAMMAD AFZAL

6. There was submitted a report dated 11 June 2010 (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 1227.

It was confirmed that the applicant was present should he be required to attend a Hearing.

The Head of Legal, Procurement and Regulatory Services summarised the position and advised the Panel that Mr Muhammad Afzal had indicated his intention to attend an approved disability awareness training course on 6 August 2010.

It was agreed to continue this item to a future meeting of the Panel.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 57 - ANDREW PATERSON

7. There was submitted a report dated 11 June 2010 (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 57.

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

The Head of Legal, Procurement and Regulatory Services summarised the position and advised the Panel that Mr Andrew Paterson had indicated his intention to attend an approved disability awareness training course on 6 August 2010.

It was agreed to continue this item to a future meeting of the Panel.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 976 - IAIN SPEIRS**

8. There was submitted a report dated 11 June 2010 (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 976.

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

The Head of Legal, Procurement and Regulatory Services summarised the position and advised the Panel that Mr Iain Speirs had indicated his intention to attend an approved disability awareness training course on 6 August 2010.

It was agreed to continue this item to a future meeting of the Panel.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 94 - SAMUEL TORRANCE**

9. There was submitted a report dated 24 June 2010 (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 94.

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

The Head of Legal, Procurement and Regulatory Services summarised the position and advised the Panel that Mr Samuel Torrance had indicated his intention to attend an approved disability awareness training course on 6 August 2010.

It was agreed to continue this item to a future meeting of the Panel.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1095 - WILLIAM BARK**

10. There was submitted a report dated 11 June 2010 (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 1095.

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

10.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1095 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 6 - STEPHEN CHISHOLM**

11. There was submitted a report dated 11 June 2010 (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 6.

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

11.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 6 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1106 - THOMAS CONNOR**

12. There was submitted a report dated 11 June 2010 (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 1106.

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

12.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1106 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 15 - JAMES DEVLIN**

13. There was submitted a report dated 11 June 2010 (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 15.

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

13.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 15 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1083 - ALISON FLEMING**

14. There was submitted a report dated 11 June 2010 (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 1083.

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

14.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1083 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 79 - LINDSEY KASPER**

15. There was submitted a report dated 11 June 2010 (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 79.

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

15.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 79 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1213 - ROBERT KERR**

16. There was submitted a report dated 11 June 2010 (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 1213.

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

16.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1213 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1120 - STEVEN LAWRENCE**

17. There was submitted a report dated 11 June 2010 (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 1120.

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

17.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1120 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1138 - JOHN LITTLE**

18. There was submitted a report dated 11 June 2010 (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 1138.

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

18.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1138 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 996 - IAIN McCULLOCH**

19. There was submitted a report dated 11 June 2010 (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 996.

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

19.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 996 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1188 - DAVID McGREGOR**

20. There was submitted a report dated 11 June 2010 (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 1188.

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

20.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1188 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1142 - PETER McGUGAN**

21. There was submitted a report dated 11 June 2010 (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 1142.

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

21.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1142 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1128 - STEVEN McKNIGHT**

22. There was submitted a report dated 11 June 2010 (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 1128.

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

22.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1128 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 877 - CRAIG McLEAN**

23. There was submitted a report dated 11 June 2010 (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 877.

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

23.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 877 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1063 - RYAN MONTGOMERY**

24. There was submitted a report dated 11 June 2010 (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 1063.

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

24.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1063 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 14 - ALEXANDER MURRAY**

25. There was submitted a report dated 24 June 2010 (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 14.

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

25.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 14 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 84 - IAIN PATRICK**

26. There was submitted a report dated 11 June 2010 (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 84.

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

26.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 84 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1065 - JAMES ROBERTSON**

27. There was submitted a report dated 11 June 2010 (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 1065.

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

27.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1065 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF PRIVATE HIRE CAR DRIVER'S
LICENCE NO EA/PHCD 125 - STEVEN RUSSELL**

28. There was submitted a report dated 24 June 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Private Hire Car Driver's Licence No EA/PHCD 125.

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

28.1 Decision

It was agreed to suspend Private Hire Car Driver's Licence No EA/PHCD 125 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1241 - JAMES SMITH**

29. There was submitted a report dated 11 June 2010 (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 1241.

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

29.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1241 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1150 - THOMAS TELFER**

30. There was submitted a report dated 11 June 2010 (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 1150.

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

30.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1150 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 1177 - PAUL THOMSON**

31. There was submitted a report dated 11 June 2010 (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 1177.

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

31.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1177 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 96 - RAYMOND THOMSON

32. There was submitted a report dated 24 June 2010 (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 96.

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

32.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 96 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 1235 - ROBERT YOUNG

33. There was submitted a report dated 24 June 2010 (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 1235.

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

33.1 Decision

It was agreed to suspend Taxi Driver's Licence EA/TD 1235 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

ADJOURNMENT/RECONVENTION

34. The Panel adjourned at 1040 hours and reconvened at 1050 hours with the same Members and Officers present and in attendance.

EXCLUSION OF PRESS AND PUBLIC

35. 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 the Paragraph of Schedule 7A of the Act as shown against each item".

APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE NO EA/TD 792 - ANDREW NAIRN - CONTINUED HEARING (Item 4, Page 1186, 07/12) (PARA 14)

36.1 Continued Hearing

Andrew Nairn, the applicant, his wife and a friend and the representative from Strathclyde Police were re-admitted.

The Head of Legal, Procurement and Regulatory Services confirmed that he had consulted with the Clerk to the Sheriff Court and advised the Panel Members of the outcome.

Thereafter, the Panel heard further from Sergeant Menzies representing Strathclyde Police in explanation of the Police objections and the applicant, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

Both parties then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

36.2 Decision

Councillor Barney Menzies, seconded by Councillor Neil McGhee, moved that the application for the renewal of a Taxi Driver's Licence be granted, subject to the standard conditions.

Councillor John Campbell, seconded by Councillor Rose-Ann Cuninghame, moved as an amendment that the application for the renewal of a Taxi Driver's Licence be granted for a period of 12 months, subject to the standard conditions.

On a division by a show of hands, the motion was carried by 4 votes to 3.

APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE - ANDREW NAIRN (PARA 14)

- 37.** There was submitted a report dated 15 July 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for the renewal of a Private Hire Car Operator's Licence.

It was confirmed that Mr Andrew Nairn, the applicant, his wife and a friend and a representative from Strathclyde Police were all in attendance.

The Head of Legal, Procurement and Regulatory Services summarised the position and the representative from Strathclyde Police confirmed that the Police objections were the same as outlined in the previous hearing for Andrew Nairn.

37.2 Decision

It was agreed that:-

- (i) a Hearing was not required on the grounds that it would be a repetition of the previous Hearing; and
- (ii) the application for the grant of the renewal of a Private Hire Car Operator's Licence be granted subject to the standard conditions.

The meeting terminated at 1130 hours.