

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF MEETING HELD ON THURSDAY 10 MARCH 2011 AT 1000 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 and Barney Menzies.

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.

APOLOGIES: Councillors Kathy Morrice and Elaine Dinwoodie.

CHAIR: Councillor Hugh Ross, Chair.

ORDER OF BUSINESS

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

EXCLUSION OF PRESS AND PUBLIC

2. 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**

3. There was submitted a report dated 1 March 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.

3.1 Preliminary Matter

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter dated 9 March 2011 had been received from Social Services in respect of the applicant. It was confirmed that the representatives from Strathclyde Police had no objections to this letter on behalf of the applicant being circulated to the Panel.

In respect of the preliminary matter, it was agreed that the letter dated 9 March 2011 be accepted (then circulated).

The Head of Legal, Procurement and Regulatory Services then outlined the agreed hearing procedure.

3.2 Hearing

The Panel heard Inspector Henderson, representing Strathclyde Police in explanation of 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.

3.3 Decision

The Panel having taken all matters into consideration, determined not to suspend Taxi Driver's Licence EA/TD 843.

The applicant was, however, 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.

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

4. There was submitted a report dated 1 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 the grant of a Window Cleaner's Licence (3 year employee).

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

4.1 Hearing

The Panel heard Inspector Henderson in explanation of the Police observations, who spoke to all matters raised 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.

4.2 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 – STEVEN BURLEY

5. There was submitted a report dated 1 March 2011 (circulated) which invited the Panel to consider, by way of a Hearing, an application for the grant of a Taxi Driver's Licence.

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

5.2 Hearing

The Panel heard Inspector Henderson, representing Strathclyde Police in explanation of the Police observations, who spoke to all matters raised, all in accordance with the agreed 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

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.

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

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – LEONARD STEVENS

6. There was submitted a report dated 1 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 representatives from Strathclyde Police were in attendance and that Leonard Stevens, the applicant was not present or represented.

6.1 Declaration of Interest

Councillor Barney Menzies 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.

6.2 Hearing

The Panel heard Inspector Henderson, representing Strathclyde Police in explanation of the Police objections, who spoke to all matters raised, all in accordance with the agreed 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.

6.3 Decision

It was agreed that the application for the grant of a Taxi Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence.

Councillor Barney Menzies re-joined the meeting following consideration of the above item.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 804
– JAMES MORRISON**

7. There was submitted a report dated 9 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 804 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.

7.1 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.

7.2 Decision

It was agreed (i) to suspend the Taxi Driver's Licence EA/TD 804 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
1101 – JAMES MACKENZIE**

8. There was submitted a report dated 9 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 1101 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.

8.1 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.

8.2 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.

8.3 Decision

It was agreed (i) to suspend the Taxi Driver's Licence EA/TD 804 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.

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

RE-ADMISSION OF PRESS AND PUBLIC

9. The press and public were then re-admitted to the meeting.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 68 – JAMES GILLON

10. There was submitted a report dated 7 February 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 68.

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

10.1 Decision

It was agreed to suspend Taxi Driver Licence No EA/TD 68 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 1220 – PAUL CLARK

11. There was submitted a report dated 7 February 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 1220.

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

11.1 Decision

It was agreed to suspend Taxi Driver Licence No EA/TD 1220 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
1229 – KEVIN MACALPINE**

12. There was submitted a report dated 7 February 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 1229.

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

12.1 Decision

It was agreed to suspend Taxi Driver Licence EA/TD 1229 for the unexpired portion of its duration or until such time as the licence holder attended disability awareness training, whichever period was shorter.

The meeting terminated at 1112 hours.