

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 28 AUGUST 2008 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, John McKay, Robert Keohone, John Campbell, Gordon Cree and Elaine Dinwoodie.

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

APOLOGIES: Councillors Jim Buchanan, Neil McGhee and Barney Menzies.

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 3 of Schedule 7A of the Act.

APPLICATION FOR GRANT OF A STREET TRADER'S EMPLOYEE LICENCE - ARCHIE ANDERSON

2. There was submitted a report dated 13 August 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, an application for the grant of a Street Trader's Employee Licence.

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

2.1 Hearing

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police representations 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.

2.2 Decision

It was agreed that the application for the grant of a Street Trader's Employee Licence be granted for a period of 12 months, subject to the standard conditions.

The applicant was further advised that if any future offences or complaints were brought to the attention of the Panel in the future, the Panel would be unlikely to be minded to approve any renewal of the licence.

APPLICATION OF GRANT OF A TAXI DRIVER'S LICENCE - KEVIN O'DONNELL

3. There was submitted a report dated 13 August 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, an application for the grant of a Taxi Driver's Licence.

As a preliminary matter, the Head of Legal, Procurement and Regulatory Services advised the Panel that a letter dated 21 August 2008 had been received on 25 August 2008 from the Chief Constable, Strathclyde Police advising of further observations in respect of the application.

In respect of the preliminary matter, Mr O'Donnell, the applicant, confirmed that he had no objections to the further Police representation of 21 August 2008 being accepted by the Panel.

The Panel, being satisfied that there was sufficient reason for the submission from the Chief Constable not being made timeously, agreed:-

- (i) to accept the late submission from the Chief Constable, Strathclyde Police, which was then circulated to Panel Members; and
- (ii) to determine the application by way of a Hearing.

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

3.1 Hearing

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police representations, 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.

3.2 Decision

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

The applicant was further advised that if any future offences or complaints were brought to the attention of the Panel in the future, the Panel would be unlikely to be minded to approve any renewal of the licence.

MEETING WITH REPRESENTATIVES OF EAST AYRSHIRE TAXI TRADE ON 14 AUGUST 2008

4. The Chair of the Panel and the Head of Legal, Procurement and Regulatory Services updated the Panel in relation to the meeting which had taken place with representatives of East Ayrshire Taxi Trade on 14 August 2008, and in particular, advised that reports would be submitted to the next meeting of the Panel (i) requesting that the Panel consider a review of the current scales for taxi fares and associated charges due to increased fuel charges; and (ii) requesting a review on self advertising and commercial advertising on Taxi and Private Hire Cars.

The meeting terminated at 1110 hours.