

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 23 OCTOBER 2008 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, John MacKay, Robert Keohone, Gordon Cree, 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 Jim Buchanan, John Campbell 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 Paragraph 3 of Schedule 7A of the Act.

ORDER OF BUSINESS

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

APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - STEVEN RUSSELL

3. There was submitted a report dated 7 September 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 Private Hire Car Driver's Licence.

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 Private Hire Car Driver's Licence be granted for a period of 12 months subject to the standard conditions.

**APPLICATION FOR GRANT OF A STREET TRADER'S
LICENCE - DAVID McMILLAN**

4.1 Declaration of Interest

Councillor Barney Menzies declared a non-financial interest in the undernoted item and in accordance with Paragraphs 5.1.7 and 5.1.8 of the Council's Code of Conduct, took no part in the consideration or determination of the application.

4.2 Consideration of Item

There was submitted a report dated 7 October 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 Licence.

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

4.3 Hearing

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police representations, and Mr Forbes, the applicant's legal representative, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

The applicant, Mr Forbes 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.

4.4 Decision

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

The applicant was further advised by the Chair that the Panel takes a very dim view of people who operate without a licence.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S
LICENCE - GARY REYNOLDS**

- 5.** There was submitted a report dated 7 September 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.

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

5.1 Hearing

The Panel heard the Head of Legal, Procurement and Regulatory Services summarise the position.

5.2 Decision

It was agreed that the application be continued to a future meeting of the Panel.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S
LICENCE - THOMAS DONNELLY**

6. There was submitted a report dated 7 September 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. It was confirmed that the applicant was not present or represented.

6.1 Hearing

The Panel heard the Head of Legal, Procurement and Regulatory Services summarise the position.

6.2 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.

**APPLICATION FOR GRANT OF A LICENCE TO KEEP AN
ANIMAL BOARDING ESTABLISHMENT - PAIGE SUMMERS (AKA NADIA
LOUISE CARLYLE)**

7. There was submitted a report dated 7 October 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) advised that an application for the grant of a licence had been made in terms of the Animal Boarding Establishments Act 1963; and (ii) invited the Panel to determine the application by way of a Hearing.

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

7.1 Hearing

The Panel heard the Head of Legal, Procurement and Regulatory Services summarise the position.

7.2 Decision

It was agreed that the application for the grant of a licence to keep an animal boarding establishment be refused.

**APPLICATION FOR RENEWAL OF A SECOND HAND CAR DEALER'S LICENCE
- CHARLES ADAIR, MANAGING DIRECTOR OF THE VERVE LIMITED**

8. There was submitted a report dated 16 October 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 renewal of a Second Hand Car Dealer's Licence.

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

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

8.1 Hearing

The Panel heard Ms Angela Colthart, Company Secretary, The Verve Limited, in explanation of the application, all in accordance with the agreed Hearing Procedure.

The applicant then left the meeting to enable the Panel to take and consider legal advice.

The applicant was then re-admitted.

8.2 Decision

It was agreed:-

- (i) that the application for the grant of a Second Hand Car Dealer's Licence be granted subject to the standard conditions;
- (ii) to note the assurance given by The Verve Limited that they would work with the objector to avoid any future issues; and
- (iii) that a letter be issued to the objector advising of the assurances which had been given by The Verve Limited that they would take immediate action regarding any concerns raised.

The meeting terminated at 1115 hours.