

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 18 DECEMBER 2008 AT 0900 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

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

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

APOLOGIES: Councillors John MacKay and Jim Buchanan.

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 TAXI DRIVER'S LICENCE - COLIN CAMPBELL

3. There was submitted a report dated 27 November 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.

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 and his representative who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

3.2 Decision

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

**APPLICATION FOR GRANT OF A WINDOW CLEANER'S
LICENCE (EMPLOYEE) - NICKY BORLAND**

4. There was submitted a report dated 9 December 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 Window Cleaner's Licence (three year employee licence). There was also tabled an updated letter detailing Strathclyde Police's representations.

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

4.1 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.

4.2 Decision

It was agreed that the application for the grant of a Window Cleaner's Licence (three year employee licence) be granted, subject to the standard conditions with the applicant also being advised, in view of the submission from Strathclyde Police, that the Panel takes a dim view of anyone operating without an appropriate licence within East Ayrshire.

**APPLICATION FOR RENEWAL OF A LATE HOURS CATERING LICENCE -
MEHMET MERSIN**

5.1 Declaration of Interest

Councillor Jim Roberts declared a non-financial interest in accordance with Paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

5.2 Consideration of Item

There was submitted a report dated 27 November 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 Late Hours Catering Licence.

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

5.3 Hearing

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

5.4 Decision

It was agreed that the application for the renewal of a Late Hours Catering Licence be granted, subject to the standard conditions.

Councillor Jim Roberts re-joined the meeting at this point.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE -
JOHN HOUSTON**

6. There was submitted a report dated 9 December 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. There was also tabled an updated letter detailing Strathclyde Police's representations.

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

6.1 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 Police representatives and the applicant 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 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 within that 12 month period, the Panel would be unlikely to be minded to approve any further renewal of the licence.

**APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE -
MALCOLM SCOTT**

7. There was submitted a report dated 27 November 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 Taxi Driver's Licence. There was also tabled an updated letter detailing Strathclyde Police's objections.

7.1 Hearing

The Panel heard Chief Inspector Lawrence 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.

The Police representatives and the applicant then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

7.2 Decision

It was agreed 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.

The applicant was further advised that the Panel had specifically had no regard to the various pending cases before them, as disclosed within the objection from Strathclyde Police and that if the applicant was convicted of any of those pending

cases, Strathclyde Police would be expected to report the outcome to the Licensing Panel in early course to enable them to consider whether or not it would be necessary and appropriate to suspend the licence.

Councillor Neil McGhee left the meeting before the decision on this item.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - DEREK ROBERTS

8. There was submitted a report dated 27 November 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.

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

8.1 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 Police representatives and the applicant then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

8.2 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 although the Panel were concerned about his past offences they had decided to grant the licence, however, they would take a very dim view of any future offences or complaints which could lead to measures to suspend the licence and/or prejudice any future application for renewal of the licence.

APPLICATION FOR RENEWAL OF A LATE HOURS CATERING LICENCE - MANDIP SINGH

9. There was submitted a report dated 27 November 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 Late Hours Catering Licence. There was also tabled an updated letter detailing Strathclyde Police's representations.

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

9.1 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 Police representatives and the applicant then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

9.2 Decision

It was agreed that the application for the renewal of a Late Hours Catering Licence be granted, subject to the standard conditions.

The applicant was further advised that the Panel properly takes account of all previous convictions, including driving convictions, in the context of an applicant's fitness to hold such a licence.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE - SEAN BOYLAN

10. There was submitted a report dated 27 November 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 Window Cleaner's Licence (one year employee licence). There was also tabled an updated letter detailing Strathclyde Police's objections.

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

10.1 Hearing

The Panel heard Chief Inspector Lawrence representing Strathclyde Police in explanation of the Police objections, all in accordance with the agreed Hearing Procedure.

10.2 Decision

It was agreed that the application for the grant of a Window Cleaner'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 TAXI DRIVER'S LICENCE - GARY REYNOLDS

11. There was submitted a report dated 27 November 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.

11.1 Hearing

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police representations all in accordance with the agreed Hearing Procedure.

11.2 Decision

Councillor Barney Menzies, seconded by Councillor Elaine Dinwoodie, moved that the application for grant of a Taxi Driver's Licence be granted for a period of 12 months subject to the standard conditions.

Councillor John Campbell, seconded by Councillor Jim Roberts, moved as an amendment to continue the application to the next meeting in order that it be made known to the applicant the Panel's concerns over the driving convictions and that it would be helpful to his application to attend.

On a division by a show of hands the amendment was carried by 5 votes to 3.

The meeting terminated at 1210 hours.