

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF MEETING HELD ON THURSDAY 7 MAY 2009 AT 1000 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Hugh Ross, John MacKay, Robert Keohone, John Campbell, Gordon Cree, Jim Roberts, Barney Menzies and Elaine Dinwoodie.

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

APOLOGIES: Councillors Rose-Ann Cuninghame, Jim Buchanan and Neil McGhee.

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 TAXI DRIVER'S LICENCE -
ANTHONY WARDELL**

2. There was submitted a report dated 28 April 2009 (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 Anthony Wardell, the applicant, and Mr Alex Gorman, his representative and representatives from Strathclyde Police, were all in attendance.

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

The applicant, his representative 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 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 would take a very dim view of any similar offences or complaints which may be brought to their attention in the future

and in such circumstances would be unlikely to be minded to approve any renewal of the licence.

Councillor William Menzies joined the meeting following consideration of the above item.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - WILLIAM CLIVE

3.1 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.

3.2 Consideration of Item

There was submitted a report dated 24 April 2009 (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 William Clive, the applicant and representatives from Strathclyde Police, were all in attendance.

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

3.3 Hearing

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

3.4 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 the Panel would take a very dim view of any similar offences or complaints which may be brought to their attention in the future and in such circumstances would be unlikely to be minded to approve any renewal of the licence.

Councillor Jim Roberts re-joined the meeting following consideration of the above item.

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

4. There was submitted a report dated 24 April 2009 (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 Thomas Paton, the applicant and representatives from Strathclyde Police, were all in attendance.

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 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.

4.2 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 the Panel would take a very dim view of any similar offences or complaints which may be brought to their attention in the future and in such circumstances would be unlikely to be minded to approve any renewal of the licence.

APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE - RICHARD McAVOY

5. There was submitted a report dated 28 April 2009 (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.

It was confirmed that Richard McAvoy, the applicant and representatives from Strathclyde Police, were all in attendance.

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

5.1 Hearing

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

5.2 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 the Panel would take a very dim view of any similar offences or complaints which may be brought to their attention in the future and in such circumstances would be unlikely to be minded to approve any renewal of the licence.

**APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE -
PATRICK McILVANNEY - CONTINUED HEARING (Item 2, Page 645, 07/12)**

6. There was submitted a report dated 24 April 2009 (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.

It was confirmed that Patrick McIlvanney, the applicant, his sister and his partner and representatives from Strathclyde Police, were all in attendance.

The Head of Legal, Procurement and Regulatory Services summarised the current position and the decision of the Panel on 12 March 2009.

Mr McIlvanney advised the Panel that he was now in receipt of a letter from Strathclyde Police which confirmed that the erroneous record of a conviction had now been deleted from Patrick McIlvanney's record.

ADJOURNMENT/RECONVENTION

7. The Panel adjourned at 1135 hours and reconvened at 1145 hours with the same Members and Officers present and in attendance.

ORDER OF BUSINESS

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

**APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE -
JAMES MURPHY**

9. There was submitted a report dated 24 April 2009 (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 (3 year employee licence).

It was confirmed that James Murphy, the applicant, was not present or represented.

9.1 Hearing

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

9.2 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 WINDOW CLEANER'S LICENCE -
PATRICK McILVANNEY - CONTINUED HEARING (Item 2, Page 645, 07/12)**

10.1 Continued Hearing

Patrick McIlvanney, the applicant, his sister and his partner and the representatives from Strathclyde Police were re-admitted.

There was submitted a letter dated 29 April 2009 (circulated) from Chief Constable, Strathclyde Police, which confirmed that the erroneous information, which related to previous convictions, had now been deleted from Patrick McIlvanney's records.

It was confirmed that the applicant and representatives from Strathclyde Police all accepted the position as detailed within the letter from Strathclyde Police.

10.2 Decision

It was agreed that in the interim, the applicant be granted a temporary licence effective only until 22 October 2009 to allow all pending cases to be concluded.

RE-ADMISSION OF PRESS AND PUBLIC

11. The Press and public were then re-admitted to the meeting.

LICENSING ARRANGEMENTS FOR WINDOW CLEANERS (Item 7, Page 537, 07/12)

12. There was submitted a report dated 30 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to finalise future licensing arrangements in respect of Window Cleaner's in East Ayrshire.

It was agreed:-

- (i) to continue the existing licensing arrangements for Window Cleaners in terms of Section 43 of the Civic Government (Scotland) Act 1982 and specifically to continue to grant:-
 - (a) a licence for companies/individual operators known as a window cleaners licence to be valid for a period of 3 years; and
 - (b) a licence for employees known as window cleaner employees licence to be valid for an optional period of either one or three years;
- (ii) that the Head of Legal, Procurement and Regulatory Services communicate this affirmation of existing policy to all window cleaner operators in East Ayrshire and thereafter ensure the proper enforcement of the policy;
- (iii) that the Head of Legal, Procurement and Regulatory Services would review procedures with regard to checking public liability insurance; and
- (iv) otherwise, to note the contents of the report.

Councillor Elaine Dinwoodie left the meeting following consideration of the above item.

REVIEW OF TAXI FARES AND ASSOCIATED CHARGES (Item 4, Page 536, 07/12)

13. There was submitted a report dated 30 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised the Panel of a review of taxi fares and associated charges and invited the Panel to consider a proposed increase to the current fares and charges.

It was agreed:-

- (i) that there be no increase to taxi fares and associated charges, including fuel surcharge, for a period of one year;

- (ii) that there should be no increase in application fees for financial year 2009/2010;
- (iii) that the Panel would consider future reports and review the position regarding (i) and (ii) above, in respect of financial year 2010/11; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1230 hours.