

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF MEETING HELD ON FRIDAY 28 MAY 2010 AT 1000 HRS
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, Robert Keohone, John Campbell, Neil McGhee and Jim Roberts.

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

APOLOGIES: Councillors John MacKay, Jim Buchanan, Gordon Cree, Barney Menzies and Elaine Dinwoodie.

CHAIR: Councillor Hugh Ross, Chair.

PROPOSED REVIEW OF TAXI FARES (Item 13, Page 730, 07/12)

1. There was submitted a report dated 18 May 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider reviewing the scales for taxi fares and associated charges.

It was agreed:-

- (i) to consult with the Taxi Trade Association to ascertain their views on the proposed revised structures for all East Ayrshire (to be effective from Autumn 2010) as follows:-

Proposals for Review of Taxi Fares and Charges

Distance not exceeding 1,760 yds (2,000 yds)	£2.50
Each additional 160 yds (no change) (£0.15)	£0.15
Hires between midnight and 6am surcharge (£0.80)	£1.00
For hires accepted on 1 and 2 January and 25 and 26 December in each year (no change)	Double fare
5, 6 and 7-seater taxis	£1.25
For each passenger in excess of four (£1.00)	
Waiting time per 5 mins (£1.60)	£1.80
Taxi called by hirer and not used (£2.50)	£3.00
Radio call charge (£0.25)	£0.50
Fouling charge (£40.00)	£50.00

- (ii) to remit to the Executive Director of Finance and Corporate Support to submit a further report, to a future meeting of the Panel which advised on the outcome of (i) above.

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" and not Paragraph 3 as stated on the reports.

ORDER OF BUSINESS

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - NO EA/TD 792 - ANDREW NAIRN

4. There was submitted a report dated 14 May 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for renewal of a Taxi Driver's Licence No EA/TD 792.

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

4.1 Preliminary Matter

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter had been received from the applicant's Solicitor (attached as an appendix to the report) which advised that due to prior commitments, he could not represent his client at this meeting and, accordingly, requested that the Hearing be rescheduled.

4.2 Decision

It was agreed to continue consideration of this application to a future meeting.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE - STEVEN ALLAN

5. There was submitted (i) a report dated 14 May 2010 (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; and (ii) a letter dated 24 May 2010 from Strathclyde Police (tabled) which updated on the previously mentioned pending cases against Steven Allan.

It was confirmed that Steven Allan, the applicant, and representatives of 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 Sergeant Kelly, 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 Window Cleaner'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 may be unlikely to be minded to approve any renewal of licence.

RE-ADMISSION OF PRESS AND PUBLIC

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

APPLICATION FOR GRANT OF HOUSE IN MULTIPLE OCCUPATION LICENCE - PATRICK RODGERS

7. There was submitted a report dated 20 May 2010 (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 House in Multiple Occupation Licence.

It was confirmed that Reid Hamilton, Solicitor for the applicant, and Bill Gilchrist representing Environmental Health Services, East Ayrshire Council (the objector), were both in attendance.

7.1 Preliminary Matter

Reid Hamilton, Solicitor for the applicant (i) requested that consideration of this matter be continued to the Panel scheduled to take place on 26 August 2010 to allow further time to progress matters; and (ii) confirmed that this request would meet the statutory time limit of 12 months for determination of the application.

7.2 Decision

It was agreed to continue consideration of this application to the Panel on 26 August 2010.

EXCLUSION OF PRESS AND PUBLIC

8. 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" and not Paragraph 3 as stated on the reports.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - CAMERON BOYCE

9. There was submitted a report dated 14 May 2010 (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 Taxi Driver's Licence.

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

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

9.1 Hearing

The Panel heard Sergeant Kelly, 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 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.

9.2 Decision

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

APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE NO EA/TD 1003 - JOHN KERR

10. There was submitted (i) a report dated 18 May 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for renewal of a Taxi Driver's Licence (EA/TD 1003); and (ii) a letter dated 24 May 2010 from Strathclyde Police (tabled) which updated on the circumstances surrounding previously mentioned convictions.

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

10.1 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.

RE-ADMISSION OF PRESS AND PUBLIC

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

Councillor Jim Roberts left the meeting following consideration of the above item.

CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO EA/TD 1078 - KENNETH ALLAN

12. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1078.

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

12.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1078 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO EA/TD
1247 - DEREK ANDERSON**

13. There was submitted a report dated 8 April 2010 (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 1247.

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

13.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1247 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 38 - WILLIAM BAILLIE**

14. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 38.

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

14.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 38 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1085 - LAURA CALLAGHAN**

15. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1085.

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

15.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1085 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1104 - JAMES DRUMMOND**

16. There was submitted a report dated 1 April 2010 (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 1104.

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

16.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1104 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1071 - MARK FULTON**

17. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1071.

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

17.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1071 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 432 - MARK GARTON**

18. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 432.

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

18.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 432 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1143 - JAMES GIBSON**

19. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1143.

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

19.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1143 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1132 - ALEXANDER HUNTER**

20. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1132.

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

20.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1132 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1175 - PAUL KENNEDY**

21. There was submitted a report dated 8 April 2010 (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 1175.

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

21.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1175 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1068 - STEPHEN LAWRIE**

22. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1068.

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

22.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1068 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1191 - GEORGE McAVOY**

23. There was submitted a report dated 1 April 2010 (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 1191.

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

23.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1191 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1076 - ANDREW McCABE**

24. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1076.

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

24.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1076 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1125 - MARK McCALL**

25. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1125.

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

25.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1125 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1173 - STUART McCULLOCH**

26. There was submitted a report dated 1 April 2010 (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 1173.

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

26.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1173 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1117 - KEVIN McEWAN**

27. There was submitted a report dated 1 April 2010 (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 1117.

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

27.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1117 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1181 - KEVIN McGHEE**

28. There was submitted a report dated 1 April 2010 (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 1181.

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

28.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1181 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1195 - BARRY McKAY**

29. There was submitted a report dated 1 April 2010 (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 1195.

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

29.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1195 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1088 - DAVID NIMMO**

30. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1088.

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

30.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1088 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 1131 - GARY SANDERSON**

31. There was submitted a report dated 19 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 1131.

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

31.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 1131 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 936 - CLAIRE STUART**

32. There was submitted a report dated 1 April 2010 (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 936.

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

32.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 936 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 43 - NANCY SYKES**

33. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 43.

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

33.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 43 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

**CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE NO
EA/TD 49 - DAVID WALKER**

34. There was submitted a report dated 5 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 49.

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

34.1 Decision

It was agreed to suspend Taxi Driver's Licence No EA/TD 49 for the unexpired portion of its duration or until such time as the licence holder attends disability awareness training, whichever period is shorter.

The meeting terminated at 1155 hrs.