

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON THURSDAY 11 MARCH 2010 AT 1000 HOURS  
IN MEETING ROOM 1, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Hugh Ross, Rose-Ann Cuninghame, John MacKay, Robert Keohone, John Campbell, Gordon Cree, Neil McGhee and Barney Menzies.

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

**APOLOGIES:** Councillors Jim Buchanan, Jim Roberts 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.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE -  
GORDON REID**

2. There was submitted a report dated 2 March 2010 (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 Gordon Reid, the applicant, and representatives from Strathclyde Police, were all in attendance.

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

**2.1 Preliminary Matter**

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter had been received from the applicant. It was confirmed that the representatives from Strathclyde Police had no objections to the applicant's letter being circulated to the Panel.

In terms of the preliminary matter, it was agreed that the applicant's letter be accepted and thereafter copies were circulated to the Members.

**2.2 Hearing**

The Panel then heard Chief Inspector Dillon, 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.

### **2.3 Decision**

Councillor Barney Menzies, seconded by Councillor Neil McGhee, moved 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.

Councillor Gordon Cree, seconded by Councillor John Campbell, moved as an amendment that the application for the grant of a Taxi Driver's Licence be refused on the grounds that the applicant is not a fit and proper person to be the holder of such a licence.

On a division by a show of hands, the amendment was carried by 6 votes to 2.

The applicant was further advised that as a consequence of the refusal of his application he would be unable to reapply for at least 12 months but that if he incurred no further similar complaints or convictions during that period then his next application may well receive a more favourable outcome.

## **ORDER OF BUSINESS**

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

### **APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE - NELLO VACCA**

#### **4.1 Consideration of Item**

There was submitted a report dated 2 March 2010 (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 (EA/LHC 23).

It was confirmed that Mr and Mrs Vacca were in attendance.

The Head of Legal, Procurement and Regulatory Services summarised the position with regard to the application for the renewal of a Late Hours Catering Licence and confirmed that no objections or representations had been received, and that a Hearing was not required.

#### **4.2 Decision**

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

### **APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE - ADEEL CHOUDHRY**

5. There was submitted a report dated 2 March 2010 (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 Late Hours Catering Licence.

It was confirmed that Adeel Choudhry, the applicant, Mr Prosser, the objector and Mr Bill Gilchrist from Environmental Health Services of East Ayrshire Council were all in attendance.

### **5.1 Preliminary Matter**

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter dated 8 March 2010 had been received from NRBS, the applicant's Solicitor and a letter dated 4 March 2010 had been received from Mr Prosser, the objector, providing further information.

In respect of the preliminary matter, it was agreed that both letters be accepted as relevant submissions and copies of each were thereafter circulated to the Members.

### **5.2 Hearing**

The Panel then heard Mr Prosser, the objector, in explanation of his objections, Mr Bill Gilchrist, Environmental Health in respect of his representation and the applicant, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

The applicant, the objector and the representative from Environmental Health then left the meeting to enable the Panel to take and consider legal advice on the matter.

### **5.3 Decision**

It was agreed that having due regard to the terms of Paragraph 5(3)(c)(i) and (iv) of the Civic Government (Scotland) Act 1982 the application for the grant of Late Hours Catering Licence be continued to allow the applicant to carry out all required works with regard to the flue to the satisfaction of both the applicant and the objector and Environmental Health. The application would be re-submitted for the Panel's reconsideration upon completion of the works or to a Special Meeting, if required, on or before 3 August 2010.

The meeting terminated at 1210 hours.