

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON TUESDAY 19 JUNE 2007 AT 1000 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

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

**ATTENDING:** David Mitchell, Head of Legal, Procurement and Regulatory Services; George Scott, Licensing Officer and Sharon McHarg, Administrative Officer.

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

**CHAIR:** Councillor Hugh Ross, Chair.

**CHAIRS REMARKS**

1. The Chair welcomed everyone in attendance.

**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 3 of Schedule 7A of the Act.

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

3. There was submitted a report dated 24 May 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Panel (a) to consider whether or not to entertain an out of time representation from Strathclyde Police; and (b) if so, to agree to consider, by way of a Hearing, the application for a grant of a Window Cleaner's Licence.

The Panel heard Sergeant Kelly explain that the nature and the extent of enquiries which required to be undertaken, had precluded the Chief Constable from meeting the statutory timescales.

The Panel, being satisfied that there was sufficient reason for the submission from the Chief Constable not to be made timeously, agreed (i) to accept the late submission by Strathclyde Police (then circulated); and (ii) to determine the application by way of a Hearing.

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

**3.1 Hearing**

The Panel heard Sergeant Kelly, representing Strathclyde Police, in explanation of the Police objections and Mr Jason Manson, applicant and Mr Patrick McGreer, employer, all in accordance with the agreed Hearing Procedure.

The applicant, his employer 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 Window Cleaner's Licence be granted for one year, subject to the standard conditions.

The applicant was further advised that if any further offences or complaints were brought to the attention of the Panel in the future, the Panel would be unlikely to be minded to approve any renewal of the licence.

## **CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE**

4. There was submitted a report dated 24 May 2007 (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 982 in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

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

### **4.1 Hearing**

The Panel heard Sergeant Kelly in explanation of the Police observations, all in accordance with the agreed Hearing Procedure.

### **4.2 Decision**

It was agreed to suspend Taxi Driver's Licence No EA/TD 982 for the unexpired portion of the duration of the licence, namely until 3 September 2009, in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **CONSIDERATION OF SUSPENSION OF HOUSES IN MULTIPLE OCCUPATION LICENCES – EA/HMO 13 AND EA/HMO 14**

5. There was submitted a report dated 28 May 2007 (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 Houses in Multiple Occupation Licences No EA/HMO 13 and EA/HMO 14 in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The Head of Legal, Procurement and Regulatory Services advised the Panel that a letter (then circulated) had been received from the Licence Holder.

The Panel heard Mr P Todd, Principal Officer, Environmental Health and Licensing representing East Ayrshire Council in explanation of the complaint.

There followed a discussion regarding the contents of the letter during which the Panel took and considered legal advice on the matter.

It was agreed that the Hearing be stood down and that the Head of Legal, Procurement and Regulatory Services arrange for the Licence Holder to sign a written undertaking that the premises remain unoccupied until all the necessary works have been completed.

The meeting terminated at 1105 hours.