

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON THURSDAY 30 AUGUST 2007 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Hugh Ross, Rose-Ann Cuninghame, Robert Keohone, Gordon Cree and Jim Roberts.

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

**APOLOGIES:** Councillors John MacKay, Jim Buchanan, John Campbell and Barney Menzies.

**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 - ANDREW BROWN**

2. There was submitted a report dated 14 August 2007 (circulated) by the 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, an application for the grant of a Taxi Driver's Licence.

The Chair heard Superintendent Weir representing Strathclyde Police, who explained that the nature and extent of enquiries which required to be undertaken had precluded the Chief Constable from meeting the statutory timescales.

The applicant then confirmed that he had no comment to make at this point.

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

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

**2.1 Hearing**

The Panel heard Superintendent Weir representing Strathclyde Police, in explanation of the Police representation, and the applicant, who spoke to the 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.

## **2.2 Decision**

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

The applicant was further advised that any future offences or complaints would be brought to the attention of the Panel.

### **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 undernoted.

#### **APPLICATION FOR GRANT OF A STREET TRADER'S (EMPLOYEE) LICENCE - MICHAEL HEMPHILL**

4. There was submitted a report dated 14 August 2007 (circulated) by the Executive Director of Corporate Support which invited the Panel to consider, by way of a Hearing, an application for the grant of a Street Trader's (Employee) Licence.

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

#### **4.1 Hearing**

The Panel heard Superintendent Weir representing Strathclyde Police, in explanation of the Police observation, 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 Street Trader's (Employee) Licence be granted, subject to the standard conditions.

The applicant was further advised that any future offences or complaints would be brought to the attention of the Panel.

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

5. There was submitted a report dated 14 August 2007 (circulated) by the 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, and not a renewal as stated within the report.

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

**5.1 Hearing**

The Panel heard Superintendent Weir representing Strathclyde Police, in explanation of the Police observations, all in accordance with the agreed Hearing Procedure.

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, subject to the standard conditions.

The meeting terminated at 1055 hours.