

EAST AYRSHIRE COUNCIL**LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 24 JUNE 2009 AT 1300 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Hugh Ross, Rose-Ann Cuninghame, John MacKay, Robert Keohone, John Campbell, Jim Roberts and Barney Menzies.

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

APOLOGIES: Councillors Jim Buchanan, Gordon Cree, Neil McGhee and Elaine Dinwoodie.

CHAIR: Councillor Hugh Ross, Chair.

RETIREMENT OF CHIEF INSPECTOR ALAN LAWRENCE

1. The Chair informed the Panel that Chief Inspector Alan Lawrence was retiring and on behalf of the Panel, wished him well in his retirement.

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 LICENCE (EMPLOYEE)
- JAMES MURPHY - CONTINUED HEARING (Item 9, Page 729, 07/12)****3.1 Declaration of Interest**

Councillor Barney Menzies 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 16 June 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, Iain Druggan, his representative 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, 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.

3.4 Decision

It was agreed that the application for the grant of a Window Cleaner's Licence (3 year employee licence) be granted, subject to the standard conditions with the applicant also being 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 a licence.

Councillor Barney Menzies re-joined the meeting following consideration of this item.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - MARK McCLUNG

4.1 Declaration of Interest

Councillor Robert Keohone declared a non-financial interest in accordance with Paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

4.2 Consideration of Item

There was submitted a report dated 16 June 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 Mark McClung, the applicant, and representatives from Strathclyde Police, were all in attendance.

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

4.3 Hearing

The Panel heard Chief Inspector Lawrence, 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.

4.4 Decision

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

Councillor Robert Keohone re-joined the meeting following consideration of the above item.

**APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE -
KRIS WEARS**

5. There was submitted a report dated 16 June 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 the applicant was not present or represented and that representatives from Strathclyde Police, were in attendance.

5.1 Hearing

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

5.2 Decision

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

**APPLICATION FOR A MATERIAL CHANGE TO STREET TRADER'S LICENCES -
MR PAUL BLAIR (EMPLOYER) AND MRS PAULINE BLAIR (EMPLOYEE)**

6. There was submitted a report dated 16 June 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 a material change to Street Trader's Licences (EA/ST508 and EA/ST512E).

It was confirmed that the applicants were not present or represented.

6.1 Hearing

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

6.2 Decision

It was agreed that the application be continued to a future meeting of the Panel, to afford the applicants a further and final opportunity to be heard in support of their application.

The meeting terminated at 1350 hours.