

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 9 AUGUST 2011 AT 1400 HOURS IN COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Hugh Ross, Robert Keohone, John Campbell, Gordon Cree, Jim Roberts and Barney Menzies.

**ATTENDING:** Stuart McCall, Legal and Procurement Services Manager; Richard Tickner, Enforcement Officer; Gillian Kuhn, Licensing Board Administrator; and Sharon McHarg, Administrative Officer.

**APOLOGIES:** Councillors Rose-Ann Cuninghame, John MacKay, Neil McGhee, Kathy Morrice 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 14 of Schedule 7A of the Act".

**APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE  
NO. EA/TD 694 - MALCOLM SCOTT**

2. There was submitted a report dated 1 August 2011 (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 renewal of a Taxi Driver's Licence EA/TD 694.

It was confirmed that the applicant and representatives from Strathclyde Police were in attendance.

The Legal and Procurement Services Manager outlined the agreed Hearing Procedure.

**2.1 Declaration of Interest**

Councillor Barney Menzies declared a non-financial interest in respect of this item and intimated that the nature of the non-financial interest was significant having considered the terms of the objective test as outlined in Paragraph 5.3 of the Councillors' Code of Conduct and accordingly withdrew from the meeting.

**2.2 Hearing**

The Panel heard Inspector Ireland, representing Strathclyde Police in explanation of the Police observations and who further advised that the cases were still pending and the applicant, who spoke to all matters raised, 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.

### **2.3 Decision**

It was agreed that the application for the renewal of a Taxi Driver's Licence be granted for a period of 12 months.

The applicant was further advised that in making their decision, the Panel had not considered the pending cases however should any of the outstanding matters result in a conviction, the Panel would have the ability to review the applicant's fitness to continue to hold such a licence in terms of the relevant statutory provisions.

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

## **APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - BRIAN McANESPIE**

3. There was submitted a report dated 1 August 2011 (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 representatives from Strathclyde Police were in attendance and that the applicant was not present or represented.

### **3.1 Hearing**

The Panel heard Inspector Ireland, representing Strathclyde Police in explanation of the Police objections, who spoke to all matters raised, 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.

### **3.2 Decision**

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

## **APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE - CHERYL CRAWLEY**

4. There was submitted a report dated 1 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Panel to consider, by way of a Hearing, an application for grant of a Taxi Driver's Licence.

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

The Legal and Procurement Services Manager outlined the agreed Hearing Procedure.

### **4.1 Hearing**

The Panel heard Inspector Ireland, 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.

During the Hearing, the Panel heard briefly from the applicant before she excused herself from the meeting. At the request of the applicant, it was agreed that the Hearing continue in her absence.

The Legal and Procurement Services Manager summarised the position.

The Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The Police representatives were then re-admitted.

#### **4.2 Decision**

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

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

5. There was submitted a report dated 1 August 2011 (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 renewal of a Taxi Driver's Licence EA/TD 1003.

It was confirmed that John Kerr, the applicant, and Richard Tickner, Licensing Enforcement Officer were both in attendance.

The Legal and Procurement Services Manager outlined the agreed Hearing Procedure.

#### **5.1 Hearing**

The Panel heard Richard Tickner, Licensing Enforcement Officer in explanation of his representation in connection with the renewal of the Taxi Driver's Licence, and the applicant, who spoke to all matter raised, all in accordance with the agreed Hearing Procedure.

The applicant and Richard Tickner 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**

Councillor Jim Roberts, seconded by Councillor John Campbell, moved refusal of the renewal of Taxi Driver's Licence EA/TD 1003 on the grounds that the applicant was not a fit and proper person to be the holder of such a licence.

Councillor Barney Menzies, seconded by Councillor Gordon Cree, moved as an amendment that the Taxi Driver's Licence be granted, for a period of 12 months.

There being an equality of votes, the Chair exercised his casting vote in favour of the amendment which was accordingly carried.

The Legal and Procurement Services Manager confirmed that the renewal of the Taxi Driver's Licence EA/TD 1003 had been granted for a period of one year.

The applicant was further advised that the Panel would take a very dim view of any similar offences or complaints which might be brought to their attention in future and

in such circumstances would be unlikely to be minded to approve any renewal of the licence.

The meeting terminated at 1545 hours.