

**EAST AYRSHIRE COUNCIL****LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF MEETING HELD ON THURSDAY 17 MARCH AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jim Raymond, Daniel Coffey, Gordon Cree, John Weir, Harry Wilson, George Smith, William Menzies, Neil McGhee and Jim O'Neill.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; Alison Smith, Licensing & Community Safety Manager; Paul Todd, Principal Officer; Peter McCluskey, Transport Services Manager; and Sharon McHarg, Administrative Officer.

**ALSO ATTENDING:** Bob Brown, Chief Inspector, Ian Haynes and Willie Hodge, Police Sergeants, (all Strathclyde Police).

**APOLOGY:** Councillor Isabella Macrae.

**CHAIR:** Councillor Jim Raymond, Chair.

**NATIONAL REVIEW OF PROVISIONS OF CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

1. There was submitted and noted a report dated 25 February 2005 (circulated) by the Executive Director of Neighbourhood Services which advised of the findings and recommendations of the task group established by the Scottish Ministers to review the Licensing Provisions contained in the Civic Government (Scotland) Act 1982.

**REVIEW OF TAXI/PRIVATE HIRE CAR OPERATORS' AND DRIVERS' CONDITIONS, VEHICLE SPECIFICATIONS, BEST PRACTICE GUIDE, ETC**

2. There was submitted a report dated 1 March 2005 (circulated) by the Executive Director of Neighbourhood Service which invited the Panel to review the conditions attached to licenses for taxi/private hire operators and drivers, specifications for vehicles licensed as taxis and private hire cars and to consider a "Best Practice" guide for all operators and drivers.

It was agreed that with effect from 1 April 2005:-

- (i) the revised conditions be attached to any grant or renewal of a taxi or private hire car operator's license;
- (ii) the revised conditions be attached to any grant or renewal of a taxi or private hire car driver's license; and
- (iii) all new or replacement vehicles for use as taxis or private hire cars must comply with revised specifications. Vehicles currently licensed as taxis or private hire cars will be permitted to remain in service until they reach the age limit or are replaced.

**APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE – KUWAIT PETROLEUM (GB) LTD, RIGG STREET, STEWARTON**

3. There was submitted a report dated 24 February 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider by way of a Hearing, an application for the grant of a Late Hours Catering Licence.

As a preliminary matter, the Panel considered a request from Mr Meiklejohn, objector, that they view a video which he had submitted in support of his objection. Having heard the views of both parties on this issue, and having been advised by the Head of Administrative and Legal Services that it was competent for the Panel to view the video if they should so wish, the Panel agreed to view the video, in private, prior to the commencement of the formal Hearing in respect of this application.

The Panel then agreed to adjourn this Hearing till the end of the meeting.

### **EXCLUSION OF PRESS AND PUBLIC**

4. 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 Hearings relating to 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 – JOHN CLARK**

- 5.1 There was submitted a report dated 9 February 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel (a) to consider whether or not to entertain an out of time representation from Strathclyde Police in connection with the above application; and (b) if so, to agree to consider, by way of a Hearing, the application for the grant of a Taxi Driver's Licence.

The Panel heard Chief Inspector Brown explain that the nature and extent of the enquiries undertaken precluded the Chief Constable from meeting the statutory timescales.

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

The Panel agreed to accept the late representation (which was then circulated) and to determine the application by way of a Hearing.

The Panel also then received a copy of a letter previously submitted by the applicant in support of his application and in response to the Police representation.

#### **5.2 Hearing**

The Panel heard Chief Inspector Brown, representing Strathclyde Police in explanation of the Police observations, all in accordance with the agreed Hearing procedures.

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

The Police representatives were then re-admitted.

#### **5.3 Decision**

It was agreed that the application for the grant of a Taxi Drivers' 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, but the Panel agreed to waive the statutory one year restriction on successive applications in the event that the applicant should wish to re-apply and appear before the Panel in support of a further application.

**APPLICATION FOR RENEWAL OF A TAXI DRIVER'S  
LICENCE – JOHN MCGILL**

- 6.1. There was submitted a report dated 9 February 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, the application for the renewal of a Taxi Driver's Licence.

The Head of Administrative and Legal Services outlined the agreed Hearing procedure.

**6.2 Hearing**

The Panel heard Chief Inspector Brown, representing Strathclyde Police in explanation of the Police objections and Mr McGill, applicant spoke to the matters raised, all in accordance with the agreed Hearing procedures.

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

The parties were then re-admitted.

**6.3 Decision**

It was agreed that the application for the renewal of a Taxi Drivers' Licence be granted for a period of twelve months subject to the standard conditions.

**ADJOURNMENT/RECONVENTION OF MEETING**

7. The Panel adjourned at 1135 hrs and reconvened at 1205 hrs in order to watch the video tape as submitted by Mr Meiklejohn, objector in relation to the item of business.

**READMISSION OF PRESS AND PUBLIC**

8. It was agreed that any Press and public be readmitted at this time.

**APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE –  
KUWAIT PETROLEUM (GB) LTD, RIGG STREET, STEWARTON**

**9.1 Hearing**

The Panel heard Mr Meiklejohn in explanation of his objections and Maggie Calladine and Mr Jim Paterson on behalf of the applicant who spoke on the matters raised all in accordance with the agreed hearing procedure.

The representatives from Strathclyde Police answered questions as necessary.

The applicant, objector and Strathclyde 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.

**9.2 Decision**

Councillor O'Neill seconded by Councillor Wilson moved that the application be refused on the grounds of the possibility of undue public nuisance and public order.

Councillor Smith seconded by Councillor N McGhee moved that the licence be granted till 2am.

On a division by a show of hands the amendment was carried by six votes to three.

The meeting terminated at 1326 hours.