

EAST AYRSHIRE COUNCIL**LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF MEETING HELD ON THURSDAY 28 OCTOBER 2004 AT 0930 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jim Raymond, Daniel Coffey, Gordon Cree, Harry Wilson, George Smith, and Neil McGhee.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; Alison Smith, Principal Officer Licensing & Community Safety; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillors Jimmy Carmichael.

CHAIR: Councillor Jim Raymond, Chair.

APPLICATION FOR GRANT OF A TRACK BETTING LICENCE**1.1 Declaration of Interest**

Councillor Daniel Coffey declared an indirect non pecuniary interest in this item.

1.2 Consideration of Item

There was submitted a report dated 4 October 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider an application for the grant of a Track Betting Licence and to fix fees for the same.

1.3 Decision

It was agreed:-

- (i) in accordance with paragraph 12 of the Schedule of the Act, that fees be set at:-
 - (a) £46 for consideration of an application for a grant of a Track Betting Licence;
 - (b) £464 per annum for the currency of an existing licence; and
 - (c) £46 for the transfer of a licence; and
- (ii) that the application for the grant of a Track Betting Licence be granted.

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 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.

CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENCE NUMBER EA/TD 321 AND A TAXI OPERATORS LICENCE NUMBER EA/T 56

- 3. There was submitted a report dated 5 October 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider by way of a

Hearing, the suspension of Taxi Driver's Licence Number EA/TD 321 and Taxi Operator's Licence Number EA/T 56 by way of a Hearing.

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

3.2 Hearing

The Panel heard Mrs Rhona Gibson in explanation of the complaint and Mr Bruce, representative for the applicant, who spoke to matters raised all in accordance with the agreed Hearing procedures.

The applicant, his representative, and the complainant then left the meeting to enable the Panel to take and consider legal advice on the matter.

Councillor Cree joined the meeting during consideration of the Hearing.

The parties were then re-admitted.

3.3 Decision

Having due regard to all the information presented to the Panel during the course of the Hearing, it was agreed that:-

- (i) the applicant be invited to attend a further training session in early course on the carriage of passengers in wheelchairs within taxis;
- (ii) a report be submitted to the next meeting of the Panel on the outcome of the training; and
- (iii) determination of this item be continued to the next meeting of Panel.

APPLICATION FOR GRANT OF A TAXI DRIVERS' LICENCE – SCOTT HARLEY

4. There was submitted a report dated 4 October 2004 (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; and (b) if so, to agree to consider by way of a Hearing, the application for the grant of a Taxi Drivers' Licence.

The Panel heard Chief Inspector Scally 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 submissions (circulated) and to determine the application by way of a Hearing.

4.2 Hearing

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

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

The Panel were advised that the applicant had now arrived for the Hearing.

The Police representatives were then re-admitted and the applicant was admitted to the meeting.

4.3 Decision

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

The meeting terminated at 1040 hours.