

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON THURSDAY 26 OCTOBER 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jim Raymond, Jim O'Neill, Gordon Cree, John Weir, Isabella Macrae, Harry Wilson, George Smith, Neil McGhee and Elaine Stewart.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; David Johnstone, Licensing and Community Safety Manager; and Sharon McHarg, Administrative Officer.

**APOLOGIES:** Councillors John Campbell and William Menzies.

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

**TAXI AND PRIVATE HIRE CAR SPECIFICATIONS (Item 2, page 1341, 03/07)**

1. There was submitted a report dated 11 October 2006 (circulated) by the Executive Director of Neighbourhood Services which advised of the outcome of a request for the approved specification for taxi and private hire vehicles to be amended.

It was agreed:-

- (i) to note that following a review, Officers could find no justification for revisiting the specification approved for taxis and private hire vehicles at the meeting held on 17 March 2005;
- (ii) to confirm that the current specification remained unchanged; and
- (iii) otherwise, to note the contents of the report.

**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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A of the Act.

**APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE**

3. There was submitted a report dated 3 October 2006 (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; and (b) if so, to agree to consider by way of a Hearing, the application for renewal of a Private Hire Car Operator's Licence.

The Chair heard Sergeant Kelly explain that the nature and extent of the enquiries which required to be undertaken had precluded the Chief Constable from meeting the statutory timescales.

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

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 (then circulated); and (ii) to determine the application by way of a Hearing.

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

### **3.1 Hearing**

The Panel heard Sergeant Kelly, representing Strathclyde Police, in explanation of the police observations, all in accordance with the agreed Hearing Procedures.

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

The Police representative was then re-admitted.

### **3.2 Decision**

It was agreed that:

- (i) the application for renewal of a Private Hire Car Operator'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; and
- (ii) a further Local Government Licensing Panel be arranged to consider the suspension of the applicant's Taxi Driver's Licence.

The meeting terminated at 1045 hours.