

EAST AYRSHIRE COUNCIL**LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF MEETING HELD ON THURSDAY 12 MAY 2005 AT 1400 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

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

ATTENDING: David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillor Elaine Stewart.

CHAIR: Councillor Jim Raymond, 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 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 RENEWAL OF TAXI DRIVER'S LICENCE – ROSS
McFADZEAN**

2. There was submitted a report dated 20 April 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel (i) to consider whether or not to entertain an out-of-time representation from Strathclyde Police in connection with the above application; and (ii) if so, agree to consider, by way of a hearing, the application for the renewal 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. Mr McFadzean also confirmed that he had no objection to the Police representation being accepted by the Panel.

The Panel then agreed (i) to accept the late submission from Strathclyde Police, which was then circulated to the Panel members together with a letter from the applicant in support of his application; and (ii) to determine the application by way of a Hearing.

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

2.2 Hearing

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

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.

2.3 Decision

It was agreed that the application for the renewal 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 GRANT OF A WINDOW CLEANER'S LICENCE – WILLIAM McCracken

3. There was submitted a report dated 19 April 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel (i) to consider whether or not to entertain an out-of-time representation from Strathclyde Police in connection with the above application; and (ii) if so, to agree to consider, by way of a Hearing, the application for the grant of a Window Cleaner'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. Mr McCracken then confirmed he had no objection to the Police representation being accepted by the Panel.

The Panel then agreed (i) to accept the late submission from Strathclyde Police, which was then circulated to Panel members together with a letter from the applicant in support of his application; and (ii) to determine the application by way of a Hearing.

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

3.2 Hearing

The Panel heard Chief Inspector Brown, representing Strathclyde Police in explanation of the Police observations, and Mr McCracken, the applicant who spoke on the matters raised, all in accordance with the agreed Hearing procedures.

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.

3.3 Decision

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

The meeting terminated at 1506 hours.