

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 14 FEBRUARY 2006 AT
1200 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

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

ATTENDING: David Mitchell, Head of Administrative and Legal Services; John F. Crawford, Head of Protective Services; David Johnstone, Licensing and Community Safety Manager and Julie McGarry, Assistant Administration Manager.

APOLOGIES: Councillors Daniel Coffey, Isabella Macrae, William Menzies and 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 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.

**CONSIDERATION OF SUSPENSION OF STREET TRADERS LICENCE NO
EA/ST 385 (Item 2, page 1886, 03/07)**

2. There was submitted a report dated 24 January 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider the suspension of Street Traders Licence No EA/ST 385 in terms of paragraph 11 of Schedule 1 to the Civic Government Scotland Act 1982.

3.1 Hearing

The Panel heard Acting Superintendent Robertson, representing Strathclyde Police, in explanation of the Police objections, and the licensee's legal representative who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The licensee, the licensee's legal representative 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.

3.2 Decision

The Panel agreed

- (i) not to suspend Street Traders Licence no EA/ST 385 in terms of paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 as it would be premature to do so prior to the conclusion of the pending criminal proceedings;

- (ii) to reserve the right to revisit the matter of suspension if the licensee was subsequently convicted; and
- (iii) to note the licensee's undertaking not to trade in the Bellfield area at least until the conclusion of the pending criminal proceedings.

The meeting terminated at 1255 hours.