

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 25 JANUARY 2007 AT 1105 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Jim O'Neill, Gordon Cree, Harry Wilson, John Campbell, George Smith, William Menzies and Neil McGhee.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; David Johnstone, Licensing and Community Safety Manager, Peter Hessett, Team Leader (Litigation and Advice) and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillors Jim Raymond, John Weir, Isabella Macrae and Elaine Stewart.

CHAIR: Councillor Jim O'Neill, Chair.

CHAIR

1. In the absence of Councillor Raymond, it was agreed that Councillor O'Neill take the Chair.

ORDER OF BUSINESS

2. The Chair, at his discretion and in terms of Standing Order 19, agreed to alter the order of business and took agenda item number 5 at this point.

**THE PROVISION OF ADDITIONAL WHEELCHAIR ACCESSIBLE VEHICLES
FOR USE AS LICENSED TAXIS (Item 8, page 1897, 03/07)**

3. There was submitted a report dated 4 January 2007 (circulated) by the Executive Director of Neighbourhood Services which invited members to consider granting additional Taxi Operator's Licences in order to achieve the policy decision of having a minimum of 25% of the taxi fleet wheelchair accessible and to determine the method of allocating additional licences.

It was agreed:-

- (i) that an additional 13 taxi operators licences be issued for the North Zone, each licence subject to the condition that the vehicle would be, and would remain in perpetuity, capable of carrying a disabled passenger in their wheelchair;
- (ii) that it be remitted to the Executive Director of Neighbourhood Services in consultation with the Head of Administrative and Legal Services to provide a further report to the next meeting of the Panel setting out options for the Panel to determine a suitable method of allocating and advertising the additional 13 taxi operators licences be issued for the North Zone;
- (iii) that if any current licensed wheelchair accessible vehicle was replaced by a non-compliant vehicle, it be remitted to the Executive Director of Neighbourhood Services to issue such additional taxi operators licences

required to maintain the required percentage, all in terms of the Council's Scheme of Delegation; and

- (iv) otherwise, to note the contents of the report.

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 meeting for 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 WINDOW CLEANER'S LICENCE

5.1 Declaration of Interest

Councillor William Menzies declared a non financial interest in this item and left the meeting.

5.2 Consideration of Item

There was submitted a report dated 30 November 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, an application for a grant of a Window Cleaner's Licence.

The Team Leader (Litigation and Advice) outlined the agreed hearing procedure.

5.3 Hearing

The Panel heard Chief Inspector Robertson, representing Strathclyde Police, in explanation of the Police observations, and Joseph Ferguson, the applicant who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

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.

5.4 Decision

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

Councillor Campbell and the Police representatives left the meeting and Councillor Menzies re-joined the meeting following consideration of the above item.

CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE

6. There was submitted a report dated 11 December 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, the suspension of Late Hours Catering Licence No EA/LHC 32 in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

6.1 Hearing

The Panel heard the Licensing and Community Safety Manager representing the Department of Neighbourhood Services in explanation of the written report and the licensee's legal representative who spoke to the matters raised, all in accordance

with the agreed Hearing Procedure. The licensee's daughter was in attendance for the purpose of translating information for the licensee.

The licensee, the licensee's daughter and the licensee's legal representative and the Licensing and Community Safety Manager then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

6.2 Decision

It was agreed not to suspend the Late Hours Catering Licensing No EA/LHC 32 in terms of Paragraph 11 of the Schedule 1 to the Civic Government (Scotland) Act 1982.

The licensee's daughter was asked to further advise the licensee that any offences or complaints brought to the attention of the Panel in future would likely to be severely dealt with.

The meeting terminated at 1150 hours.