

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON 1 SEPTEMBER 2005 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim Raymond, Daniel Coffey, Gordon Cree, John Weir, Isabella Macrae, Harry Wilson, George Smith, and Neil McGhee

ATTENDING: Peter Hessett, Team Leader (Litigation and Advice); John F Crawford, Head of Protective Services; David Johnstone, Licencing and Community Safety Manager; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillors Jim O'Neill, 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 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 GRANT OF A TAXI DRIVER'S LICENCE – JOHN FRAME

2. There was submitted a report dated 9 August 2005 (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 the grant 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 Frame, the applicant confirmed that he had no objection to the Police representation being accepted by the Panel.

The Panel then agreed (i) to accept the late submissions from Strathclyde Police (circulated) and (ii) to determine the application by way of a hearing.

The Team Leader (Litigation and Advice) outlined the agreed Hearing Procedures.

2.1 Hearing

The Panel heard Chief Inspector Brown, representing Strathclyde Police in explanation of the Police objections, and 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.

2.2 Decision

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

The applicant was further advised that any new offences, other than the current pending case, brought to the attention of the Panel in the future, would be likely to be severely dealt with.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NUMBER
EA/TD/ 334**

3. There was submitted a report dated 11 August 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider the suspension of Taxi Driver's Licence number EA/TD/ 334, by way of a hearing.

The Team Leader (Litigation and Advice) outlined the agreed Hearing Procedure.

3.1 Hearing

The Panel heard Chief Inspector Brown, representing Strathclyde Police in explanation of the complaint, Mr Macphee the applicant's representative and Mr Lee, who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The Panel then heard Mr Macphee representing the applicant and two witnesses Mrs Nanette Bruce and Mr Stewart Ferguson who both the complainer and the members had an opportunity to question.

The applicant, his representative, the witnesses and the complainer 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

Having due regard to all the information presented to the Panel during course of the hearing, it was agreed that the applicant retain his license.

The applicant was further advised that any new offences, brought to the attention of the Panel in the future would be likely to be severely dealt with.

The meeting terminated at 1230 hours.