

EAST AYRSHIRE COUNCIL**SPECIAL LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF MEETING HELD ON FRIDAY 18 JUNE 2004 AT 1405 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Jim Raymond, Daniel Coffey, John Weir, William Menzies, and Neil McGhee

ATTENDING: William Stafford, Executive Director of Neighbourhood Services; David Mitchell, Acting Director of Corporate Support; John F Crawford, Head of Protective Services; Alison Smith, Principal Officer Licensing & Community Safety; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Gordon Cree, Isabella Macrae, Harry Wilson, George Smith, Elaine Stewart and Jimmy Carmichael.

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 –
NORMAN KENNEDY**

2. There was submitted a report dated 8 June 2004 (circulated) by the Executive Director of Neighbourhood Services inviting the Panel to (a) consider whether to entertain an out of time objection from Strathclyde Police in connection with the above application; and (b) if so, to agree to consider the application by way of a Hearing.

The Acting Director of Corporate Support outlined the agreed hearing procedure.

2.1 Adjournment/Reconvention of Meeting

Having heard (i) Chief Inspector Scally's explanation that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory timescale; and (ii) Mr Cairns, Agent for the applicant who advised that, although he welcomed the opportunity to put Mr Kennedy's case before the Panel, clarification was sought as to why the Chief Constable had been unable to meet the statutory timescales as specified in Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, it was agreed to adjourn the meeting at 1410 hours in order to take and consider legal advice on the matter.

The meeting reconvened at 1425 hours with the same Members and Officers present.

The Panel, being satisfied that there was sufficient reason for the submission from the Chief Constable not being made timeously, resolved to receive the representation from the Chief Constable (which was then circulated) and thereafter proceeded to determine the application by way of a Hearing.

2.2 Hearing

The Panel heard Chief Inspector Scally representing Strathclyde Police, in explanation of the Police observation, and Mr Cairns, Agent for the applicant, who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The applicant, his Agent 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 grant of a Taxi Driver's Licence be granted for a period of twelve months subject to the standard conditions.

The applicant was advised that the granting of the licence for twelve months would be to enable a period of monitoring to take place and that if no further convictions, charges pending or other misconduct came to the attention of the Panel within this twelve month period then any application for renewal would be likely to be approved without the need to come before the Panel again.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – DEREK STEVENSON

3. There was submitted a report dated 8 June 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to (a) consider whether to entertain an out of time objection from Strathclyde Police in connection with the above application; and (b) if so, to agree to consider the application by way of a Hearing.

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

Having heard Chief Inspector Scally explain that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory timescales, the Panel, being satisfied that there was sufficient reason for the submission from the Chief Constable not being made timeously, resolved to receive the representation from the Chief Constable (which was then circulated) and thereafter proceeded to determine the application by way of a Hearing.

3.1 Hearing

The Panel heard Chief Inspector Scally representing Strathclyde Police, in explanation of the Police objection.

3.2 Decision

It was agreed that the application for the grant of a Taxi Driver's Licence be refused, on the grounds that the applicant was not a fit and proper person to be the holder of such a licence.

**APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE –
LORIMER HEADLEY FOR MUSIC FESTIVAL AT BLAIR PARK, HURLFORD ON
27 JUNE 2004**

4. It was noted that this application had been withdrawn.

The meeting terminated at 1500 hours.