

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON THURSDAY 31 AUGUST 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jim Raymond, Jim O'Neill, Gordon Cree, John Weir, Isabella Macrae, Harry Wilson, George Smith and Elaine Stewart.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; John Crawford, Head of Protective Services; David Johnstone, Licensing and Community Safety Manager; and Christine Baillie, Administrative Officer.

**APOLOGIES:** Councillors John Campbell, William Menzies and Neil McGhee.

**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 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 - ROBERT MALCOLM**

2. There was submitted a report dated 3 August 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, an application for the grant of a Taxi Driver's Licence.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

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

**2.1 Hearing**

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police objections, all in accordance with the agreed Hearing Procedure.

The Police Representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The Police Representatives were then re-admitted.

**2.2 Decision**

It was agreed that the application for the grant 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 RENEWAL OF TAXI DRIVER'S LICENCE - GORDON  
WILSON**

**3.1 Declaration of Interest**

Councillor George Smith declared a non financial interest in this item and left the meeting.

**3.2 Consideration of Item**

There was submitted a report dated 3 August 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, an application for the renewal of a Taxi Driver's Licence.

As a preliminary matter, the Head of Administrative and Legal Services advised the Committee that a letter had been received this morning from the applicant's Solicitor which advised that he had intended to submit a letter to the Panel setting out the background circumstances of the case but that, due to an administrative oversight on the Solicitors' part, this had not been done and which requested that the letter be circulated to the Panel.

Having noted that the Police had no objection to the letter being circulated, the Panel agreed that the letter be circulated to Members and to proceed to determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

**3.3 Hearing**

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police observation and Gordon Wilson, 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.

**3.4 Decision**

It was agreed that the application for the renewal of a Taxi Driver's Licence be granted for a period of three years subject to the standard conditions.

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

Councillor George Smith re-joined the meeting at this point.

**APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE - ANDERSON  
McGREGOR**

4. There was submitted a report dated 3 August 2006 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a Hearing, an application for the renewal of a Taxi Driver's Licence.

The Panel were also asked to accept a letter from the Police which provided the most up-to-date information available.

Having noted that the applicant had no objections, it was agreed to accept the updated letter which was then circulated to Panel Members and to proceed to determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

#### **4.1 Hearing**

The Panel heard Chief Inspector Lawrence, representing Strathclyde Police, in explanation of the Police observation and Mr McGregor, 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.

#### **4.2 Decision**

Councillor O'Neill, seconded by Councillor Weir, moved that the application for renewal of a Taxi Driver's Licence be granted for a period of 12 months subject to the standard conditions.

Councillor Wilson, seconded by Councillor Smith, moved as an amendment that the application for renewal of a Taxi Driver's Licence be refused on the grounds that they were not satisfied that the applicant was a fit and proper person to be the holder of such a licence.

On a division by a show of hands, the motion was carried by 4 votes to 3.

The applicant was further advised that any future offences or complaints or breaches of conditions brought to the attention of the Panel would be likely to be severely dealt with.

### **ORDER OF BUSINESS**

5. The Chair, at his discretion and in terms of Standing Order 19, agreed to alter the order of business to that as shown below.

#### **APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE - WILLIAM McCracken**

6. There was submitted a report dated 4 August 2006 (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 grant of a Window Cleaner's Licence.

The Panel then heard explanations as to the nature and extent of the enquiries which required to be undertaken which had precluded the Chief Constable from meeting with statutory timescales. Mr McCracken, the applicant, confirmed that he had no objection to the Police representation being accepted by the Panel.

The Panel, being satisfied that there was sufficient reason for the submission from the Chief Constable not being made timeously, agreed:-

- (i) to accept the late submission from Strathclyde Police, which was then circulated to Panel Members; and

(ii) to determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

### **6.1 Hearing**

The Panel heard Chief Inspector Lawrence representing Strathclyde Police, in explanation of the Police observation, and Mr McCracken, 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.

### **6.2 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.

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

## **APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE - GARETH BROWN**

7. There was submitted a report dated 4 August 2006 (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 grant of a Window Cleaner's Licence.

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

The Panel then heard the explanation as to the nature and extent of the enquiries which required to be undertaken which had precluded the Chief Constable from meeting the statutory timescales and being satisfied that there was sufficient reason for the submission from the Chief Constable not being made timeously, agreed:-

- (i) to accept the late submission from Strathclyde Police, which was then circulated to Panel Members; and
- (ii) to determine the application by way of a Hearing.

### **7.1 Hearing**

The Panel heard Chief Inspector Lawrence representing Strathclyde Police, in explanation of the Police observation all in accordance with the agreed Hearing Procedure.

The Police Representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The Police Representatives were then re-admitted.

### **7.2 Decision**

It was agreed that the application for the grant of a Window Cleaner'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.

**RE-ADMISSION OF PRESS AND PUBLIC**

8. It was agreed that any Press and public be re-admitted.

**REVIEW OF TAXI LIVERY ADVERTISING (Item 4, Page 2193, 03/07)**

9. There was submitted a report dated 4 August 2006 (circulated) by the Executive Director of Neighbourhood Services which requested the Panel to review the agreed policy of "full livery" commercial advertising on purpose built taxis to permit the same on saloon/estate type vehicles:-

It was agreed:-

- (i) that the Executive Director of Neighbourhood Services amend the current policy accordingly; and
- (ii) otherwise, to note the contents of the report.

The meeting terminated at 1200 hours.