

## **EAST AYRSHIRE COUNCIL**

### **LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE**

#### **MINUTES OF MEETING HELD ON WEDNESDAY 21 MARCH 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jimmy Carmichael (Chair), Ann Hay, Brian Reeves, Lilian MacLean, John Weir, David Macrae, Harry Wilson, Tommy Farrell and Julie Faulds.

**ATTENDING:** John F Crawford, Head of Protective Services; David Mitchell, Legal Manager; Alison Smith, Principal Officer, Licensing and Community Safety; Melanie Barbour, Solicitor; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors William Menzies and Robert Taylor.

**CHAIR:** Councillor Jimmy Carmichael, Chair.

#### **HEARINGS: CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENCES**

1. There were submitted in respect of the undernoted Taxi Driver's Licences reports dated 2 March 2001 (all circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of Hearings, the suspension of the Licences.

Having considered each case in turn, the Sub-Committee agreed as follows:-

##### **1.1 TAXI DRIVER'S LICENCE NO EA/TD 467: MARK WILSON, 2 HERDSTON PLACE, CUMNOCK**

No Hearing took place as the licensee was not present or represented.

It was agreed to suspend the licence in terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 and, in terms of Paragraph 11(10) of the said Schedule and Act that the period of suspension should be the unexpired portion of the duration of the licence.

##### **1.2 TAXI DRIVER'S LICENCE NO EA/TD 453: THOMAS MCCULLOCH, 62 TURNBERRY DRIVE, KILMARNOCK**

No Hearing took place as the licensee was not present or represented.

It was agreed to suspend the licence in terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 and, in terms of Paragraph 11(10) of the said Schedule and Act that the period of suspension should be the unexpired portion of the duration of the licence.

##### **1.3 TAXI DRIVER'S LICENCE NO EA/TD 120: JOHN GORDON 13 NITH PLACE, KILMARNOCK**

The Sub-Committee heard Alison Smith, representing the Community Services Department of East Ayrshire Council, in explanation of the complaint, and the licensee, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

Having noted the licensee's submission that he would be willing to attend a Disability Awareness Training session, the Sub-Committee agreed to continue the Hearing to

their next meeting to allow the licensee a further opportunity to undertake the required training.

**1.4 TAXI DRIVER'S LICENCE NO EA/TD 428: ALEXANDER DUNCAN, 12 SOMMERVILLE STREET, CATRINE**

No Hearing took place as the licensee was not present or represented.

It was agreed to suspend the licence in terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 and, in terms of Paragraph 11(10) of the said Schedule and Act that the period of suspension should be the unexpired position of the duration of the licence.

**1.5 TAXI DRIVER'S LICENCE NO EA/TD 469: GORDON COPELAND, 23 GLEN AVENUE, LOGAN**

No Hearing took place as the licensee was not present or represented.

It was agreed to suspend the licence in terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 and, in terms of Paragraph 11(10) of the said Schedule and Act that the period of suspension should be the unexpired portion of the duration of the licence.

**1.6 TAXI DRIVER'S LICENCE NO EA/TD 423: JOHN CARRUTHERS, 1 KEIR HARDIE CRESCENT, GALSTON**

It was reported and noted that the licensee concerned had surrendered his licence.

**1.7 TAXI DRIVER'S LICENCE NO EA/TD 465: ROBERT DAVIDSON, 57 ANNANDALE CRESCENT, CROSSHOUSE**

No Hearing took place as the licensee was not present or represented.

It was agreed to suspend the licence in terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 and, in terms of Paragraph 11(10) of the said Schedule and Act that the period of suspension should be the unexpired portion of the duration of the licence.

**1.8 TAXI DRIVER'S LICENCE NO EA/TD 454: GRAHAM DAVIDSON, 12 RUSSELL COURT, KILMARNOCK**

The Sub-Committee heard Alison Smith, representing the Community Services Department, in explanation of the complaint, and the licensee, who spoke to the matter raised, all in accordance with the agreed Hearing procedure.

Having noted the licensee's submission that he would be willing to attend a Disability Awareness Training session, the Sub-Committee agreed to continue the Hearing to their next meeting to allow the licensee a further opportunity to undertake the required training.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENCES**

2. There was submitted a report dated 2 March 2001 (circulated) by the Director of Community Services which invited the Sub-Committee to consider the suspension of the following Taxi Drivers' Licences:-

- (a) Taxi Driver's Licence No EA/TD 147 - Anne Doogan, 18 High Glencairn Street, Kilmarnock;

- (b) Taxi Driver's Licence No EA/TD 158 - William McGhee, 4 Western Road, Galston; and
- (c) Taxi Driver's Licence No EA/TD 488 - Keith McKenzie, 108 Bonnyton Road, Kilmarnock.

It was agreed to continue consideration of each of the above cases to a future meeting when Hearings would take place, at which the licensees and appropriate Parties would be invited to attend or be represented and speak to the matters raised.

### **EXCLUSION OF PRESS AND PUBLIC**

3. The Sub-Committee 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 to the Act.

### **CONSIDERATION OF APPLICATIONS**

#### **4.1 APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: QUINTEN MCDOWALL, 31 TINTO AVENUE, KILMARNOCK**

There was submitted a report dated 2 March 2001 (circulated) by the Director of Community Services on an application for the grant of a Taxi Driver's Licence.

There was also submitted a letter of representation dated 20 February 2001 from Strathclyde Police (circulated).

It was agreed to continue consideration of this matter to a future meeting which would take the form of a Hearing, at which the licensee and Strathclyde Police would be invited to attend or to be represented and to speak to the matters raised.

#### **4.2 APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: SCOTT WEBSTER, 41 GREENHILL TERRACE, KNOCKENTIBER**

There was submitted a report dated 2 March 2001 (circulated) by the Director of Community Services on an application for the grant of a Taxi Driver's Licence.

There was also submitted a letter of representation dated 22 February 2001 from Strathclyde Police, and a letter dated 13 March 2001 from the applicant in support of his application (both circulated).

It was agreed to grant the licence subject to the standard conditions.

#### **4.3 APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE: STEPHEN MILLIGAN, 35 ARRAN DRIVE, AUCHINLECK**

There was submitted a report dated 2 March 2001 (circulated) by the Director of Community Services on an application for the grant of a Window Cleaner's Licence.

There was also submitted a letter of representation dated 2 February 2001 from Strathclyde Police and a letter dated 13 February 2001 from the applicant in support of his application (both circulated).

It was agreed to grant the licence subject to the standard conditions.

#### **4.4 APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE: KERIM EYGI, 47 BRODIE AVENUE, TROON**

There was submitted a report dated 2 March 2001 (circulated) by the Director of Community Services on an application for the grant of a Late Hours Catering Licence in respect of premises at 44 Henrietta Street, Galston.

There was also submitted a memorandum dated 10 January 2001 from the Department of Development Services, East Ayrshire Council relating to conditions attached to Planning Consent for change of use of the premises at 44 Henrietta Street, Galston to that of Hot Food Takeaway Shop, a letter of representation dated 15 January 2001 from Strathclyde Police and a letter dated 7 March 2001 from the applicant in support of his application (all circulated).

It was reported and noted that the hours of opening as applied for were as follows:- Thursdays, Fridays, Saturdays and Sundays - 11pm to 1am; and Mondays, Tuesdays, Wednesdays and Thursdays - 11pm to 12.30am.

It was agreed to continue consideration of this matter to a future meeting which would take the form of a Hearing, at which the licensee, Strathclyde Police and other appropriate parties would be invited to attend or to be represented and to speak to the matters raise.

The meeting terminated at 1100 hours.

**AGENDA**