

## **EAST AYRSHIRE COUNCIL**

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

#### **MINUTES OF MEETING HELD ON WEDNESDAY 24 JANUARY 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jimmy Carmichael (Chair), Ann Hay, Lilian MacLean, Julie Faulds, John Weir, David Macrae, Harry Wilson, William Menzies and Robert Taylor.

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

**APOLOGIES:** Councillors Brian Reeves and Tommy Farrell.

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

#### **HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 417 - ANDREW MURRAY, 30 BURNTON PLACE, NEW CUMNOCK (Item 6, Page 1398, 99/02)**

1. There was submitted a report dated 8 December 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, the suspension of Taxi Driver's Licence No EA/TD 417.

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

It was agreed to suspend the licence for the unexpired portion of its duration.

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

2. It was resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting during the Hearing relating to the following item of business.

Councillor Weir joined the meeting at this point.

#### **HEARING PROCEDURE**

3. The Administrative Officer outlined the agreed Hearing Procedure.

#### **CONSIDERATION OF APPLICATION**

4. **HEARING: APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE: DEREK GIBSON, 1 DALVENNAN AVENUE, PATNA (Item 3.1, Page 1397, 99/02)**

There was submitted a report dated 8 December 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, an application for the grant of a Private Hire Car Driver's Licence.

There was also re-submitted a report dated 10 October 2000 by the Director of Community Services, a letter of representation dated 27 September 2000 from Strathclyde Police, and a letter dated 23 October 2000 from the applicant in support of his application (all circulated).

The Sub-Committee heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police representations, 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 Sub-Committee to take and consider legal advice on the matter.

Parties were re-admitted along with the Press and public.

#### **4.1 Decision**

It was agreed to refuse the application.

Councillor Macrae left the meeting at this point.

### **SURVEY OF LOCAL AUTHORITIES IN SCOTLAND ON THE USE OF IDENTIFICATION PLATES ON PRIVATE HIRE CARS**

5. There was submitted and noted a report dated 8 January 2001 (circulated) by the Director of Community Services which advised the Sub-Committee of the outcome of a survey carried out by Midlothian Council.

### **REVIEW OF REGULATION OF ADVERTISING ON (OR IN) TAXIS AND PRIVATE HIRE CARS**

6. There was submitted an amended report dated 2 November 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to review the regulation of advertising on (or in) Taxis and Private Hire Cars.

It was agreed:-

- (i) to adopt the rules for advertising on taxis and private hire vehicles, as amended by the Sub-Committee, and detailed in Appendix I to these Minutes;
- (ii) to note that the Head of Protective Services would seek an amendment to the Scheme of Delegation to provide that the Licensing Sub-Committee would consider and determine any application for permission where a contentious design was proposed; and
- (iii) otherwise, to note the contents of the report.

Councillor Faulds left the meeting at this point.

### **CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCES**

7. There was submitted a report dated 16 January 2001 (circulated) by the Director of Community Services which advised the Sub-Committee of a number of licensed taxi drivers in breach of Condition 19 attached to their respective licences, viz:-

- (i) Mark Wilson, 2 Herdston Place, Cumnock (EA/TD 467);
- (ii) Thomas McCulloch, 62 Turnberry Drive, Kilmarnock (EA/TD 453);
- (iii) John Gordon, 13 Nith Place, Kilmarnock (EA/TD 120);
- (iv) Alexander Duncan, 12 Somerville Street, Catrine (EA/TD 428);
- (v) Gordon Copeland, 23 Glen Avenue, Logan (EA/TD 469);
- (vi) John Carruthers, 1 Keir Hardie Crescent, Galston (EA/TD 423);
- (vii) Robert Davidson, 57 Annandale Crescent, Crosshouse (EA/TD 465); and

(viii) Graham Davidson, 12 Russell Court, Kilmarnock (EA/TD 454).

It was agreed to continue consideration of this matter to a future meeting, which would take the form of a Hearing, at which the licensees and relevant parties would be invited to appear or to be represented, and to speak to the matters raised.

The meeting terminated at 1045 hours.

**APPENDIX I****REGULATION OF ADVERTISING ON TAXIS AND PRIVATE HIRE VEHICLES**

- 1.1 Advertising the name and telephone number of the proprietor shall only be permitted on the front and rear windscreens of the vehicle, outwith the windscreen wiper pattern area and to the satisfaction of the Council's examiner.
- 1.2 Lettering will not exceed 75mm in height.
- 1.3 The advertising shall be contained in one line unless smaller lettering is used but the combined height of any lines of lettering and background shall not exceed 75mm in height.
- 1.4 The use of the rear if the taxi roof sign for advertising a company name or telephone number shall continue to be permitted.
- 2.1 As far as "full livery" commercial advertising is concerned only applications from the operators from new or nearly new, purpose built taxis or vehicles capable of carrying a disabled passenger in their wheelchair will be entertained.
- 2.2 Each individual design must be submitted for approval by the Licensing Authority.
- 2.3 In the event of the vehicle being involved in an accident, it must be removed from service until reinstated to the original design approved by the Licensing Authority.
- 2.4 The Council reserves the right to refuse approval of any design.

January 2001

**AGENDA**