

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 16 MAY 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jimmy Carmichael, Lilian MacLean, John Weir, Tommy Farrell, Julie Faulds, William Menzies and Robert Taylor.

ATTENDING: John F Crawford, Head of Protective Services; David Mitchell, Legal Manager; Julie Armstrong, Principal Administrative Officer; George Scott, Licensing Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Anne Hay, Brian Reeves, David Macrae and Harry Wilson.

CHAIR: Councillor Jimmy Carmichael, Chair.

MEETINGS WITH REPRESENTATIVES OF THE TAXI TRADE

1. There was submitted a report dated 8 May 2001 (circulated) by the Director of Community Services on a meeting of the Ad-Hoc Committee of Officers, representatives of the Taxi Trade and other invited organisations held on 18 April 2001.

In connection with the issue of advertising of taxis and private hire cars, as referred to in the Minute of the Joint Meeting, the Chair requested that Members of the Sub-Committee attend the next meeting of the Ad-Hoc Committee, to be held on Wednesday 13 June 2001 at 1130 hours, to afford the representatives of the Taxi Trade an opportunity to address Members of the Sub-Committee.

It was agreed:-

- (i) to note the Chair's request that Members attend the next meeting of the Ad-Hoc Committee of Officers, the Taxi Trade and other invited organisations to be held on 13 June 2001; and
- (ii) otherwise, to note the contents of the report.

2. REGULATIONS ON ADVERTISING ON (OR IN) TAXIS AND PRIVATE HIRE CARS - IMPLEMENTATION

2. There was submitted a report dated 23 March 2001 (circulated) by the Director of Community Services which invited the Committee to confirm the implementation arrangements for the revised Regulations on Advertising On (Or In) Taxis and Private Hire Cars.

It was agreed:-

- (i) that the revised Regulations on Advertising On (Or In) Taxis and Private Hire Cars should be applied to all existing taxi and private hire vehicles and that all vehicles be fully compliant by 4 February 2002; and
- (ii) otherwise, to note the contents of the report.

3. HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 454 - GRAHAM DAVIDSON

3. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, suspension of Taxi Driver's Licence No EA/TD 454.

There were also re-submitted reports dated 8 December 2000 and 2 March 2001 by the Director of Community Services (both circulated).

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

It was agreed to proceed to a Hearing in the licensee's absence.

The Sub-Committee heard George Scott, representing the Department of Community Services, who provided further information relating to the matter.

It was agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until such time as the licensee complied with the condition requiring him to attend the approved Disability Awareness training course.

HEARINGS: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCES

4.1 TAXI DRIVER'S LICENCE NO EA/TD 488 - KEITH McKENZIE

There was submitted and noted a report dated 26 April 2001 (circulated) by the Director of Community Services which advised the Sub-Committee that the licensee concerned had completed the approved Disability Awareness Training Course on 18 April 2001 and was now fully compliant with the conditions attached to this licence.

4.2 TAXI DRIVER'S LICENCE NO EA/TD 147 - ANNE DOOGAN

There was submitted a report dated 26 April 2001 (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 147.

There was also re-submitted report dated 2 March 2001 by the Director of Community Services (circulated).

The Sub-Committee heard George Scott, representing the Department of Community Services, in explanation of the complaint, and Mrs Anne Doogan, the licensee, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

It was agreed to adjourn the Hearing to the end of the meeting to allow the licensee time to consider her position.

4.3 TAXI DRIVER'S LICENCE NO EA/TD 158 - WILLIAM McGHEE

There was submitted a report dated 26 April 2001 (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 158.

There was also re-submitted a report dated 2 March 2001 by the Director of Community Services (circulated).

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

It was agreed to proceed to a Hearing in the licensee's absence.

The Sub-Committee heard George Scott, representing the Department of Community Services, in explanation of the complaint and who provided further information relating to the matter.

It was agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension remain in force for the unexpired portion of the duration of the licence.

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 199 - WILLIAM GOUDIE

5. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services, which advised the Sub-Committee of a breach of conditions attached to Taxi Driver's Licence No EA/TD 199.

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

6. CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 120 - JOHN GORDON

6. There was submitted and noted a report dated 26 April 2001 (circulated) by the Director of Community Services which advised that the licensee concerned had completed the approved Disability Awareness Training Course on 18 April 2001.

EXCLUSION OF PRESS AND PUBLIC

7. 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 during 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 to the Act.

HEARING: APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: QUINTEN McDOWALL, 31 TINTO AVENUE, KILMARNOCK ()

8. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services on an application for the grant of a Taxi Driver's Licence.

There was re-submitted a report dated 2 March 2001 by the Director of Community Services and a letter of representation dated 20 February 2001 from Strathclyde Police (both 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.

8.1 Decision

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

9. HEARING: APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE: KERIM EYGI, 47 BRODIE AVENUE, TROON

9. There was submitted a report dated 26 April 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 re-submitted a report dated 2 March 2001 by the Director of Community Services, a letter of representation dated 15 January 2001 from Strathclyde Police, a communication dated 10 January 2001 from the Principal Building Control Officer, East Ayrshire Council, with a copy of a planning consent in respect of the premises concerned, and a letter dated 7 March 2001 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's wife, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant, his wife 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.

The Legal Manager explained to the Sub-Committee and to the applicant, the legal implications arising from the restricted hours of business specified in the Planning Consent issued in respect of the above premises and advised the applicant and his wife that they should contact the Planning and Building Control Section to pursue a variation to their present Planning Consent.

9.1 Decision

It was agreed to grant the licence, for a period of six months, the licensed hours to be as follows:- Thursdays, Fridays, Saturdays and Sundays 11.00pm to 1.00am the following morning; and Mondays, Tuesdays and Wednesday - 11.00pm to 12.30am the following morning.

10. APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: HUGH O'PRAY, 9 MOSSIDE PLACE, KILMARNOCK

10. There was submitted a report dated 26 April 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 dated 16 March 2001 from Strathclyde Police requesting that the Licensing Authority consider a representation submitted out of time.

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 speak to the matters raised.

11. CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE NO EA/LHC 57: HASAN KAPLAN

11. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services which advised the Sub-Committee of a conviction against the holder of Late Hours Catering Licence No EA/LHC 57.

There was also submitted a communication dated 10 April 2001 from the Depute Clerk to East Ayrshire District Court (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 applicant and relevant parties would be invited to appear or to be represented, and to speak to the matters raised.

HEARING RECONVENED

12.1 TAXI DRIVER'S LICENCE NO EA/TD 187 - ANNE DOOGAN

The Hearing in relation to the consideration of suspension of Taxi Driver's Licence No EA/TD 147 was reconvened.

It having been reported and noted that the licensee concerned had decided to surrender her Taxi Driver's Licence, the Sub-Committee agreed to abandon the Hearing.

The meeting terminated at 1130 hours.

AGENDA