

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF MEETING HELD ON THURSDAY 20 MARCH 2003 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Elaine Dinwoodie, Ann Hay, Harry Wilson, Tommy Farrell, Julie Faulds, William Menzies and Elaine Stewart.

ATTENDING: William Stafford, Director of Community Services; John F Crawford, Head of Protective Services; Peter Hessett, Solicitor; George Scott, Licensing Officer; Richard Tickner, Enforcement Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Brian Reeves, Lillian MacLean, John Weir and Jimmy Carmichael.

CHAIR: Councillor Elaine Dinwoodie, Chair.

**THE TAXI DRIVERS' LICENCES (CARRYING OF GUIDE DOGS AND HEARING
DOGS) (SCOTLAND) REGULATIONS 2003**

1. There was submitted a report dated 26 February 2003 (circulated) by the Director of Community Services which advised of changes in the legislation relative to the Carrying of Guide Dogs, Hearing Dogs and Assistance dogs.

It was agreed:-

- (i) to note the requirement to impose a condition on all Taxi Drivers' Licences in accordance with Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 as detailed with Paragraph 3.4 of the report; and
- (ii) to impose a similar condition on all Private Hire Car Drivers' Licences.

EXCLUSION OF PRESS AND PUBLIC

2. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, that the Press and Public be excluded from the meeting during the hearing relating to the following item of business on the grounds that it 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 – MALCOLM SCOTT

3. There was submitted a report dated 26 February 2003 (circulated) by the Director of Community Services which invited, the Panel (a) to consider whether to entertain an out-of-time representation 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 Panel agreed to allow the Police objections to be received. Thereafter, the Chief Constable's objections contained in a letter dated 18 February 2003 and a letter from the applicant dated 22 February 2003 were circulated to Members.

The Chair asked Members to read through the submissions and thereafter, Members confirmed that they had read the submissions.

The Chair outlined the agreed Hearing Procedure and it was confirmed that both the objector and the applicant had been provided with a copy of each other's submission.

3.1 Hearing

The Panel heard Chief Inspector Miller, representing Strathclyde Police, in explanation of the Police objections, that the applicant was not a fit and proper person to be granted a Taxi Driver's Licence and the applicant, who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The Applicant requested, and it was agreed, to circulate a letter from Ten Ten Taxis to Members who offered the applicant employment if a Taxi Driver's Licence was granted.

The applicant and the Police representatives then left the meeting to enable the Panel to consider the matter.

The parties were then re-admitted.

3.2 Decision

It was agreed that the application for a Taxi Driver's Licence be granted for a period of 12 months, subject to the standard conditions. The Chair gave a warning to the applicant over future conduct and indicated if there were any further offences within the 12 month period, the matter would be brought to the attention of the Panel and the Taxi Driver's Licence could well be suspended.

The meeting terminated at 1026 hours.