

APPENDIX I

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 1 NOVEMBER 2000 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

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

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

APOLOGIES: Councillors David Macrae and William Menzies.

CHAIR: Councillor Jimmy Carmichael (Chair).

EXCLUSION OF PRESS AND PUBLIC

1. 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.

ORDER OF BUSINESS

2. The Chair, at his discretion, and in terms of Standing Order 15 agreed to alter the order of business and to consider the Application for Renewal of a Private Hire Car Driver's Licence - John Gibson, 135 Carnshalloch Avenue, Patna after Item 7 on the Agenda, "Consideration of Suspension of Taxi Driver's Licence No EA/TD426 - James Hume, 36 Lammermuir Road, Kilmarnock".

CONSIDERATION OF APPLICATION

3.1 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - DEREK GIBSON, 1 DALVENNAN AVENUE, PATNA

There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services on an application for the grant of a Private Hire Car Driver's Licence.

There was also submitted a letter of representation dated 27 September 2000 from Strathclyde Police and a letter dated 23 October 2000 from the applicant (both circulated).

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

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD242
- JOHN MCFADZEAN, 15 CARRON AVENUE, KILMARNOCK**

4. There was submitted a report dated 11 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider suspension of Taxi Driver's Licence No EA/TD242.

There were also submitted letters of representation dated 10 and 13 October 2000 from the Depute Clerk to East Ayrshire District Court which provided information relating to a conviction of the applicant under the Road Traffic Act 1998.

It was agreed:-

- (i) not to consider suspension of the licence; and
- (ii) to note the information provided verbally by the Head of Protective Services.

RE-ADMISSION OF PRESS AND PUBLIC

5. It was agreed that the Press and public be re-admitted.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD417
- ANDREW MURRAY, 13 BURNTON PLACE, NEW CUMNOCK**

6. There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider suspension of Taxi Driver's Licence No EA/TD417.

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 appropriate Parties would be invited to attend or be represented and speak to the matters raised.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD426
- JAMES HUME, 46 LAMMERMUIR ROAD, KILMARNOCK**

7. There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider the suspension of Taxi Driver's Licence No EA/TD426.

There was also submitted a letter received on 19 October 2000 (circulated) from the Licensee which confirmed that he would attend the next training course to be held on 1 November 2000.

It was agreed that should the Licensee fail to attend the training course referred to, the Licensee and appropriate Parties would be invited to attend or be represented at a future meeting which would take the form of a Hearing and to speak to the matters raised.

EXCLUSION OF PRESS AND PUBLIC

8. 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 Hearing relating to the ensuing item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

CONSIDERATION OF APPLICATION

9. HEARING : APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - JOHN GIBSON, 135 CARNSHALLOCH AVENUE, PATNA

There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services inviting the Sub-Committee to consider, by way of a Hearing, an application for the renewal of a Private Hire Car Driver's Licence.

There was also resubmitted a report dated 22 August 2000 by the Director of Community Services, and a letter of representation dated 7 August 2000 from Strathclyde Police (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 Chief Superintendent A McKie, representing Strathclyde Police, in explanation of the Police representations and provided further information relating to the matter.

The Police representatives then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter.

The Police representatives were re-admitted along with the Press and public.

9.1 DECISION

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

COMMERCIAL ADVERTISING ON TAXIS

- 10.** It was reported and noted that the above Item had been withdrawn from the Agenda.

SELF ADVERTISING ON TAXIS AND PRIVATE HIRE CARS

- 11.** It was reported and noted that the above Item had been withdrawn from the Agenda.

The meeting terminated at 1030 hours.

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