

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON WEDNESDAY 31 OCTOBER 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jimmy Carmichael, Brian Reeves, Lilian MacLean, John Weir, David Macrae, Harry Wilson, Tommy Farrell, Julie Faulds, William Menzies and Robert Taylor.

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

APOLOGY: Councillor Ann Hay.

CHAIR: Councillor Jimmy Carmichael, Chair.

ITEM CONTINUED

1. The Chair proposed, and it was agreed, that following a request from the licensee, Mr Hasan Kaplan in respect of Agenda Item 7, this item be continued to the next meeting of the Licensing Panel.

REVIEW OF TAXI FARES

2. There was submitted a report dated 10 October 2001 (circulated) by the Director of Community Services which invited the Panel to fix scales for taxi fares and associated charges, taking into account requests by representatives of the Taxi Trade.

It was agreed:-

- (i) to fix the fare scales as set out in Appendix 3 to the report subject to the undernoted alterations:-
 - (a) Waiting Time
After an initial period of five minutes, each period of five minutes (or part thereof) - £1.00;
 - (b) "General Requirements" to read "Notes"; and
 - (c) Item 3 within the "Notes" to read "A surcharge, calculated at the rate of Value Added Tax current at the time, may be charged in respect of each hire where the operator is properly registered for VAT purposes. The operator must also display an appropriate sign in the cab to this effect"; and
- (ii) that it be remitted to Director of Community Services carry out the statutory procedures.

TAXI OPERATORS LICENCES - SOUTH ZONE

3. There was submitted a report dated 9 October 2001 by the Director of Community Services which invited the Panel to consider the maximum number of Taxi Operators Licences available in the South Zone. There was also submitted a letter received from East Ayrshire Taxi Trades Council in connection with this item (both circulated).
It was agreed that the maximum number of Taxi Operators Licences available in the South Zone be 19.

APPLICATIONS FOR GRANT OF TAXI OPERATORS LICENCES

4. There was submitted a report dated 9 October 2001 (circulated) by the Director of Community Services which invited the Panel to consider three applications for the grant of Taxi Operators Licences.

It was agreed, in light of the previous decision that the maximum number of Taxi Operators Licences available in the South Zone be 19, to continue consideration of the applications detailed in the report to the next meeting, in order that the applicants may be invited to attend a Hearing.

HEARINGS: CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENCES

5. There was submitted the undernoted reports dated 4 October 2001 (circulated) by the Director of Community Services which invited the Panel to consider, by way of Hearings, the suspension of the undernoted Taxi Drivers' Licences:-

(a) **Taxi Drivers Licence No EA/TD/256 - Andrew Withers**

The Panel 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 Hearing Procedure.

Having noted that only two opportunities to attend the approved Disability Awareness Training Course had been offered to the licensee as one course had been cancelled by the trainer, it was agreed to continue the Hearing to the next meeting to allow the licensee one further opportunity to attend the course.

(b) **Taxi Drivers Licence EA/TD/524 - Robert Wright**

Having noted that the same circumstances as the previous licensee were applicable in that only two opportunities to attend the approved Disability Awareness Training Course had been offered to the licensee as one course had been cancelled by the trainer, it was agreed to continue this matter to the next meeting to allow the licensee one further opportunity to attend the Course.

APPLICATION FOR GRANT OF ZOO LICENCE

6. There was submitted a report dated 12 October 2001 by the Director of Community Services which invited the Panel to consider an application for the grant of a Zoo Licence. There was also submitted letter received from Loudoun Castle Theme Park in connection with this item (both circulated).

Councillor Macrae, seconded by Councillor Wilson, moved that the application for a Zoo Licence be granted subject to standard conditions and subject to a satisfactory inspection by Officers of the Council to ensure that the recommendations made by the Scottish Ministers' Vet had been implemented.

Councillor Farrell, seconded by Council Weir, moved as an amendment that the application for a Zoo Licence be refused.

On a division by a show of hands the motion was carried by eight votes to two.

EXCLUSION OF PRESS AND PUBLIC

7. The Panel 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 of the Act.

APPLICATION FOR GRANT OF TAXI DRIVERS LICENCE: IAN ORBIN, 1 CRAIGLEA AVENUE, CROSSHOUSE

8. There was submitted a report dated 3 October 2001 (circulated) by the Director of Community Service which invited the Panel to consider an application for the grant of a Taxi Drivers Licence.

The applicant requested that the Panel hear a character witness on his behalf, despite not having given prior notice.

Following discussion, the applicant, his witness and Police representatives left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted. The Head of Administrative and Legal Services advised the Panel and the applicant that the applicant could either request the Panel to continue the application to the next meeting to allow the character reference to be submitted in writing to allow the Police to respond, or to proceed with the Hearing as normal and not hear the character witness.

Mr Orbin, the applicant, intimated that he wished to proceed with the Hearing and therefore the character witness would not be heard.

The Administrative Officer outlined the agreed Hearing Procedure.

The Panel heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police observations, 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 Panel to take and consider legal advice on the matter.

The parties were then re-admitted along with the Press and public.

8.1 Decision

Councillor Wilson seconded by Councillor L MacLean moved that the application for the grant of a Taxi Drivers Licence be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver's Licence.

Councillor Taylor seconded by Councillor Menzies moved as an amendment that the application for the grant of a Taxi Drivers Licence be approved.

On a division by a show of hands the amendment was carried by six votes to three.

HEARINGS: APPLICATIONS FOR RENEWAL OF TAXI OPERATORS' LICENCES

9. There was submitted the undernoted reports dated 3 October 2001 (circulated) by the Director of Community Services which invited the Panel to consider applications for the renewal of Taxi Operators' Licences:-
- (a) Taxi Operators Licence No EA/T89 - William Burns Snr; and
 - (b) Taxi Operators Licence No EA/T90 - William Burns Snr.

The Administrative Officer outlined the agreed Hearing Procedure.

The Panel heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police observations.

9.1 Adjournment/Reconvention of Meeting

The Panel adjourned at 1215 hours and reconvened at 1230 hours with the same Members, Officers and parties present to take legal advice on the issues raised by the applicant.

It was agreed to continue the Hearing to the next meeting to allow the applicant to obtain independent representation.

The meeting terminated at 1231 hours.

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