

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON WEDNESDAY 15 MAY 2002 AT 1000 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Jimmy Carmichael, Ann Hay, Brian Reeves, Lilian MacLean, John Weir, Harry Wilson, Julie Faulds, William Menzies and Elaine Stewart.

**ATTENDING:** Bill Stafford, Director of Community Services; David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; George Scott, Licensing Officer; Christine Baillie, Administrative Officer.

**APOLOGY:** Councillor Tommy Farrell.

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

**EXCLUSION OF PRESS AND PUBLIC**

1. 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 A TAXI DRIVER'S LICENCE - EDWARD BARR**

2. There was submitted a report dated 30 April 2002 (circulated) by the Director of Community Services which invited the Panel to (a) consider whether to receive information relative to the applicant's spent convictions, in accordance with Section 7 (3) of the Rehabilitation of Offenders Act 1974; and (b) thereafter, determine the application by way of a Hearing.

Chief Inspector McKnight, on behalf of Strathclyde Police, requested that the Panel receive information relative to the applicant's spent convictions as, in their opinion, justice could not be done in this case except by admitting or acquiring evidence relating to spent convictions or to circumstances ancillary thereto.

The applicant's agent objected to the spent convictions being received by the Panel.

**2.1 Adjournment/Reconvention of Meeting**

The Panel adjourned at 1006 hours to take legal advice on the matter and reconvened at 1020 hours with the same Members, Officers and parties present.

It was agreed to receive the information relative to the applicant's spent convictions, (circulated) in accordance with Section 7 (3) of the Rehabilitation of Offenders Act 1974 and determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing procedure.

**2.2 Hearing**

The Panel heard Inspector McKnight, representing Strathclyde Police, in explanation of the Police objections, including the spent convictions.

The applicant's agent disputed part of the information supplied by Chief Inspector McKnight and in the circumstances it was agreed to continue this Hearing to a future meeting of the Licensing Panel to allow the issue to be clarified.

**APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE:  
KHALLID RASHID SARWAR**

3. There was submitted a report dated 23 April 2002 (circulated) by the Director of Community Services which invited the Panel to (a) consider whether to receive information relative to the applicant's spent convictions, in accordance with Section 7(3) of the Rehabilitation of Offenders Act 1974; and (b) thereafter, determine the application by way of a Hearing.

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

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

Chief Inspector McKnight, on behalf of Strathclyde Police, requested that the Panel receive information relative to the applicant's spent convictions as, in their opinion, justice could not be done in this case except by admitting or acquiring evidence relating to spent convictions or to circumstances ancillary thereto.

It was agreed to receive the information relative to the applicant's spent convictions, (circulated) in accordance with Section 7(3) of the Rehabilitation of Offenders Act 1974 and to determine the application by way of a Hearing.

The Panel heard Chief Inspector McKnight, representing Strathclyde Police, in explanation of the Police objections, including the spent convictions.

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

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

**3.1 Decision**

It was agreed that the application for the grant of a Late Hours Catering Licence be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Late Hours Catering Licence.

**APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE -  
ROBERT NIMMO**

4. There was submitted a report dated 23 April 2002 (circulated) by the Director of Community Services which invited the Panel to consider, by way of a Hearing, an application for the grant of a Street Trader's (Employee) Licence.

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

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

The Panel heard Chief Inspector McKnight, representing Strathclyde Police, in explanation of the Police objections.

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

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

**4.1 Decision**

It was agreed that the application for the grant of a Street Trader's (Employee) Licence be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Street Trader's (Employee) Licence.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENCE NO EA/TD72, TAXI OPERATORS' LICENCES NOS EA/T51, EA/T89 AND EA/T90 AND PRIVATE HIRE CAR OPERATORS' LICENCES NOS EA/PHC37 AND EA/PHC82 - WILLIAM BURNS SENIOR**

5. There was submitted a report dated 4 April 2002 (circulated) by the Director of Community Services which invited the Panel to consider the suspension of Taxi Drivers' Licence No EA/TD72, Taxi Operators' Licences Nos EA/T51, EA/T89 and EA/T90, and Private Hire Car Operators' Licences Nos EA/PHC37 and EA/PHC82, by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing procedure.

**5.1 Hearing**

The Panel heard George Scott, Licensing Officer, representing the Department of Community Services, in explanation of the complaint.

The applicant's agent requested, and it was agreed, that a written response by his client, including witness statements, be circulated to the Panel.

**5.2 Adjournment/Reconvention of Meeting**

The Panel adjourned at 1110 hours to allow the additional information to be circulated and considered and reconvened at 1130 hours with the same Members, Officers and parties present.

The Panel then heard the applicant's agent, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant and his agent 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.

**5.3 Decision**

It was determined, having due regard to all of the information presented to the Panel during the course of the Hearing, that the applicant was in breach of Standard Condition 6, namely that he failed to convey the complainer to her destination by the shortest route. Whilst this was not considered sufficient in itself to merit suspension of any of the licences held by the applicant, the Panel did agree that the applicant should be issued with a written warning advising that any future breaches or incidents which might be established before the Panel would be likely to be severely dealt with.

The meeting terminated at 1255 hours.

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