

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON THURSDAY 22 MAY 2003 AT 1400 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Jim Raymond, Gordon Cree, John Weir, Isabella Macrae, Harry Wilson, George Smith, Elaine Stewart and Jimmy Carmichael.

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

**APOLOGIES:** Councillors Daniel Coffey and Neil McGhee

**CHAIR:** Councillor Jim Raymond, Chair.

**REVIEW OF POLICY REGARDING WHEELCHAIR ACCESSIBLE  
VEHICLES FOR USE AS TAXIS**

1. There was submitted a report dated 13 May 2003 (circulated) by the Director of Community Services which invited the Panel to review Council Policy that all vehicles operating as taxis be able to carry a wheelchair passenger (without the latter transferring) by 1 May 2004.

It was agreed:-

- (i) that the previously approved policy remain in effect but to defer the implementation date until 1 May 2005; and
- (ii) in the interim, remit to the Director of Community Services (following due consultation) to prepare and submit a report to a future meeting of the Panel, setting out detailed consideration of possible alternative policy approaches including specifically that which has been suggested by the Taxi Trade Council.

Councillor Weir joined the meeting during discussion of the above item.

Councillor Carmichael left the meeting at the conclusion of this item.

**PERTH AND KINROSS COUNCIL - APPEAL TO THE HOUSE OF LORDS**

2. There was submitted a report dated 8 May 2003 (circulated) by the Director of Community Services which advised of a report submitted by Perth and Kinross Council to the CoSLA Environment, Sustainability and Community Safety Executive Group on 11 March 2003 setting out some concerns about an ongoing legal case and which invited consideration of a financial contribution towards the Councils' costs in the event of an appeal to the House of Lords.

It was agreed:-

- (i) to approve in principle to support any decision by the Perth and Kinross Council to take an appeal to the House of Lords;
- (ii) to make a financial contribution of 1/32 of Perth and Kinross Council's judicial expenses (subject to a maximum of £1000 at the present time) if they proceed with this appeal; and

(iii) otherwise, to note the contents of the report.

### **EXCLUSION OF PRESS AND PUBLIC**

3. 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 – ANDREW GRANT**

4. There was submitted a report dated 30 April 2003 (circulated) by the Director of Community Services which invited the Panel (a) to consider whether to entertain an out-of-time objection 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 Head of Administrative and Legal Services outlined the agreed procedure in respect of the out-of-time representation.

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

Having heard Chief Inspector Miller explain that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory time scales, the Panel agreed to accept the late submission (circulated) and to determine the application by way of a Hearing.

#### **4.1 Hearing**

The Panel heard Chief Inspector Miller, 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 then re-admitted.

#### **4.2 Decision**

It was agreed that the application for the grant of a Taxi Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a Licence.

#### **APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - MYRA STEVENSON**

5. There was submitted a report dated 30 April 2003 (circulated) by the Director of Community Services which invited the Panel to consider by way of a Hearing, an application for the renewal of a Private Hire Car Driver's Licence.

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

#### **5.1 Hearing**

The Panel heard Chief Inspector Miller, representing Strathclyde Police, in explanation of the Police representation 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.

## **5.2 Decision**

It was agreed that the application for the renewal of a Private Hire Car Driver's Licence be granted subject to the standard conditions.

The applicant was also advised that the Panel takes a very dim view of offences relating to dishonesty and was warned that any further offences would be brought to the attention of the Panel and would be likely to be severely dealt with.

### **APPLICATION FOR GRANT OF A STREET TRADERS (EMPLOYEE) LICENCE - DONALD MACARTHUR**

6. There was submitted a report dated 30 April 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, agree to consider the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed procedure in respect of the out-of-time representation.

Having heard (i) Chief Inspector Miller explain that the nature and extent of enquiries undertaken, i.e. having to wait for an Extract of Conviction, precluded the Chief Constable from meeting the statutory timescale; and (ii) that the applicant had no objections to the out-of-time representation being heard, the Panel agreed to accept the late submission and also an undated letter submitted by the applicant in support of his application (circulated) and agreed to determine the application by way of a Hearing.

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

## **6.1 Hearing**

The Panel heard Chief Inspector Miller, representing Strathclyde Police, in explanation of the Police representation, 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.

## **6.2 Decision**

It was agreed that the application for the grant of Street Traders (Employee) Licence be granted, subject to the standard conditions.

The applicant was also warned that any further offences would be brought to the attention of the Panel and would be likely to be severely dealt with.

The meeting terminated at 1520 hours