

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON WEDNESDAY 23 JANUARY 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, David Macrae, Harry Wilson, Julie Faulds, William Menzies and Robert Taylor.

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

**APOLOGY:** Councillor Tommy Farrell.

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

**REVIEW OF TAXI FARES**

1. There was submitted a report dated 27 December 2001 (circulated) by the Director of Community Services which invited the Licensing Panel to fix scales for taxi fares and associated charges, taking into account the request by representatives of the taxi trade.

It was agreed:-

- (i) to fix the taxi fare scales and associated charges as agreed and advertised; and
- (ii) to remit to the Director of Community Services to carry out the statutory procedures.

**EXCLUSION OF PRESS AND PUBLIC**

2. 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 WINDOW CLEANER'S LICENCE - SCOTT JOHNSTON**

3. There was submitted a report dated 27 December 2001 (circulated) by the Director of Community Services which invited the Licensing Panel to consider, by way of a Hearing, an application for the grant of a Window Cleaner's Licence.

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

The Panel heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police objections and the applicant's employer, who spoke to the matters raised, all in accordance with the agreed Hearing procedures.

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

The Panel agreed to suspend consideration of the application and re-admitted the applicant, his employer and the Police representatives to the meeting to allow Members to seek further clarification in respect of certain matters which had arisen during the Hearing.

The applicant, his employer and the Police representatives again left the meeting to enable the Panel to continue consideration of the matter.

Parties were re-admitted along with the Press and public.

### **3.1 Decision**

It was agreed that the application for the grant of a Window Cleaner's Licence be approved for a period of 12 months, subject to the standard conditions and subject to an additional condition to reflect the undertakings given by both the applicant and his employer that the applicant would work only for his present employer for the duration of his licence and that, if for any reason this employment should terminate within the 12 months, the employer will advise the Licensing Authority accordingly.

#### **APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - SCOTT MCLEOD**

4. There was submitted a report dated 27 December 2001 (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 Taxi Driver's 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 Superintendent Alistair McKie, 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**

Councillor Taylor, seconded by Councillor L MacLean moved 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 a Taxi Driver's Licence.

Councillor Faulds, seconded by Councillor Hay moved, as an amendment, that the application for the grant of a Taxi Driver's Licence be approved.

On a division by a show of hands, the motion was carried by 8 votes to 2.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - ROSS MCFADZEAN**

5. There was submitted a report dated 27 December 2001 (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 Taxi Driver's Licence.

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

The Panel then heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police representations and the applicant's brother who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant, his brother 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.

**5.1 Decision**

It was agreed to grant the Licence, subject to the standard Conditions.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - JOHN GRAHAM**

6. There was submitted a report dated 27 December 2001 (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 Taxi Driver's Licence.

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

The Panel heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police objection relating to the matter and the applicant's agent, Mr McLennan, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant, his agent 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.

**6.1 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 a Taxi Driver's Licence.

Councillor Lilian MacLean left the meeting during discussion of the above Item.

**ADJOURNMENT/RECONVENTION OF MEETING**

7. The Panel adjourned at 1150 hours and reconvened at 12 noon with the same Members, Officers and Parties present (Councillor Ann Hay having left the meeting at this time).

**CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE NO.  
EA/LHC57 - HASAN KAPLAN**

8. There was submitted a report dated 27 December 2001 (circulated) by the Director of Community Services which invited the Licensing Panel to consider suspension of Late Hours Catering Licence No. EA/LHC57 by way of a Hearing.

The Panel heard Superintendent Alistair McKie, representing Strathclyde Police, in explanation of the Police observations relating to the matter and the applicant's agent, Mr McLennan, who spoke on the matters raised, all in accordance with the agreed Hearing procedure.

The applicant, his wife, his agent 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**

It was agreed to defer consideration of suspension of Late Hours Catering Licence No EA/LHC57 for 6 months or until the 3 outstanding criminal charges referred to during the Hearing have been dealt with by the Courts and the outcome advised to the Licensing Panel.

The meeting terminated at 1243 hours.

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