

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 23 JANUARY 2003 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Elaine Dinwoodie, Ann Hay, Brian Reeves, Lilian MacLean, John Weir, Harry Wilson, Tommy Farrell, Julie Faulds, William Menzies and Elaine Stewart.

ATTENDING: William Stafford, Director of Community Services; David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; Avril Forrest, Solicitor; Joe Burns, Trading Standards Officer; and Christine Baillie, Administrative Officer.

APOLOGY: Councillor Jimmy Carmichael.

CHAIR: Councillor Elaine Dinwoodie, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. Councillor Dinwoodie, seconded by Councillor Farrell, moved that the Panel resolve 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 the Paragraph of Schedule 7A of the Act as shown against each item.

Councillor Weir, seconded by Councillor L MacLean, moved as an amendment that Item 7 on the Agenda "Application for Grant of a Licence to Keep a Dog Breeding and Rearing Establishment - Waterside Farm, Glasgow Road, Galston" be heard in public but that certain confidential aspects of the application be subject to exclusion of the Press and public.

On a request by Councillor L MacLean that a roll vote be taken and there being at least one-third of the Members in agreement (5), in accordance with Standing Order 36.2, the vote was taken by calling the vote as follows, viz:-

For the motion - Councillors Dinwoodie, Reeves, Farrell, Menzies and Stewart.

For the amendment - Councillors Hay, L MacLean, Weir, Wilson and Faulds.

There being an equality of votes (5 votes for the motion and 5 votes for the amendment), the Chair exercised her casting vote in favour of the motion.

CHAIR'S REMARKS

2. The Chair at her discretion and in terms of Standing Order 19, agreed to alter the order of business and consider Item 4 on the Agenda as Item 6.

APPLICATION FOR GRANT OF A SECOND HAND DEALER'S (MOTOR VEHICLES) LICENCE - DAVID ANDREWS (PARA 3)

3. There was submitted a report dated 13 December 2002 (circulated) by the Director of Community Services which invited the Panel to (a) consider whether to receive information relevant 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 evidence relating to spent convictions or circumstances ancillary thereto.

It was agreed to receive the information relevant 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.

3.1 Hearing

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

3.2 Decision

It was agreed that the application for a Second Hand Dealer's (Motor Vehicles) Licence be granted for a period of 12 months, subject to the standard conditions.

APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE - ANDREW DEAN (PARA 3)

4. There was submitted a report dated 17 December 2002 (circulated) by the Director of Community Services inviting the Panel to consider, by way of a Hearing, an application for the renewal of a Taxi Driver's Licence.

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

4.1 Hearing

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

4.2 Decision

It was agreed that the application for the renewal 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.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - RONNIE McCOLL (PARA 3)

5. There was submitted a report dated 13 December 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 Taxi Driver's Licence.

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

5.1 Hearing

The Panel heard Chief Inspector McKnight, representing Strathclyde Police, in explanation of the Police objection, 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 to grant the licence subject to the standard conditions.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - ROBERT McKENNA (PARA 3)

6. There was submitted a report dated 17 December 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 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.

6.1 Hearing

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

6.2 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 a Taxi Driver's Licence.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - ROBERT BLAIR (PARA 3)

7. There was submitted a report dated 13 December 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 Taxi Driver's Licence.

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

7.1 Hearing

The Panel heard Chief Inspector McKnight representing Strathclyde Police, in explanation of the Police observation and the applicant's Agent, who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

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

The parties were then re-admitted.

7.2 Decision

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

ADJOURNMENT/RECONVENTION OF MEETING

8. The Panel adjourned at 1115 hours and reconvened at 1125 hours with the same Members and Officers present.

APPLICATION FOR GRANT OF A LICENCE TO KEEP A DOG BREEDING AND REARING ESTABLISHMENT - WATERSIDE FARM, GLASGOW ROAD, GALSTON (PARAS 3 AND 14)

9. There was submitted a report dated 13 December 2002 (circulated) by the Director of Community Services requesting that the Panel review the decision to grant a licence to keep a Dog Breeding and Rearing Establishment at Waterside Farm, Glasgow Road, Galston made at the meeting held on 19 August 2002.

The Panel agreed to receive additional information relative to the application, namely (i) a letter dated 13 January 2003 from the Council's appointed independent vet; and (ii) a letter dated 21 January 2003 from the applicant's Solicitor.

9.1 Adjournment/Reconvention of Meeting

The Panel adjourned at 1135 hours to allow the additional information to be circulated and considered, and reconvened at 1140 hours with the same Members and Officers present.

Thereafter, the Head of Protective Services outlined the terms of the report and the Solicitor to the Council gave advice in respect of certain legal matters.

It was agreed to refuse the application for the grant of a licence to keep a Dog Breeding and Rearing Establishment at Waterside Farm, Glasgow Road, Galston.

The meeting terminated at 1155 hours.