

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**MINUTES OF MEETING HELD ON WEDNESDAY 20 MARCH 2002 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 and Tommy Farrell.

**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; and Christine Baillie, Administrative Officer.

**APOLOGIES:** Councillors Ann Hay, Julie Faulds and William Menzies.

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

**HEARINGS: CONSIDERATION OF SUSPENSION OF TAXI DRIVERS' LICENSES**

1. There was submitted the undernoted reports dated 26 February 2002 (circulated) by the Director of Community Services which invited the Panel to consider, by way of Hearings, the suspension of the undernoted Taxi Drivers' Licenses:-

**1.1 Taxi Drivers Licence No EA/TD224 - Nicola Burinski**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring her to attend the approved Disability Awareness training course.

**1.2 Taxi Drivers' Licence No EA/TD260 - James McGhee**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring him to attend the approved Disability Awareness training course.

**1.3 Taxi Drivers' Licence No EA/TD295 - James Gibson**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring him to attend the approved Disability Awareness training course.

**1.4 Taxi Drivers' Licence No EA/TD529 - John McCulloch**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring him to attend the approved Disability Awareness training course.

**1.5 Taxi Drivers' Licence No EA/TD544 - John Martin**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring him to attend the approved Disability Awareness training course.

**1.6 Taxi Drivers' Licence No EA/TD547 - Iain Ritchie**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and

- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring him to attend the approved Disability Awareness training course.

### **1.7 Taxi Drivers' Licence No EA/TD550 - Nanette Wilson**

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

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

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

It was thereafter agreed:-

- (i) to suspend the licence; and
- (ii) that the suspension shall remain in force until the applicant has complied with Licence Condition 19, requiring her to attend the approved Disability Awareness training course.

It was also agreed that the Director of Community Services would arrange for a press release to be issued highlighting the Panel's serious concerns about the number of drivers still not complying with Condition 19 and indicating that the Panel may need to consider, in future cases, whether to impose a longer period of suspension than that which was generally applied at present.

### **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 TAXI DRIVERS' LICENCE - COLIN FERGUSON**

3. There was submitted a report dated 26 February 2002 (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.

Chief Inspector McKnight, on behalf of Strathclyde Police explained that the letter of objection was submitted late due to a delaying in receiving information from the Procurator Fiscal's Office. The applicant confirmed he had no objections to the Panel considering the Police letter.

It was then agreed to accept the reasons for late submission of representations and to proceed to a Hearing on the application.

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

### **3.1 Hearing**

There was submitted a letter of representation dated 5 February 2002 from Strathclyde Police, an undated letter submitted by the applicant, accompanied by two letters from representatives of his current employer, in support of his application.

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 representative then left the meeting to enable the Panel to take and consider legal advice on the matter.

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

### **3.2 Decision**

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

#### **APPLICATION FOR GRANT OF A TAXI DRIVERS' LICENCE - CLAIRE MULLEN**

4. There was submitted a report dated 26 February 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 Taxi Drivers' Licence.

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

### **4.1 Hearing**

The Panel heard Chief Inspector McKnight, 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 representative 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.

### **4.2 Decision**

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

#### **APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVERS' LICENCE - DEREK GIBSON**

5. There was submitted a report dated 26 February 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 Private Hire Car Drivers' 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 representations 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 the re-admitted along with the press and public.

### **5.2 Decision**

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

The meeting terminated at 1115 hours.

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