

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

**MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 26 JUNE 2002
AT 1005 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jimmy Carmichael, Lilian MacLean, John Weir, Harry Wilson, Tommy Farrell, 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; Gillian McCluskey, Trainee Solicitor; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Ann Hay, Brian Reeves and Julie Faulds.

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.

CHAIR'S REMARKS

2. In connection with Item 2 on the Agenda - Application for grant of a Taxi Driver's Licence: Edward Barr, the Panel were advised that the applicant's agent was unable to attend the meeting but had provided his client with a letter of representation.

It was agreed to circulate the letter to members of the Panel for consideration and thereafter consider the application from Edward Barr after item 3 on the Agenda.

APPLICATION FOR GRANT OF A SECOND HAND DEALER'S (MOTOR VEHICLES) LICENCE: DAVID ANDREWS, 33 AUCHINLECK ROAD, CUMNOCK

3. There was submitted a report dated 23 May 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 Miller, 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 determine the application by way of a Hearing.

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

3.1 Hearing

The Panel heard Chief Inspector Miller, 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 along with the Press and public.

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.

The applicant was also advised that although the Local Government Licensing Panel had granted the application for a Second Hand Dealer's (Motor Vehicles) Licence this did not in any way relieve him of his obligations with regard to the Planning and Building Control consents required for the premises before trading can take place, and that the Head of Planning and Building Control would be advised of the Panel's decision.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - EDWARD BARR

4. There was submitted a report dated 23 May 2002 (circulated) by the Director of Community Services which invited the Panel to resume consideration, 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.

4.1 Hearing

The Panel heard Chief Inspector Miller, 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 along with the Press and public.

4.2 Decision

It was agreed that the application for a Taxi Driver's Licence be granted for a period of 12 months.

The meeting terminated at 1100 hrs.