

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 28 AUGUST 2003 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim Raymond, Daniel Coffey, Gordon Cree, John Weir, Isabella Macrae, Harry Wilson, George Smith, Neil McGhee, 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; Alison Smith, Principal Officer Licensing & Community Safety; Christine Baillie, Administrative Officer; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillors Jimmy Carmichael and William Menzies.

CHAIR: Councillor Jim Raymond, Chair.

LATE HOURS CATERING LICENSES; RELATIONSHIP WITH LICENSING BOARD GUIDELINES

1.1 Declaration of Interest

Councillors D Coffey, Cree, Wilson, N McGhee and Stewart declared an indirect non-pecuniary interest in this item as Members of East Ayrshire Licensing Board, and the Head of Administration and Legal Services declared an interest as Clerk to the Licensing Board.

1.2 Consideration of Item

There was submitted a report dated 14 August 2003 (circulated) by the Director of Community Services inviting the Licensing Panel to consider a recommendation from East Ayrshire Licensing Board concerning the relationship between late hours catering licenses issued to premises in terms of the Civic Government (Scotland) Act 1982 and revised guidelines recently approved by East Ayrshire Licensing Board.

It was agreed:-

- (i) that the previous policy of matching of late hours catering licences to the latest opening hours for licensed premises in any particular locality in respect of entertainment premises (discotheques/nightclubs); be qualified/restricted to the extent that any licence granted will normally require the premises to close no later than 2.00 am;
- (ii) that a similar provision will apply to Street Traders' Licences granted to mobile catering units trading in similar localities; and
- (iii) otherwise note the report.

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 STREET TRADER'S LICENCE -
GEORGE ANDERSON**

3. It was reported and noted that the applicant had withdrawn his application.

**APPLICATION FOR GRANT OF A STREET TRADER'S (EMPLOYEE) LICENCE -
DARRYL McCLURE**

4. It was reported and noted that the applicant had withdrawn his application.

**APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE -
ROBERT DUNCAN**

5. There was submitted a report dated 4 August 2003 (circulated) by the Director of Community Services inviting the 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.

5.1 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.

5.2 Decision

It was agreed that the application for the grant of a Window Cleaner's Licence be granted for a period of 12 months, subject to the standard conditions.

The applicant was further advised that any offences or complaints brought to the attention of the Panel in the future would be likely to be severely dealt with.

ORDER OF BUSINESS

6. The Chair at his discretion and in terms of Standing Order 19, agreed to alter the order of business and consider Item 9 on the Agenda as Item 7.

**APPLICATION FOR GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE -
SCOTT WEBSTER**

7. There was submitted a report dated 5 August 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.

Having heard (i) Chief Inspector Miller explain that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory timescales; and (ii) that Mr Anderson, Solicitor for the Applicant, had no objections to the out-of-

time representation being heard, the Panel agreed to accept the late submission (which was then circulated) and to determine the application by way of a Hearing.

7.1 Hearing

The Panel heard Chief Inspector Miller, representing Strathclyde Police, in explanation of the Police objections, and Mr Anderson, Solicitor for 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.

7.2 Decision

It was agreed that the application for the grant of a Private Hire Car Operators Licence be granted subject to the standard conditions.

The applicant was further advised that any offences or complaints brought to the attention of the Panel in the future would be likely to be severely dealt with.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE (EMPLOYEE 1 YEAR LICENCE) - DAVID McCULLOCH

8. There was submitted a report dated 4 August 2003 (circulated) by the Director of Community Services which invited the Panel (a) to consider whether or not to entertain the out-of-time representation and (b) if so, to agree to consider the application by way of a Hearing.

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 timescales, the Panel agreed to accept the late submission (circulated) and to determine the application by way of a Hearing.

8.1 Hearing

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

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

The Police representatives were then re-admitted.

8.2 Decision

It was agreed that the application for the grant of a Window Cleaner'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 GRANT OF A WINDOW CLEANER'S LICENCE (EMPLOYEE 1 YEAR LICENCE) - GARY RANKIN

9. There was submitted a report dated 4 August 2003 (circulated) by the Director of Community Services which invited the Panel (a) to consider whether to receive the 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.

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

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 evidence relating to spent convictions or circumstances ancillary thereto, having regard to the nature and extent of same when considered cumulatively with the more recent convictions already before the Panel.

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.

9.1 Hearing

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

9.2 Decision

It was agreed that the application for the grant of a Window Cleaner'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 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - JAMES MITCHELL

- 10.** There was submitted a report dated 4 August 2003 (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 Driver's Licence.

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

10.1 Hearing

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

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.

10.2 Decision

It was agreed that the application for the grant of a Private Hire Car 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.

The meeting terminated at 1150 hours.