

APPENDIX I**EAST AYRSHIRE COUNCIL****LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON 10 NOVEMBER 1999 AT 1010 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jimmy Carmichael, Katie Hall, Ann Hay, Julie Faulds, John Weir, David Macrae, Harry Wilson, Tommy Farrell and Robert Taylor.

ATTENDING: John Crawford, Head of Protective Services; David Mitchell, Principal Solicitor; Alison Smith, Principal Officer Licensing and Community Safety; Julie Armstrong, Senior Administrative Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Brian Reeves and William Menzies.

CHAIR: Councillor Jimmy Carmichael, Chair.

CONSIDERATION OF APPLICATION**1.1 HEARING: APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE: MICHAEL STIRLING, 63 STRATHCLYDE STREET, GLASGOW (ITEM 6, PAGE 383, 99/02)**

There was submitted a report dated 2 November 1999 (circulated) by the Director of Community Services on an application for the grant of a Public Entertainment Licence for a proposed fairground at Strandhead Park, Stewarton.

It was noted that Members had attended a site visit prior to the meeting.

It was reported and noted that 3 objections had been received outwith the statutory 21 day time period and in this connection there were submitted letters dated 3 and 4 October 1999 respectively, from the objectors in explanation of the reasons for the objections being submitted late. In this connection there was also submitted a letter dated 3 November 1999 from the applicant inviting the Sub-Committee to determine that the late objections should not be considered.

The Sub-Committee having duly considered the matter then agreed to entertain the late objections received, and to proceed to consider the application by way of a hearing.

Councillor Hay joined the meeting at this point.

There were then submitted (a) a letter of objection dated 27 September 1999 including a petition signed by 20 local residents; (b) a letter of objection dated 27 September 1999 including a petition signed by 31 local residents; (c) a letter of objection dated 27 September 1999; and (d) a letter dated 28 September 1999 from the Showmen's Guild of Great Britain in support of the application.

The Sub-Committee heard Mr Robert Clark, objector, and Michael Stirling, the applicant who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant and the objector then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter.

1.2 Adjournment /Reconvention of Meeting

The Sub-Committee adjourned at 1110 hours and reconvened at 1117 hours with the same Members and Officers present.

The Sub-Committee continued consideration of the matter.

1.3 Adjournment /Reconvention of Meeting

The Sub-Committee adjourned at 1155 hours and reconvened at 1205 hours with the same Members and Officers present.

The Sub-Committee continued consideration of the matter.

Parties were re-admitted.

Councillor Carmichael seconded by Councillor Taylor moved that the licence be granted subject to the standard conditions.

Councillor Weir seconded by Councillor Wilson moved as an amendment that the application be refused.

Councillor Weir requested that a roll call vote be taken and 4 Members having by show of hands, supported this in accordance with Standing Order 35, the vote was taken by roll call as follows:-

For the motion: Councillors Carmichael and Taylor.

For the amendment: Councillors Hall, Hay, Faulds, Weir and Wilson.

Councillors Farrell and Macrae abstained.

The amendment was therefore carried by 5 votes to 2.

Parties then withdrew.

Councillor Wilson left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

2. The Sub-Committee 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 Hearing process relating to Items 3, 4 and 5, and in respect of consideration of Item 6 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

CONSIDERATION OF APPLICATIONS

3. **HEARING: APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: ANDREW DEAN, 20 JEFFREY STREET, KILMARNOCK (ITEM 3, PAGE 382, 99/02)**

There was submitted a report dated 27 October 1999 (circulated) by the Director of Community Services on an application for the grant of a Taxi Driver's Licence.

There was also submitted a letter of representation dated 23 August 1999 from Strathclyde Police, and a letter dated 9 September 1999 from the applicant in support of his application, (both circulated).

The Sub-Committee heard Chief Inspector Bill Campbell representing Strathclyde Police, in explanation of the Police representations, 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 Sub-Committee to take and consider legal advice on the matter.

Parties were re-admitted along with Press and public.

3.1 Decision

Councillor Macrae seconded by Councillor Farrell moved that the application be granted subject to the standard conditions.

Councillor Taylor seconded by Councillor Hall moved as an amendment that the application be refused.

On a vote taken by a show of hands the motion was carried by 6 votes to 2.

Parties then withdrew.

4. HEARING: APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE: JAMES REILLY, 5 ALLOWAY AVENUE, KILMARNOCK (ITEM 4, PAGE 38, 99/02).

There was submitted a report dated 27 October 1999 (circulated) by the Director of Community Services on an application for the grant of a Window Cleaner's Licence,

There was also submitted a letter of representation dated 5 August 1999 from Strathclyde Police (circulated).

The Sub-Committee heard Chief Inspector Bill Campbell representing Strathclyde Police, in explanation of the Police representations, 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 Sub-Committee to take and consider legal advice on the matter.

Parties were re-admitted along with Press and public.

4.1 Decision

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

Parties then withdrew.

5. HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE: ANDREW STEELE, 38 RIGG CRESCENT, CUMNOCK (ITEM 5, PAGE 382, 99/02)

There was submitted a report dated 29 October 1999 (circulated) by the Director of Community Services on a complaint received in relation to the conduct of a licensed taxi driver.

There were also re-submitted a report dated 7 September 1999 by the Director of Community Services, a letter dated 6 August 1999 from the complainant's solicitor, a report dated 17 August 1999 from the Enforcement Officer on the matter, and a letter dated 23 September 1999 from the licensee's solicitor (all circulated).

The Sub-Committee heard Ms Rona Wark, the applicant's agent, and the applicant who spoke to the matters raised, all in accordance with the agreed Hearing procedure. The complainant was not present or represented.

The applicant and his agent then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter.

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

5.1 Decision

It was agreed not to suspend the taxi driver's licence.

Parties then withdrew.

6. APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: ANDREW FINDLAY, 2 OLD AVENUE, AUCHINLECK

There was submitted a report dated 27 October 1999 (circulated) by the Director of Community Services on an application for the grant of a Street Trader's Licence.

There was also submitted a letter of representation dated 7 October 1999 from Strathclyde Police and a letter dated 25 October 1999 from the applicant in support of his application (both circulated).

The Press and public were then re-admitted.

6.1 Decision

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

TAXI FARES OVER THE MILLENNIUM PERIOD

7. There was submitted a report dated 1 November 1999 (circulated) by the Director of Community Services to allow the Sub-Committee to fix scales for taxi fares and associated charges over the Millennium period, taking into account requests by representatives of the Taxi Trade.

It was agreed:-

- (i) that, as requested by representatives of the Taxi Trade, the 100% surcharge permitted under the existing fares scales in respect of 1 and 2 January 2000 should apply from 6 pm on 31 December 1999 to midnight on 2 January 2000; and
- (ii) that an additional £2 surcharge over the period from 6 pm on 31 December 1999 to midnight on 2 January 2000, as requested by representatives of the Taxi Trade be not applied.

TAXI LICENSING: ARRANGEMENTS FOR THE SURRENDER AND ISSUE OF LICENCES (Item 2, Page 258, 99/02)

8. There was submitted a report dated 1 November 1999 (circulated) by the Director of Community Services on a procedure proposed whereby existing licence holders would, in specified circumstances, be allowed to nominate their successors.

It was agreed:-

- (i) to approve the procedures outlined in the report to permit the grant of taxi licences to nominated parties; and
- (ii) otherwise to note the report.

The meeting terminated at 1310 hours.