

APPENDIX II

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON WEDNESDAY 24 MAY 2000 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jimmy Carmichael, Ann Hay, Julie Faulds, John Weir, Tommy Farrell and William Menzies.

ATTENDING: John F Crawford, Head of Protective Services; Bill Walkinshaw, Principal Administrative Officer; Alison J Smith, Principal Officer, Licensing and Community Safety; David Mitchell, Principal Solicitor; James Crawshaw, Student Environmental Health Officer; Nicholas Duffy, Trainee Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Kathleen Hall, Brian Reeves, David Macrae, Harry Wilson and Robert Taylor.

CHAIR: Councillor Jimmy Carmichael.

ORDER OF BUSINESS

1. The Chair at his discretion and in terms of Standing Order 15.1, agreed to alter the order of business and consider Items 3, 5 and 4 respectively at this point.

EXCLUSION OF PRESS AND PUBLIC

2. It was 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 ensuing two Items.

**HEARING: CONSIDERATION OF SUSPENSION OF STREET TRADER'S
LICENCE NO EA/ST75: ANDREW McKNIGHT, 13 GARRY PLACE,
KILMARNOCK (Item 8, Page 902, 99/02)**

3. There was submitted a report dated 5 May 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider the suspension of Street Trader's Licence No EA/ST75.

The Sub-Committee heard Chief Superintendent Bill Campbell, representing Strathclyde Police in explanation of the Police representations, and the licensee, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The licensee 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 the Press and public.

3.1 Decision

It was agreed not to suspend the licence.

Parties then withdrew.

Councillor John Weir joined the meeting during the Hearing relating to the above matter and took no part in the Hearing, consideration or determination of the matter.

**HEARING: APPLICATION FOR GRANT OF A TAXI LICENCE: RONALD WHITE,
92 AYR ROAD, CUMNOCK**

4. There was submitted a report dated 5 May 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, an application for the grant of a Taxi Operator's Licence in terms of the agreed nomination of successor procedure.

There was also submitted a letter of objection dated 18 April 2000 from Anderson Fyfe, Solicitors, on behalf of Mr James McGhee, 31 River View, Cumnock, (circulated).

The Sub-Committee heard Mr Thomas McEntegart, representing Mr James McGhee, objector, who was also present, in explanation of Mr McGhee's objections, and the applicant, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

ADJOURNMENT OF MEETING

- 4.1 It was agreed to adjourn the meeting at 1052 hours.

RECONVENTION OF MEETING

- 4.2 The meeting was reconvened at 1055 hours with the same Councillors, Parties and Officers present and in attendance.

ADJOURNMENT OF MEETING

- 4.3 With the agreement of Parties, it was agreed to adjourn the meeting for a period of 10 minutes to allow the Parties the opportunity to examine relevant papers not previously issued to the either Party.

RECONVENTION OF MEETING

- 4.4 The meeting was reconvened at 1108 hours with the same Councillors, Parties and Officers present and in attendance.

The Hearing was then concluded in accordance with the agreed Hearing procedure.

Parties 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.

4.5 Decision

It was agreed to grant the licence to Mr White as applied for, subject to the standard conditions.

The Press and public were then re-admitted.

MEETINGS WITH REPRESENTATIVES OF THE TAXI TRADE

5. There was submitted and noted a report dated 11 May 2000 (circulated) by the Director of Community Services on meetings with representatives of the Taxi Trade in East Ayrshire.

CONSIDERATION OF RECALL OF ORDER SUSPENDING TAXI DRIVER'S LICENCE NO EA/TD401 - IAN CAIRNS, 35 ARDGOUR ROAD, KILMARNOCK (Item 3.6, Page 901, 99/02)

6. There was submitted a report dated 16 May 2000 (circulated) by the Director of Community Services which invited the Committee to consider the recall of the Order suspending Taxi Driver's Licence Number EA/TD401.

It was agreed to recall the Order suspending Taxi Driver's Licence No EA/TD401, subject to the licensee completing the Disability Awareness Training Course on 31 May 2000.

EXCLUSION OF PRESS AND PUBLIC

7. 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 consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A of the Act.

CONSIDERATION OF APPLICATIONS

8.1 APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: RON STEWART, 11 CAIRNSCADDEN ROAD, CUMNOCK

There was submitted a report dated 5 May 2000 (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 27 April 2000 from Strathclyde Police, and a letter dated 8 May 2000 from the applicant (both circulated).

The Sub-Committee took and considered legal advice on the matter.

The Press and public were then re-admitted.

8.1.1 Decision

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

8.2 APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE: GORDON GEDDES, 79 BREWLANDS CRESCENT, SYMINGTON

There was submitted a report dated 5 May 2000 (circulated) by the Director of Community Services on an application for the renewal of a Taxi Driver's Licence.

There was also submitted a letter of representation dated 28 April 2000 from Strathclyde Police, and a letter, undated, received on 16 May 2000 from the applicant (both circulated).

The Sub-Committee took and considered legal advice on the matter.

The Press and public were then re-admitted.

8.2.1 Decision

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

8.3 APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE: PAUL ROUTH, 13 WARDNEUK DRIVE, KILMARNOCK

There was submitted a report dated 5 May 2000 (circulated) by the Director of Community Services on an application for the renewal of a Private Hire Car Operator's Licence.

There was also submitted a letter of representation dated 6 April 2000 from Strathclyde Police (circulated).

The Sub-Committee took and considered legal advice on the matter.

The Press and public were then re-admitted.

8.3.1 Decision

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

8.4 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE: WILLIAM MONTGOMERIE, 32 MASON AVENUE, NEW CUMNOCK

There was submitted a report dated 5 May 2000 (circulated) by the Director of Community Services on an application for the grant of a Private Hire Car Driver's Licence.

There was also submitted a letter of representation dated 31 March 2000 from Strathclyde Police (circulated).

The Sub-Committee took and considered legal advice on the matter.

The Press and public were then re-admitted.

8.4.1 Decision

It was agreed to continue consideration of this matter to a future meeting which would take the form of a Hearing, to which the applicant and Strathclyde Police would be invited to appear or to be represented, and to speak to the matters raised.

8.5 APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: THOMAS NUTT, 51 KERSE TERRACE, RANKINSTON

There was submitted a report dated 5 May 2000 (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 13 April 2000 from Strathclyde Police (circulated).

The Sub-Committee took and considered legal advice on the matter.

The Press and public were then re-admitted.

8.5.1 Decision

It was agreed to continue consideration of this matter to a future meeting which would take the form of a Hearing, to which the applicant and Strathclyde Police would be invited to appear or to be represented, and to speak to the matters raised.

**CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE
NO EA/LHC29: RIFAT KHAN BURKI, 25 JOHN FINNIE STREET,
KILMARNOCK (Item 7, Page 902, 99/02)**

9. There was submitted and noted a report dated 15 May 2000 (circulated) by the Director of Community Services which advised the Sub-Committee of the surrender of Late Hours Catering Licence EA/LHC29.

The meeting terminated at 1145 hours.