

APPENDIX I

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON 25 MAY 1999 AT 1100 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jimmy Carmichael, Brian Reeves, Julie Faulds, John Weir, David Macrae, Harry Wilson, Tommy Farrell, William Menzies and Robert Taylor.

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

APOLOGIES: Councillors Katie Hall and Ann Hay.

CHAIR: Councillor Jimmy Carmichael, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. 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 2 and 3 and in respect of consideration of items 4 and 5 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

2. **HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 242 - JOHN MCFADZEAN, 15 CARRON AVENUE, KILMARNOCK ()** - There was submitted a report dated 4 May 1999 (circulated) by the Director of Community Services on two complaints received from members of the public in relation to the conduct of licensed Taxi Driver John McFadzean.

There were also submitted letters of complaint dated 21 April 1998 and 20 January 1999 from Mrs M McCloskey, and Mrs E Stalker respectively (both circulated) and a letter received on 17 February 1999 from the licensee in answer to both complaints.

The Sub-Committee then heard Mrs E Stalker, in explanation of her complaint.

ADJOURNMENT

It was agreed to adjourn the meeting at 1110 hours.

RECONVENTION

The Committee reconvened at 1115 hours with the same members and officers in attendance.

The Sub-Committee then heard Superintendent Simon Keenan, Strathclyde Police, who provided additional information in relation to Mrs Stalker's complaint, and the

licensee and his agent Mr A McLuskey, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

Councillor Farrell left the meeting during the above Hearing.

The licensee, his agent, the complainant and the Police representatives then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter.

ADJOURNMENT

It was agreed to adjourn the meeting at 1207 hours.

RECONVENTION

The Committee re-convened at 1212 hours with the same Members and Officers in attendance.

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

2.1. Decision

It was agreed not to suspend the licence but that the licensee be warned in respect of his behaviour when dealing with members of the public.

Parties then left the meeting.

3. HEARING: APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE: SHANE TOWNSLEY, 19 CESSNOCK AVENUE, HURLFORD (Item 3.4, Page 4501) - There was submitted a report dated 5 May 1999 (circulated) by the Director of Community Services on an application for renewal of a Taxi Driver's Licence.

There was also submitted a letter of representation dated 23 March 1999 from Strathclyde Police, and a letter received on 6 April 1999 from the applicant in support of the application (both circulated).

The Sub-Committee heard Superintendent Simon Keenan 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 the Press and the public.

3.1 Decision

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

Parties then withdrew.

4. APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: EDWARD DALTON, 91 MAIN STREET, AUCHINLECK - There was submitted a report dated 4 May 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 29 March 1999 from Strathclyde Police (circulated).

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

Press and public were then re-admitted.

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.

5 APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: DEREK GIBSON, 1 DALVENNAN AVENUE, PATNA - There was submitted a report dated 5 May 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 30 March 1999 from Strathclyde Police (circulated).

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

The Press and public were then re-admitted.

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.

The meeting terminated at 1235 hours.