

APPENDIX I**EAST AYRSHIRE COUNCIL****LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 12 APRIL 2000 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

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

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; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Ann Hay, Harry Wilson and William Menzies.

CHAIR: Councillor Jimmy Carmichael, Chair.

REVIEW OF TAXI FARES (Item 1, Page 769, 99-3)

1. There was submitted a report dated 27 March 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to fix scales for taxi fares and associated charges, taking into account requests by representatives of the taxi trade.

It was agreed:-

- (i) to note the contents of the Director's report; and
- (ii) to approve an increase on existing taxi fares and associated charges of 10%; and
- (iii) that the Director of Community Services carry out the required statutory procedures.

MEETINGS WITH REPRESENTATIVES OF THE TAXI TRADE

2. There was submitted and noted a report dated 28 March 2000 (circulated) by the Director of Community Services on meetings with representatives of the taxi trade in East Ayrshire.

**CONSIDERATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS'
LICENCES (Item 3, Page 679, 99/02)**

3. There were submitted the undernoted individual reports each dated 24 March 2000 (circulated) by the Director of Community Services in relation to consideration of suspension of taxi/private hire car drivers' licences.
 - 3.1 TAXI DRIVER'S LICENCE NO EA/TD 15 - THOMAS McCAMON
 - 3.2 TAXI DRIVER'S LICENCE NO EA/TD 33 - ANDREW HOUSTON
 - 3.3 TAXI DRIVER'S LICENCE NO EA/TD 60 - FRANCES NEIL
 - 3.4 TAXI DRIVER'S LICENCE NO EA/TD 68 - RICHARD McAUGHTRIE

- 3.5 TAXI DRIVER'S LICENCE NO EA/TD 396 - JAMES MARSHALL**
- 3.6 TAXI DRIVER'S LICENCE NO EA/TD 401 - IAN CAIRNS**
- 3.7 PRIVATE HIRE CAR DRIVER'S LICENCE NO EA/PHCD 48 - JAMES ANDERSON**
- 3.8 PRIVATE HIRE CAR DRIVER'S LICENCE NO EA/PHCD 50 - ROBERT GIBSON**

It was noted that Licensees Andrew Houston and Frances Neil were present and that Licensees Richard McAughtrie, James Marshall, Ian Cairns, James Anderson and Robert Gibson were not present.

It was agreed:-

- (i) having heard the Head of Protective Services confirm that the following taxi drivers had completed the approved course in Disability Awareness Training, not to proceed with a Hearing for the suspension of taxi drivers' licences Nos EA/TD 15 (Thomas McCamon), EA/TD 33 (Andrew Houston) and EA/TD 60 (Frances Neil);
- (ii) to suspend, in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, the following licences for a period of six weeks:-
Drivers' Licences EA/TD 68 (Richard McAughtrie), EA/TD 396 (James Marshall) and EA/TD 401 (Ian Cairns); and Private Hire Car Drivers' Licences No EA/PHCD 48 (James Anderson) and EA/PHCD 50 (Robert Gibson).

EXCLUSION OF PRESS AND PUBLIC

- 4. 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 Hearing process relating to Items 6 and 9, and during consideration of Items 7 and 8 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

ORDER OF BUSINESS

- 5. The Chair at his discretion and in terms of Standing Order 15.1, agreed to alter the order of business and consider the application for grant of a Street Trader's Licence by Johann Green, 14 Aird Avenue, Auchinleck, at the end of the meeting.

Councillor Farrell left the meeting at this point.

HEARING: APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE: STEPHEN IRELAND, 32 MEIKLEHOLM DRIVE, PATNA (Item 5.1, Page 770, 99/02)

- 6. There was submitted a report dated 24 March 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 2 February 2000 from Strathclyde Police and a letter, undated, received on 29 February 2000 from the applicant in support of his application (both circulated).

The Sub-Committee heard Chief Superintendent Bill Campbell representing Strathclyde Police, in explanation of the police representations, and the applicant and

the applicant's father, who spoke to the matters raised, all 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 then re-admitted along with the Press and the public.

6.1 Decision

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

Parties then withdrew.

CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE NO EA/LHC 29: RIFAT KHAN BURKI, 25 JOHN FINNIE STREET, KILMARNOCK

7. There was submitted a report dated 27 March 2000 (circulated) by the Director of Community Services regarding a breach of conditions attached to late hours catering licence No EA/LHC 29.

There was also submitted a letter of representation dated 9 March 2000 from the Depute Clerk to the East Ayrshire District Court (circulated).

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

The Press and public were then re-admitted.

7.1 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 licensee and appropriate parties would be invited to appear or to be represented and to speak to the matters raised.

CONSIDERATION OF SUSPENSION OF STREET TRADER'S LICENCE NO EA/ST 75: ANDREW McKNIGHT, 13 GARRY PLACE, KILMARNOCK

8. There was submitted a report dated 27 March 2000 (circulated) by the Director of Community Services on information received in respect of street trader's licence no EA/ST 75.

There was also submitted a letter of representation dated 24 December 1999 from Strathclyde Police, and a letter, undated, received on 11 April 2000 from the licensee (both circulated).

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

The Press and public were then re-admitted.

8.1 Decision

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

HEARING: APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: JOHANN GREEN, 14 AIRD AVENUE, AUCHINLECK (Item 5.2, Page 770, 99/02)

9. There was submitted a report dated 28 March 2000 (circulated) by the Director of Community Services on an application for the grant of a street trader's licence.

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

As a preliminary issue it was reported and noted that an objection had been received out of time from Strathclyde Police.

There was submitted a letter dated 24 January 2000 from Strathclyde Police, giving reasons for the objection having been submitted out of time, and a letter dated 29 February 2000 from the applicant's solicitors inviting the Licensing Authority to decline to consider the objection (both circulated).

The Sub-Committee heard Chief Superintendent Bill Campbell representing Strathclyde Police, in explanation of the reasons for the objection having been submitted out of time.

Representatives of Strathclyde Police then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter before agreeing to entertain the late objection in accordance with paragraph 3(2) of Schedule 1 to the Civic Government (Scotland) Act 1982.

Representatives of Strathclyde Police were then re-admitted.

The Sub-Committee then agreed to proceed to consider the application.

9.1 Consideration Of Application

There was submitted a letter of objection dated 24 January 2000 from Strathclyde Police, a letter dated 28 February 2000 from the applicant's solicitors in support of the application and a letter dated 31 March 2000 from Strathclyde Police providing further relevant information regarding the application (all circulated).

The Committee then heard Chief Superintendent Bill Campbell in explanation of the Police objection.

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

The Press and public were then re-admitted.

9.2 Decision

It was agreed to refuse the application.

The meeting terminated at 1125 hours.