

APPENDIX II

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 2 APRIL 1997 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Bob Beattie, Gordon Cree, Jane Darnbrough, George Smith, Robert Taylor and Tommy Farrell.

ATTENDING: John Crawford, Head of Protective Services; Irene Townson, Principal Solicitor; Julie Armstrong, Senior Administrative Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Gordon McCredie and Ronald Brailsford.

CHAIR: Councillor Bob Beattie, Chair.

REVIEW OF TAXI FARES (Item 13, Page 1880)

1. There was submitted a report dated 19 March 1997 (circulated) by the Director of Community Services, to allow the Sub-Committee to fix scales for taxi fares and associated charges, taking into account requests by representatives of the taxi trade.

Noted that, in terms of Section 17 of the Civic Government (Scotland) Act 1982, the proposed taxi fare structure had been published in the local press on 7 February 1997.

It was agreed:-

- (i) in respect of the Northern Zone, to approve amendments to taxi fares and associated charges as shown below, the new charges to be applicable from 1 May 1997:- *Fares by Distance* - 0 to 2,640 yards - £2.00 (current fare 0 to 100 yards - £1.15); *Other Charges* - surcharge for hires begun between midnight and 6.00 a.m. -50p (current surcharge - 45p); Surcharge chargeable on 25 and 26 December and 1 and 2 January - 100% (current surcharge 50%); and charge when a taxi is called and not used - £1.50 (current charge - £1.00); and
- (ii) in respect of the Southern Zone, that the current fare scales should remain unaltered.

HEARINGS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

2. There was submitted a joint report dated 17 March 1997 (circulated) by the Directors of Support Services and of Community Services, which recommended that a training seminar be arranged for all Members of the Community Services Committee on the conduct of Hearings under the Civic Government (Scotland) Act 1982.

It was agreed to approve a training seminar on hearings under the Civic Government (Scotland) Act 1982 to be held at the conclusion of business of a future meeting of the Community Services Committee, and to remit to the Directors of Support Services and Community Services to prepare a suitable programme for the seminar.

EXCLUSION OF PRESS AND PUBLIC

3. The Sub-Committee resolved that under Paragraph 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for 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 to the Act.

HEARINGS IN RESPECT OF BREACH OF CONDITIONS OF STREET TRADER'S LICENCES (Item 2, Page 2038)

4. There was re-submitted a report dated 20 February 1997 (circulated) by the Director of Community Services regarding breaches of licence conditions by the undernoted Licensed Street Traders and the Sub-Committee dealt with the complaints as follows:-

4.1 PHEDRA MCINDOE, 68 DOONFOOT ROAD, AYR (LICENCE NO EA/ST 71)

The Sub-Committee heard Ms McIndoe, who spoke to the complaint, and the Head of Protective Services and the Sub-Committee Members asked questions, all in accordance with the agreed Hearing procedure.

The licensee and the Head of Protective Services then left the meeting.

The Sub-Committee then deliberated in private.

Both parties were then re-admitted.

4.1.1 Decision

It was agreed not to suspend the licence but to issue a formal warning.

The licensee then withdrew from the meeting.

4.2 ANDREW MURPHY, 22 CROFT STREET, TARBOLTON (LICENCE NO EA/ST 72)

Having been provided with information relating to circumstances surrounding the above licence, the Sub-Committee agreed to take no action on the matter.

4.3 MATTHEW CROSS, 12 ROSS STREET, AYR (LICENCE NO KL/ST 18)

Noted that the licensee had been given the opportunity to attend the meeting but was not present.

It was agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, but to afford the licensee the opportunity to attend a hearing at a future meeting at which time the Sub-Committee would give consideration to the lifting of the suspension of the licence.

Councillor Cree left the meeting during consideration of the above item.

HEARING IN RESPECT OF APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE: JOHN DOCHERTY, 82 LOTHIAN ROAD, STEWARTON

5. Noted that the above application had been withdrawn.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: STEWART
CHISHOLM, 39 ST MAURS CRESCENT, KILMARNOCK**

6. There was submitted a report dated 18 March 1997 (circulated) by the Director of Community Services on an application for grant of a Taxi Driver's Licence.

Having considered a letter of representation dated 18 February 1997 from Strathclyde Police and a letter dated 17 March 1997 from the applicant in support of his application (both circulated), it was agreed:-

- (i) to continue consideration of the 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; and
- (ii) that the "spent" convictions in terms of the Rehabilitation of Offenders Act 1974 be taken into consideration at this time.

**TAXI LICENCE NO EAT21: PETER DORRANS, 40 DALGLEISH AVENUE,
CUMNOCK**

7. There was submitted a report dated 18 March 1997 (circulated) by the Director of Community Services to allow the Sub-Committee to consider a request by the above licensee for an extension of the 28 day period during which he should present a substitute vehicle for inspection.

It was agreed:-

- (i) to extend from 28 days to 56 days the period during which the licensee's substitute vehicle must be tested and found to be satisfactory; and
- (ii) that the situation continue to be monitored.

The meeting terminated at 1035 hours.