

APPENDIX I

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON 7 APRIL 1999 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

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

ATTENDING: John F Crawford, Head of Protective Services; David Mitchell, Principal Solicitor; Julie Armstrong, Senior Administrative Officer; Irene Brydie, Solicitor; George Scott, Licensing Officer and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Gordon McCredie; Alan Campbell; Ann Hay; and George Turnbull.

CHAIR: Councillor John Smith, Chair.

APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE: IRVIN STRINGFELLOW, 58 LIGHTBURN ROAD, HALFWAY, CAMBUSLANG, GLASGOW

1. There was submitted a report dated 25 March 1999 (circulated) by the Director of Community Services on an application for the grant of a public entertainment licence.

There were also submitted the following:- a letter of representation dated 5 March 1999 enclosing copies of previous correspondence from Strathclyde Police in respect of the application; 12 letters of objection dated 4/5 March 1999, and a petition containing 108 signatures of local residents.

The Sub-Committee heard Chief Superintendent Torrance Dempsey, representing Strathclyde Police, in explanation of the Police representations, Councillor Reeves in explanation of her objections and Mr Richard Thomson and Mrs Mary Rose-Muir, speaking on behalf of the residents, of Samson Avenue who were present and who had submitted objections, and the applicant, who spoke to the matters raised all in accordance with the agreed Hearing procedure.

1.1 EXCLUSION OF PRESS AND PUBLIC

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 at this point to take and consider legal advice on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 12 of Schedule 7A of the Act".

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

1.2 Decision

It was agreed to refuse the application.

Parties then withdrew.

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 related to 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 of the Act".

CONSIDERATION OF APPLICATIONS

3.1 HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE: KENNETH MCNEILL, 11 MCQUEEN AVENUE, CUMNOCK ()

There was submitted a report dated 24 March 1999 (circulated) by the Director of Community Services, inviting the Sub-Committee to consider the suspension of a taxi driver's licence in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

There was also submitted a letter of representation dated 4 March 1999 from Strathclyde Police.

It was noted that the applicant, who had been invited to attend or to be represented at the present Hearing, was not present or represented.

The Sub-Committee heard Superintendent Torrance Dempsey, representing Strathclyde Police, in explanation of the Police representations, in accordance with the agreed Hearing procedure.

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

The Police Representatives were then re-admitted along with the Press and public.

3.1.1 Decision

It was agreed to suspend immediately the licence in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, for the remainder of its unexpired period.

3.2 HEARING: APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE: SARAH GORMAN, 31 MILLHILL AVENUE, KILMAURS

There was submitted a report dated 24 March 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 19 February 1999 from Strathclyde Police (circulated).

The Sub-Committee heard Superintendent Torrance Dempsey, representing Strathclyde Police, in explanation of the Police representations, and the applicant's agent, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The applicant, her agent 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.

3.2.1 Decision

It was agreed to grant the licence subject to the standard conditions, and with the additional condition that Mr Thomas Gorman would have no involvement in the management or operation of, or in any trade conducted from, any vehicle operated under Licence No EA/ST196.

The Police representatives left the meeting.

3.3 HEARING: APPLICATION FOR CONSIDERATION OF A MATERIAL CHANGE OF CIRCUMSTANCES IN RESPECT OF A STREET TRADER'S LICENCE: ISOBEL WOODS, 2 BRAEHEAD TERRACE, KILMAURS

There was submitted a report dated 24 March 1999 (circulated) by the Director of Community Services on an application for consideration of a material change of circumstances in respect of a street trader's licence.

It was noted that the applicant, who had been invited to attend or to be represented at the present Hearing, was not present or represented.

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

The Press and public were then re-admitted.

3.3.1 Decision

It was agreed to approve the material change of circumstances as applied for with the condition that Mr Thomas Gorman would have no involvement in the management or operation of, or in any trade conduction from, any vehicle operated under Licence No EA/ST174.

3.4 APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE: SHANE TOWNSLEY, 19 CESSNOCK AVENUE, HURLFORD

There was submitted a report dated 24 March 1999 (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 23 March 1999 from Strathclyde Police, and a letter dated 29 March 1999 and a further letter, undated, received on 6 April 1999, from the applicant in support of the application (all circulated).

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

The Press and public were then re-admitted.

3.4.1 Decision

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

Councillor Darnbrough, seconded by Councillor Cree moved as an amendment to continue consideration of this matter to a future meeting which would take the form of a Hearing, to which the applicant would be invited to appear, or to be represented, and speak to the matters raised.

On a division by a show of hands, the amendment was carried by 4 votes to 2.

3.5 APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: JAMES MCGHEE, 16 LORIMER CRESCENT, CUMNOCK

There was submitted a report dated 24 March 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 10 February 1999 from Strathclyde Police (circulated).

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

The Press and public were then re-admitted.

3.5.1 Decision

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

The meeting terminated at 1132 hours.