

APPENDIX I**EAST AYRSHIRE COUNCIL****LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 24 FEBRUARY 1999 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors John Smith, Gordon Cree, Jane Darnbrough, Alan Campbell, Ann Hay, George Turnbull and George Smith.

ATTENDING: William Stafford, Director of Community Services; John F Crawford, Head of Protective Services; Alison J Smith, Principal Officer, Licensing and Registration; David Mitchell, Principal Solicitor; James Lally, Senior Administrative Officer; Irene Bridie, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Gordon McCredie, Robert Taylor and Tommy Farrell.

CHAIR: Councillor John Smith, Chair.

POLICY FOR CONSIDERATION OF APPLICATIONS FOR GRANT OF TAXI OPERATORS LICENCES (Item 1, Page 2733)

1. There was submitted a report dated 29 January 1999 (circulated) by the Director of Community Services which invited the Licensing Sub-Committee to review the procedure for considering applications for Taxi Operators' Licences.

Councillor Cree seconded by Councillor Campbell, moved:-

- (i) that there were sufficient taxi plates already issued to cater for the existing needs of the community;
- (ii) that a policy should be adopted whereby all of the taxi fleet should be of a type suitable for carrying disabled passengers;
- (iii) that on 1 May 2004, all vehicles used as taxis in East Ayrshire should be of a type which complied with the Council's list of approved vehicles suitable for disabled passengers; and
- (iv) otherwise, to note the contents of the report.

Councillor Turnbull, seconded by Councillor George Smith, moved, as an amendment:-

- (i) that there were sufficient taxi plates already issued to cater for the existing needs of the community;
- (ii) to introduce a policy which would require all of the taxi fleet to be of a type suitable for carrying disabled passengers;
- (iii) that on a date to be determined following consideration of a further detailed report on the proposed implementation of the policy by the Director of Community Services, all vehicles used as taxis in East Ayrshire must be of a type which complied with the Council's list of approved vehicles suitable for use by disabled passengers; and

(iv) otherwise, to note the contents of the report.

On a division by a show of hands, the motion was carried by 5 votes to 2.

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 relating to Items 3 and 4 and in respect of consideration of Items 5 and 6 on the grounds that each involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

CONSIDERATION OF APPLICATIONS

3. **HEARING: APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE: JAMES MCPIKE, C/O 8 PEATLAND ROAD, KILMARNOCK**

There was submitted a report dated 10 February 1999 (circulated) by the Director of Community Services on an application for the grant of a Window Cleaner's Licence.

There was also submitted a letter of objection dated 20 November 1998 from Strathclyde Police, and a letter, undated, received on 12 January 1999 from the applicant in support of the application (both circulated).

The Sub-Committee heard Superintendent Torrance Dempsey, representing Strathclyde Police, in explanation of the Police objection, 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.

3.1 DECISION

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

Parties then withdrew.

4. **HEARING: CONSIDERATION OF THE SUSPENSION OF A STREET TRADER'S LICENCE: THOMAS GORMAN, 31 MILLHILL AVENUE, KILMAURS**

There was submitted a report dated 9 February 1999 (circulated) by the Director of Community Services inviting the Sub-Committee to consider the suspension of a Street Trader's Licence in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

There was also submitted a letter dated 10 February 1999 from the Solicitor to the Council providing details of a Court appearance by the licensee in connection with the complaint, together with a letter dated 16 February 1999 from the Licensee's General Practitioner and a letter dated 24 February 1999 from the Licensee's Solicitor, both in support of the Licensee's cause (all circulated).

The Sub-Committee heard the Head of Protective Services outline the case for suspension, Superintendent Torrance Dempsey, representing Strathclyde Police, in explanation of the charges relating to the complaint; and the Licensee, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

The Licensee, the Police representatives, the Head of Protective Services and the Principal Officer (Registration and Licensing) 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 public.

4.1 DECISION

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

Parties then withdrew.

5. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE: SARAH GORMAN, 31 MILLHILL AVENUE, KILMAURS

There was submitted a report dated 9 February 1999 (circulated) by the Director of Community Services on an application for the grant of a Street Trader's Licence.

Noted that the application required to be considered in terms of Paragraph 5(3)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982 and not Paragraph 4(3)(b) as had been stated in Section 5.2 of the report.

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 would be invited to appear or to be represented, and to speak to the matters raised.

6. APPLICATION FOR CONSIDERATION OF A MATERIAL CHANGE OF CIRCUMSTANCES IN RESPECT OF A STREET TRADER'S LICENCE: MRS ISOBEL WOODS, 2 BRAEHEAD TERRACE, KILMARNOCK

There was submitted a report dated 9 February 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.

Noted that the above application was required to be considered in terms of Paragraph 5(3)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982 and not Paragraph 4(3)(b) as had been stated in Section 5.2 of the report.

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

The Press and public were then re-admitted.

6.1 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 would be invited to appear or to be represented, and to speak to the matters raised.

Councillor Hay left the meeting at this point.

CONSIDERATION OF APPLICATIONS

7. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE: RONALD WHITE, 92 AYR ROAD, CUMNOCK

There was submitted a report dated 8 February 1999 (circulated) by the Director of Community Services on an application for the grant of a Taxi Operator's Licence.

It was agreed to refuse the application.

8. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE: GORDON ANDREWS, 6 PADDOCK VIEW, CROSSHOUSE

There was submitted a report dated 9 February 1999 (circulated) by the Director of Community Services on an application for the grant of a Taxi Operator's Licence.

It was agreed to refuse the application.

9. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE: THOMAS HILLAN, 49 PENTLAND ROAD, KILMARNOCK

There was submitted a report dated 8 February 1999 (circulated) by the Director of Community Services on an application for the grant of a Taxi Operator's Licence.

It was agreed to refuse the application.

10. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE: DAVID SPEIRS, 7 MACLEOD STREET, NEWMILNS

Noted that the above application which appeared on the Agenda as Item 11 had been withdrawn.

11. APPLICATION TO RECALL ORDERS SUSPENDING TAXI OPERATORS' LICENCES: ALEXANDER WHITE, 17 JOHN WEIR AVENUE, CUMNOCK

There was submitted a report dated 9 February 1999 (circulated) by the Director of Community Services on an application to recall orders suspending two Taxi Operator's Licences.

There were also submitted a letter of representation dated 12 December 1998 from the Applicant, a further letter of representation (undated) received on 8 January 1999 from the Applicant, and a letter dated 7 January 1999 from Mr James McGhee, a licensee, on a related matter (all circulated).

It was agreed to grant the application for the recall of the suspensions.

EXCLUSION OF PRESS AND PUBLIC

- 12.** 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 in respect of consideration of Items 13, 14, 15, 16 on the grounds that each involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

CONSIDERATION OF APPLICATIONS

13. CONSIDERATION OF THE SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 242: JOHN MCFADZEAN, 15 CARRON AVENUE, KILMARNOCK

There was submitted a report dated 10 February 1999 (circulated) by the Director of Community Services advising of complaints received from members of the public in relation to the conduct of licensed Taxi Driver John McFadzean and requesting consideration of suspension of his Taxi Driver's Licence.

There was also submitted a letter of representation (undated) received on 17 February 1999, from the licensee (circulated).

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

The Press and public were then re-admitted.

13.1 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 would be invited to appear, or to be represented, and to speak to the matters raised.

14. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE: JOHN KIRKWOOD, 66 BARSHARE ROAD, CUMNOCK

There was submitted a report dated 10 February 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 5 February 1999 from Strathclyde Police and a letter dated 10 February 1999 from the applicant in support of his application (both circulated).

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

The Press and public were then re-admitted.

14.1 DECISION

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

15. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE: IAN STANDRING, 38 JOHN BAIRD STREET, CUMNOCK

There was submitted a report dated 10 February 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 9 December 1998 from Strathclyde Police.

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

The Press and public were then re-admitted.

15.1 DECISION

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

16. APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE: RONALD MURRAY, 67 RANKIN COURT, KILMARNOCK

There was submitted a report dated 10 February 1999 (circulated) by the Director of Community Services on an application for the renewal of a Taxi Driver's Licence.

There were also submitted a letter of representation dated 10 December 1998 from Strathclyde Police, and a letter dated 25 January 1999 from the applicant in support of his application.

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

The Press and public were then re-admitted.

16.1 DECISION

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

The meeting terminated at 1203 hours.