

APPENDIX II

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 29 SEPTEMBER 1999 AT 0915 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Katie Hall, Brian Reeves, John Weir, David Macrae, Harry Wilson, Julie Faulds, William Menzies and Robert Taylor.

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

APOLOGIES: Councillors Ann Hay, Tommy Farrell and Jimmy Carmichael.

CHAIR: In the absence of the Chair, Councillor Robert Taylor was appointed and took the 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 considerations 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 to the Act.

CONSIDERATION OF APPLICATIONS

- 2.1 **HEARING: APPLICATIONS FOR RENEWAL OF A TAXI OPERATOR'S LICENCE AND A TAXI DRIVER'S LICENCE: ROBERT MCLEAN, 80 KENNEDY COURT, KILMARNOCK (Item 8.1 and 9.1, Page 260, 99/02)**

2.1.1 Declaration of Interest

Councillor Weir declared a non-pecuniary interest in the ensuing item and left the meeting at this point.

2.2 Consideration of Item

There were submitted two reports dated 6 September 1999 (both circulated) by the Director of Community Services on applications for the renewal of a Taxi Operator's Licence and of a Taxi Driver's Licence, respectively.

There was also submitted a letter of representation dated 18 August 1999 from Strathclyde Police (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 public.

2.3 Decision

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

Parties then withdrew.

Councillor Weir rejoined the meeting at this point.

3. APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE: ANDREW DEAN, 20 JEFFREY STREET, KILMARNOCK

There was submitted a report dated 6 September 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 23 August 1999 from Strathclyde Police, and a letter dated 9 September 1999 from the applicant (both circulated).

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

The Press and public were then re-admitted.

3.1 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.

4. APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE: JAMES REILLY, 5 ALLOWAY STREET, KILMARNOCK

There was submitted a report dated 6 September 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 representation dated 5 August 1999 from Strathclyde Police (circulated).

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

The 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. CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 46: ANDREW STEELE, 38 RIGG CRESCENT, CUMNOCK

There was submitted a report dated 7 September 1999 (circulated) by the Director of Community Services on a complaint received in relation to the conduct of a licensed Taxi Driver.

There was also submitted a letter dated 6 August 1999 from the complainant's Solicitor, a report dated 17 August 1999 from the Enforcement Officer on the matter, and a letter dated 23 September 1999 from the licensee's Solicitor (all 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.

6. APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE: MICHAEL STIRLING, 63 STRATHCLYDE STREET, GLASGOW

There was submitted a report dated 27 September 1999 (circulated) by the Director of Community Services on an application for the grant of a Public Entertainment Licence for a proposed fairground at Strandhead Park, Stewarton, in respect of which the Director of Community Services had decided not to exercise his powers under the Scheme of Delegation but to refer the matter to the Licensing Sub-Committee for determination.

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 competent objectors would be invited to appear, or to be represented, and to speak to the matters raised and also that a site visit for Members be arranged prior to the Hearing.

The meeting terminated at 0953 hours.