

**APPENDIX I****EAST AYRSHIRE COUNCIL****LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 18 AUGUST 1999 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD KILMARNOCK**

**PRESENT:** Councillors Katie Hall; Ann Hay; Julie Faulds; John Weir; David Macrae; Harry Wilson; Tommy Farrell; William Menzies and Robert Taylor.

**ATTENDING:** David Montgomery, Chief Executive; John F Crawford, Head of Protective Services; Roddy Wallace, Head of Administration; Alison Smith, Principal Officer (Licensing and Community Safety); David Mitchell, Principal Solicitor; Julie Armstrong, Senior Administrative Officer; Nicholas Duffy, Trainee Solicitor; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors Jimmy Carmichael and Brian Reeves.

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

**REQUEST BY PRIVATE HIRE CAR AND TAXI OPERATORS ASSOCIATION TO BE RECOGNISED BY EAST AYRSHIRE COUNCIL**

1. There was submitted a report dated 2 August 1999 (circulated) by the Director of Community Services on a request by the recently formed Cumnock and District Private Hire Car and Taxi Operators Association that they be recognised by East Ayrshire Council as representative of the trade in the South Zone, and be permitted to participate in all future consultations regarding the Taxi and Private Hire Car trade.

It was agreed:-

- (i) to refuse to recognise the Cumnock and District Private Hire and Taxi Operators Association as being representative of the taxi trade in the South Zone on the basis that the trade in the South Zone was already adequately represented by the existing East Ayrshire Taxi Trade Council; and
- (ii) that the Director of Community Services advise the Cumnock and District Private Hire Car and Taxi Operators Association that the above decision does not preclude the Council from recognising an organisation which is exclusive in representing the interests of private hire car operators in East Ayrshire.

**TAXI OPERATORS' LICENCES : PROPOSED ARRANGEMENT FOR THE SURRENDER AND ISSUE OF LICENCES**

2. There was submitted a report dated 24 June 1999 (circulated) by the Director of Community Services which invited the Sub-Committee to review the existing arrangements for the "ownership" of taxi licences and to consider the introduction of a policy to deal with some perceived difficulties.

It was agreed:-

- (i) that the Director of Community Services develop and report to a future meeting on a procedure whereby the relevant parties could request the Council to consider the “transfer” of an existing taxi operators licence to another nominated party, with such transfer being effected by the grant of a new taxi operator’s licence to the nominated party, subject to a suspensive condition requiring the original licence to be surrendered before the new licence becomes valid; and
- (ii) otherwise to note the contents of the report.

**APPLICATION FOR THE GRANT OF A MARKET OPERATORS LICENCE :  
CRAIG HUNTER, 2 DUNURE ROAD, AYR**

3. There was submitted a report dated 2 August 1999 (circulated) by the Director of Community Services on an application for the grant of a Market Operator’s Licence. It was agreed to grant the licence subject to the standard conditions.

**FAIR AT TOWNHOLM, KILMARNOCK**

4. It was reported and noted that this item had been withdrawn from the agenda.

**EXCLUSION OF PRESS AND PUBLIC**

5. 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 items 6 and 7, and in respect of consideration of items 8, 9 and 10 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**

**6.1 HEARING : APPLICATION FOR GRANT OF A SECOND HAND DEALER’S (MOTOR VEHICLES) LICENCE : ROBERT WYPER LIMITED, 70 LONDON ROAD, KILMARNOCK**

There was submitted a report dated 9 August 1999 (circulated) by the Director of Community Services on an application for the grant of a Second Hand Dealer’s (Motor Vehicles) Licence.

There were also submitted letters of representation dated 21 June 1999, 13 July 1999, 28 July 1999 and 9 August 1999 from the Trading Standards Service, letters dated 1 July 1999, 14 July 1999 and 3 August 1999 from the applicant, and copies of letters from the Licensing Authority to the applicant dated 28 June 1999 (2), 8 July 1999 (2), 9 July 1999, 13 July 1999, 21 July 1999, 22 July 1999 and 30 July 1999 and a copy of a letter dated 5 August 1999 to the applicant from the Trading Standards Service, and a copy of a letter from the applicant to the Trading Standards Service received by them on 5 August 1999 (all circulated).

The Sub-Committee heard Mr J Donnelly of East Ayrshire Council’s Trading Standards Service in explanation of the Trading Standards Service representations, and Mr Robert Wyper and Mr Jack Harkness, representing the applicants, who spoke to the matters raised, all in accordance with the agreed hearing procedure.

The applicants and the Trading Standards Service's 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.

## **6.2 Decision**

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

Parties then withdrew.

## **7. HEARING : APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE : DEREK GIBSON, 1 DALVENNAN AVENUE, PATNA (Item 5, Page 83 1999/2000)**

There was submitted a report dated 29 July 1999 (circulated) by the Director of Community Services on an application for the grant of a Taxi Driver's Licence.

There were reported and noted the terms of a letter received on 18 August 1999 from the applicant in support of his application. The applicant was not present or represented.

It was agreed to proceed to determine the application.

It was agreed to refuse the application.

## **8.1 APPLICATION FOR RENEWAL OF A TAXI OPERATOR'S LICENCE : ROBERT MCLEAN, 80 KENNEDY COURT, KILMARNOCK**

### **8.1.1 Declaration of Interest**

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

### **8.1.2 Consideration of Item**

There was submitted a report dated 2 August 1999 (circulated) by the Director of Community Services on an application for the renewal of a Taxi Operator's Licence.

There was also submitted a letter of representation dated 19 July 1999 from Strathclyde Police, and letters received on 12 August 1999 from the applicant and the applicant's partner (all circulated).

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

The press and public were then re-admitted.

## **8.2 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 matter raised.

## **9.1 APPLICATION FOR RENEWAL OF A TAXI DRIVER'S LICENCE : ROBERT MCLEAN, 80 KENNEDY COURT, KILMARNOCK**

There was submitted a report dated 2 August 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 19 July 1999 from Strathclyde Police, and letters received on 12 August 1999 from the applicant and the applicant's partner in support of the application (all circulated).

The Sub-Committee took and considered legal advice.

The press and public were then re-admitted.

## **9.2 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 be represented, to speak to the matters raised.

Councillor Weir rejoined the meeting at this point.

## **10.1 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE : ROBERT GIBSON, 32 BONNYTON AVENUE, DRONGAN**

There was submitted a report dated 29 July 1999 (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 21 July 1999 from Strathclyde Police, and letters received on 12 August 1999 from the applicant and the applicant's wife in support of the application.

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

The press and public were then re-admitted.

## **10.2** It was agreed to grant the licence subject to the standard conditions.

The meeting terminated at 1135 hours.