

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
28th August 2014 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.
- Attending: M. Douglas, Team Leader (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.
- Also Attending: D. MacKintosh, Solicitor; and K. Anderson, Private Sector and Landlord Registration Officer (for item 8 only).
- In Attendance: Inspector D. McMurdo; and Sergeant D. McIntosh, Police Scotland.

1. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that, since the last meeting of this Panel on 19th June 2014, she had now obtained the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2014 compared to the same period of 2013;
- (2) that from 1st April to 30th June 2014, 32 taxi vehicle tests had been carried out and six vehicles had failed, which was a failure rate of 19% compared to the same period in 2013 when 39 taxi vehicle tests were carried out and 10 had failed which was a failure rate of 26%, showing an improvement in failure rates for 2014;
- (3) that from 1st April to 30th June 2014, 38 private hire vehicle tests had been carried out and 7 had failed which was a failure rate of 18% compared to the same period in 2013 when 37 private hire vehicle tests were carried out and 2 had failed which was a failure rate of 5%;
- (4) that, as can be seen from the private hire vehicle test figures, there had been a considerable increase in failure rates for 2014 which was unacceptable as every vehicle should be fit for purpose, not only on the test day but every day;
- (5) that, if an operator of a Taxi or a Private Hire Vehicle failed two consecutive tests, they were issued with a warning letter and if they then failed a third test then this matter was brought to the attention of this Panel to consider suspension of the licence;
- (6) that she would further update the Panel with quarterly statistics at the meeting of this Panel scheduled to take place on 6th November 2014;

- (7) that since January 2014, along with officers from Fleet Management and Environmental Health, she had inspected for compliance, 44 Taxi Vehicles in Ayr Town Centre from the fleet of 119 Taxis, with the overall results being positive;
- (8) that she had been updated by the Town Centre Police Officer regarding the considerable increase in shoplifting within Ayr Town Centre, however, there had been an 85% detection rate; and
- (9) that she would again be carrying out joint visits to each second hand dealer in Ayr Town Centre to monitor that they were complying with their licensing conditions.

Panel Members then outlined their concerns at the disappointing and unacceptable failure rates of Vehicle Testing and at the levels of shoplifting within Ayr Town Centre.

Decided: to thank the Licensing Monitoring Officer for her update.

3. **Civic Government (Scotland) Act 1982 - Licences.**

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and from the applicant, Simon Keating, in response.

Councillor Cavana, seconded by Councillor Douglas moved that this application be approved for three years.

By way of Amendment, Councillor Campbell, seconded by Councillor Hunter, moved that the application be approved for one year.

On a vote being taken by a show of hands, two Members voted for the Amendment and six for the Motion which was accordingly declared carried.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (ii) The Panel heard an objection from Police Scotland and considered the application from Sean Christopher Dempsey.

Decided: in the absence of the applicant, to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (iii) The Panel heard an observation from Police Scotland and from the applicant, William Prendergast in response.

Councillor Hunter moved that this application be approved for one year, however, he failed to find a seconder and this motion fell.

By way of Amendment, Councillor Campbell, seconded by Councillor Douglas moved that this application be approved for three years.

Decided: by a majority, to approve this application for three years, subject to standard conditions as previously agreed.

- (iv) The Panel heard from the applicant, Charles Roberts Dickson in relation to his application.

Councillor Hunter, seconded by Councillor Grant, moved that this application be approved for one year.

By way of Amendment, Councillor Douglas, seconded by Councillor Campbell, moved that the application be approved for three years.

On a vote being taken by a show of hands, four members voted for the Amendment and four for the Motion. The Chair then exercised his casting vote in favour of the Amendment.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (v) The Panel heard from the applicant, Susanne Colville, in relation to her application.

Decided: to approve this application for three years, subject to an annual medical report being submitted by the applicant; subject to the applicant working no more than 16 hours per week as recommended by her Specialist Nurse; and subject to standard conditions as previously agreed.

- (vi) The Panel heard an observation from Police Scotland and from the applicant, Barry Archibold Allison, in response.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (vii) The Panel heard an observation from Police Scotland and from the applicant, Glen Alexander Wilson in response.

Decided: approve this application for three years, subject to standard conditions as previously agreed.

- (viii) The Panel considered the request from John Atkins for exemption from carrying wheelchair using passengers.

Decided: to approve the request from John Atkins for exemption from wheelchair work for the remaining term of his licence; and to note that the Licensing Section would supply the licenceholder with a letter outlining this exemption for the perusal of wheelchair using passengers.

- (ix) The Panel heard an observation from Police Scotland and from the applicant, Ian McKenna Smith in response.

Decided: approve this application for three years, subject to standard conditions as previously agreed.

- (x) The Panel heard from the applicant, Ann Gordon, in relation to her application.

Councillor Hunter, seconded by Councillor Grant, moved that this application be approved for one year.

By way of Amendment, Councillor Galbraith, seconded by Councillor Campbell, moved that the application be approved for three years.

On a vote being taken by a show of hands, five Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (xi) The Panel heard an observation from Police Scotland and from the applicant, Peter Neilan in response.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (xii) The Panel considered the proposed suspension of various licences.

Decided:

- (A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them and to grant delegated powers to the Legal and Licensing Manager to reinstate these licences once proof of completion of the training course had been exhibited:-

Rikki Robertson;
Robert Aird McKenzie;
Steven John Jess;
James Donnelly;
David George Dunlop; and
Mark Peter Ogilvie;

- (B) having heard the Team Leader (Licensing) advise that the licence holder had submitted a letter advising that he was now enrolled on an appropriate training course, to continue consideration of William Drew Dodds' licence to a future meeting of this Panel to allow the licence holder to attend;
- (C) having heard from Anna Spozowska, to suspend the licence held by her for its unexpired portion as she had failed to undertake the training as per the licence issued to her and to grant delegated powers to the Legal and Licensing Manager to reinstate her licence once proof of completion of the training course had been exhibited;
- (D) having heard the Team Leader (Licensing) advise that Christopher Gunning and Robert McCubbin had both now completed the appropriate training and had submitted the training certificate, to take no further action in relation to these licence holders;

- (E) having heard the licence holder, Paul James Ellis, advise that he was booked on an appropriate training course, to continue consideration of this licence to a future meeting of this Panel to allow the licence holder to complete the training and submit proof of completion of the training course; and
- (F) having heard the Team Leader (Licensing) advise that David Kerr had completed part of the training course, to continue consideration of this licence to a future meeting of this Panel to allow the licence holder to complete the training course.

(b) Private Hire Drivers

The Panel considered the proposed suspension of various licences.

Decided:

- (A) to agree to suspend the licences held by the following licence holders for their unexpired portions as they had failed to undertake training as per the licence issued to them and to grant delegated powers to the Legal and Licensing Manager to reinstate these licences once proof of completion of the training course had been exhibited:-

Daniel Stephen McKenzie;
William James McNaught; and
Darren Thomas Wilson; and

- (B) having heard David Samuel Barker advise that he was awaiting confirmation of ILA funding to book a training course, to suspend the licence held by him for its unexpired portion as he had failed to undertake training as per the licence issued to him; and to grant delegated powers to the Legal and Licensing Manager to reinstate his licence once proof of completion of the training course had been exhibited.

4. Variation in order of business.

In terms of Council Standing Order No. 13.2, the Panel agreed to vary the order of business as hereinafter minuted.

5. Civic Government (Scotland) Act 1982 - Licences.

Public Entertainment.

- (i) **Kidz Play Limited and John Miller for The Esplanade, Links Road, Prestwick, KA9 1QG.**

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(ii) **Zisys AVMN Limited and Daniel Anderson for Low Green, Ayr – Aircraft Flying Display, Traders, Stalls, Entertainment, Funfair.**

The Panel heard the Team Leader (Licensing) advise that the objection from Police Scotland had now been withdrawn.

Decided: to note that this application would now be granted under delegated powers.

(iii) **Zisys AVMN Limited and Daniel Anderson for Prestwick Airport, Prestwick – Aircraft Static Display, Aircraft Flying Display, Traders, Stalls, Entertainment, Funfair.**

The Panel heard the Team Leader (Licensing) advise that the objection from Police Scotland had now been withdrawn.

Decided: to note that this application would now be granted under delegated powers.

6. **Exclusion of press and public.**

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the items of business numbered 7(i) and (ii), on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

7. **Civic Government (Scotland) Act 1982 - Licences.**

Second Hand Car Dealers.

(i) **Ross McFadzean for Unit 10, Callander Park, Callander Road, Heathfield, Ayr.**

The Panel heard the Team Leader (Licensing) advise that the objection from Police Scotland had now been withdrawn.

Decided: to approve this application for three years, subject to standard conditions.

(ii) **John McKechan T/A Speedlift Auto Salvage for Speedlift Auto Salvage, Byne Hill, Mill Road, Girvan, KA26 0HS.**

The Panel heard an objection from Police Scotland and from the applicant in response.

Decided: to approve this application for three years, subject to standard conditions.

Councillors Cavana and Grant left the meeting at this point as they had not been members of the Panel when this matter was previously considered.

8. Landlord Registration – Leonardo Ippolito.

Reference was made to

- (1) the Minutes of 20th March 2014 (Page 17, paragraph 11) when it had been decided
 - (a) to request that the Private Landlord Registration Service and Environmental Health Service inspect each of the properties named in the application by the applicant;
 - (b) to request that the applicant supply an up-to-date document pack for each property outlining the condition of the property to Private Landlord Registration and supply copies for the members of the Panel;
 - (c) that the applicant be requested to raise the repairs level to £500 to enable Directional Letting to carry out repairs up to a value of £500 without the need to consult with the applicant; and
 - (d) to agree that this application would be reconsidered at a future meeting of this Panel; and
- (2) the Minutes of 19th June 2014 (Page 24, paragraph 14) when it had been decided, at the request of the applicant's representative, to continue consideration of this application to a future meeting of this Panel to allow further information regarding the properties to be provided by the applicant.

There was submitted a report (issued to members only) of 14th August 2014 by the Head of Community Care and Housing requesting that the Panel consider Leonardo Ippolito's application for Landlord Registration dated 13th December 2013, in which Directional Letting were nominated to act as Mr. Ippolito's agent, in light of the results of requests made by this Panel on 20th March 2014 and the subsequent continuation of proceedings on 19th June 2014.

The Panel then heard from the Private Sector and Landlord Registration Officer who updated the Panel on the present position and from the applicant's representative in response and, following questions from Members, the Panel adjourned for consideration of this application.

Decided: upon reconvening, Councillor Convery, seconded by Councillor Hunter, moved that the Panel was not satisfied that sufficient changes in circumstances had been made to enable Leonardo Ippolito to be registered as a Private Landlord in South Ayrshire in terms of the Anti-Social Behaviour Etc. (Scotland) Act 2004 which was agreed unanimously.

The meeting ended at 12.10 p.m.