

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
6th November 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); C. McMenamin, Co-ordinator (Legal Services); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

In Attendance: Inspector W. Ramsay; and D. Hastings, Police Scotland.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Cavana declared an interest in items 4(a)(i) and 4(a)(viii) as the applicants were known to him and he indicated that he would withdraw from the meeting during consideration of these applications.

2. Minutes of previous meetings.

The minutes of 25th September 2014 (issued) ([link attached](#)) and 2nd October 2014 (Special) (issued) ([link attached](#)) were submitted and approved.

3. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer

- (1) reported on the failure statistics for Taxis and Private Hire Vehicles for the third quarter of 2014, compared to the third quarter of 2013, as follows:-

For Taxi Vehicles

From 01/07/14 to 30/09/14 40 taxi vehicle tests were carried out and 9 vehicles failed (a failure rate of 23%) compared to 41 taxi tests being carried out and 8 failing for the same period in 2013, a failure rate of 20%, which was a slight increase in 2014;

For Private Hire Vehicles

From 01/07/14 to 30/09/14 – 43 Private Hire Vehicle tests were carried out and 3 failed which was a failure rate of 7% compared to 43 tests and 7 fails during the same period in 2013, a failure rate of 16% meaning a considerable decrease in 2014 in Private Hire Vehicles failing the vehicle test;

- (2) advised that, if an operator of a Taxi or a Private Hire Vehicle failed two consecutive tests, they were issued with a warning letter and, should they fail a third test, the matter was then brought to the attention of this Panel to consider suspension;

- (3) outlined that she would submit a further report to this Panel at the meeting scheduled to take place on Thursday, 22nd January 2014.

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

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

(a) **Taxi Drivers.**

Councillor Cavana, having previously declared an interest in this application, left the meeting at this point.

- (i) Reference was made to the Minutes of 25th September 2014 (Page 1, paragraph 5(a)(i)) when it had been decided, at the request of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend and the Panel heard an objection from Police Scotland in relation to the application from Scott Mulveny.

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.

At this point Councillor Cavana rejoined the meeting.

- (ii) Reference was made to the Minutes of 28th August 2014 (Page 5, paragraph 3(a)(xii)(F)) when it had been decided to continue consideration of this matter to a future meeting of this Panel to allow the licence holder to complete the training course and the Panel heard the Team Leader (Licensing) advise that David Kerr had now completed the appropriate taxi driver training.

Decided: to take no further action.

- (iii) Reference was made to the Minutes of 28th August 2014 (Page 4, paragraph 3(a)(xii)(B)) when it had been decided to continue consideration of William Drew Dodds' licence to a future meeting of this Panel to allow the licence holder to attend and the Panel then heard the Team Leader (Licensing) advise that he had now completed the appropriate taxi driver training.

Decided: to take no further action.

- (iv) Reference was made to the Minutes of 28th August 2014 (Page 5, paragraph 3(a)(xii)(E)) when it had been decided to continue consideration of Paul Ellis' 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 the Panel then heard the Team Leader (Licensing) advise that he had now completed the appropriate taxi driver training.

Decided: to take no further action.

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

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

- (vi) The Panel heard an observation from Police Scotland, heard from the applicant, David Guy, in response and adjourned for consideration of this application.

Upon reconvening, Councillor Douglas, seconded by Councillor Goldie, moved that consideration of this application be continued to a future meeting of this Panel to allow further information to be sought.

By way of Amendment, Councillor Hunter, seconded by Councillor Convery, moved that the application be refused.

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 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.

- (vii) The Panel heard an observation from Police Scotland and from the applicant, Christopher Tyson, in response.

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

Councillor Cavana, having previously declared an interest in this application, left the meeting at this point.

- (viii) The Panel heard from the applicant, George Michael Scott, in relation to his application.

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

At this point Councillor Cavana rejoined the meeting.

- (ix) The Panel heard an observation from Police Scotland, from the Licensing Monitoring Officer and from the applicant's representative in response and adjourned for consideration of the proposed suspension of the licence currently held by Robert Peter McCormick.

Decided: upon reconvening, by a majority, not to suspend the licence held by Robert Peter McCormick.

Councillor Galbraith left the meeting at this point.

- (x) The Panel heard an observation from Police Scotland and from the applicant, John Grant Mossie, in response.

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, Alexander Weir, in response.

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

(b) Private Hire Car Drivers.

- (i) The Panel heard an observation from Police Scotland and from the representative for the applicant, Leslie Mullan, in response.

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

- (ii) Reference was made to the Minutes of the Special Meeting of 2nd October 2014 (Page 1, paragraph 2), when it had been decided, in the absence of the applicant, not to suspend the licence currently held by William McKean but to confirm that the request under paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 would be considered at this meeting and the Panel now heard a request from Police Scotland for the suspension of the licence under paragraphs 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that, in their opinion, William McKean is not a fit and proper person to hold the licence and is likely to cause undue public nuisance or a threat to public safety.

Councillor Douglas, seconded by Councillor Goldie, moved that the licence not be suspended.

By way of Amendment, Councillor Hunter, seconded by Councillor Campbell, moved that the licence be suspended on the grounds outlined above.

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

Decided: in the absence of the applicant, not to suspend the licence held by William McKean.

- (iii) The Panel heard Police Scotland advise of a recent conviction acquired by the licence holder, Patrick Moran, heard a request from the Licensing Monitoring Officer to suspend the licence currently held by him and heard from the licence holder in response and adjourned for consideration of this matter.

Decided: by a majority, not to suspend the licence held by Patrick Moran.

(c) **Late Hours Catering.**

Mrs. Manjit Kaur for 109 Main Street, Prestwick, KA9 1JS.

Decided: to note that this application had been withdrawn.

(d) **Street Trader.**

Darren Sharp for High Street/Ayr Town Centre for the Sale of Glow in the Dark Novelties, Novelties and Helium Balloons.

The Panel heard from the applicant in relation to this application.

Decided: to grant this application from 9.00 a.m. to 10.00 p.m. on Saturday 15th November 2014, subject to standard conditions.

5. **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 following item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

Private Hire Car Drivers.

The Panel heard an observation from Police Scotland and from the representative for the applicant, Geoffrey William Robson, in response and adjourned for consideration of this application.

Upon reconvening, Councillor Hunter, seconded by Councillor Cavana, moved that this application be refused 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.

By way of Amendment, Councillor Goldie, seconded by Councillor Douglas, moved that the application be granted for one year.

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

Decided: to approve this application for one year, subject to standard conditions as previously agreed.

The meeting ended at 1.00 p.m.