

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
21st January 2016 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith and William J. Grant.
- Apologies: Councillors Sandra Goldie and Hugh Hunter.
- Attending: M. Douglas, Team Leader (Licensing); K. Briggs, and J. McClure, Committee Services Officer.
- In Attendance: Inspector W. Ramsay and Sergeant G. Griffiths, 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. Minutes of previous meetings.**

The minutes of [3rd December 2015](#) and [23rd December 2015 \(Special\)](#) were submitted and approved.

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

#### **(a) Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland in relation to the application from Jamie Brown.

**Decided:** in the absence of the applicant, to approve this application for three years, subject to standard conditions as previously agreed.

- (ii) The Panel heard an observation from Police Scotland and from the applicant, Steven Ken Harris, in response.

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

- (iii) The Panel heard from Alexander Moore in relation to his application.

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

- (iv) The Panel heard an observation from Police Scotland and from the applicant, William Anderson Milroy in response.

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

#### 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.**

##### (a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and from the applicant, Derek Boyd Ross, in response.

**Decided:** 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 23rd December 2015 (Page 1, paragraph 2) and the Panel heard from Police Scotland regarding the request from the Chief Constable for the immediate suspension of the licence held by Brian Gerard Price as, in the opinion of the Chief Constable, the licence holder 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, in terms of paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**Decided:** to suspend the licence with immediate effect for the remaining portion of its duration on the grounds specified in Schedule 1 paragraph 11(2)(a) and (c) of the Civic Government (Scotland) Act 1982, namely that the holder is no longer a fit and proper person to hold the licence and the carrying on of the activity to which it relates has caused, is causing or is likely to cause undue public nuisance of a threat to public order or safety.

- (iii) The Panel heard an observation from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions was then circulated and the Panel heard from Police Scotland in relation to this and from the applicant, Ryan Morrison, in response.

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

(b) **Private Hire Driver.**

The Panel heard an observation from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions was then circulated and the Panel heard from Police Scotland in relation to this, from the applicant, Campbell Thomas Hay in response and adjourned to consider this application.

**Decided:** upon reconvening, 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.

(c) **Late Hours Catering.**

(i) **Wm. Morrison Supermarkets Plc. and David A. Gibson for Castlehill Road, Ayr, KA7 2HT.**

**Decided:** to note that, at the request of the applicant's representative, this application had been withdrawn.

(ii) **Wm. Morrison Supermarkets Plc. and William Matthew for Dukes Road, Troon, KA10 6QR.**

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

**Decided:** to approve this application for three years, the approved hours being Monday to Sunday inclusive from 11.00 p.m. to midnight, subject to standard conditions as previously agreed.

The meeting ended at 10.55 a.m.