

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
25th August 2016 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apology: Councillor Ann Galbraith.
- Attending: K. Briggs, Legal and Licensing Manager; D. Scobie, Licensing Monitoring Officer; J. McClure, Committee Services Lead Officer; and Inspector A. Kelly 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 29th June 2016 (issued) were submitted and approved.

**3. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2016 compared to the same period in 2015 was as follows:-
  - (a) 10% failure rate for Taxi Vehicles as opposed to 16% last year which was encouraging, with 39 Taxi Vehicle tests carried out and 4 failures between 1st April and 30th June 2016 compared to 31 Taxi Vehicle tests and 5 failures from 1st April to 30th June 2015;
  - (b) a 4% failure rate for Private Hire Vehicles which was no significant change from last year, with 45 Private Hire Vehicle tests carried out and 2 failures between 1st April and 30th June 2016 compared to 40 Private Hire Vehicle tests and 1 failure with a failure rate of 3% for the period 1st April to 30th June 2015;
- (2) that she would continue to monitor the operators of these vehicles; and
- (3) that she had been carrying out joint working with Police Scotland, particularly at Prestwick Airport inspecting private hire and taxi vehicles and drivers for compliance with further dates being planned.

**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 considered the application from Campbell Ingram.

**Decided:** in the absence of the applicant, to approve this application for one year, by a majority, subject to standard conditions as previously agreed.

- (ii) The Panel considered the application from Craig McQueen.

**Decided:** to note that this application had now been granted under delegated powers as Police Scotland had withdrawn their observation.

- (iii) The Panel heard from the applicant, David Kerr, in relation to his application.

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

- (iv) The Panel considered the application from Jonathan Michael Haughey.

**Decided:** to note that this application had now been granted under delegated powers as Police Scotland had withdrawn their observation.

- (v) 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, James Carlyle, in response.

**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.

- (vi) The Panel heard from the Licensing Monitoring Officer regarding the proposed suspension of the licence held by Andrew Craig on the grounds that the holder of the licence is not or is no longer a fit and proper person to hold the licence, the carrying out of the activity to which the licence relates has caused or is likely to cause undue public nuisance or a threat to public order or safety.

The Panel then heard from the licence holder's representative in response.

Councillor Convery, seconded by Councillor Cavana, moved that the licence not be suspended.

By way of Amendment, Councillor Hunter moved that the licence be suspended but failed to find a seconder and consequently his Amendment fell.

**Decided:** that the licence not be suspended and to take no further action (Councillor Hunter dissenting).

- (vii) The Panel heard from the Licensing Monitoring Officer in relation to the proposed suspension of the licence held by Sean McGill on the grounds that the holder of the licence is not or is no longer a fit and proper person to hold the licence, the carrying out of the activity to which the licence relates has caused or is likely to cause undue public nuisance or a threat to public order or safety and/or a condition of the licence has been contravened.

The Panel then heard from the licence holder in response.

Councillor Convery, seconded by Councillor Grant, moved not to suspend the licence.

By way of Amendment, Councillor Hunter moved that the licence be suspended for a period of three months but failed to find a seconder and subsequently his Amendment fell.

**Decided:** that the licence not be suspended and to take no further action (Councillor Hunter dissenting).

- (viii) 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:-

Walker Chivas;  
Antony Templeman;  
Ian McIlwraith; and  
Adele Hill;

- (B) having heard from Edward Anthony Morrell, to agree to suspend his licence for its unexpired portion as he had failed to undertake the training as per the licence issued to him and to grant delegated powers to the Legal and Licensing Manager to reinstate this licence once proof of completion of the training course had been exhibited; and

- (C) having heard the Legal and Licensing Manager advise that the following had now completed the appropriate training and submitted proof of completion of the training course, the Panel agreed to take no further action:-

James Chilton; and  
Steven Johnson.

**(b) Private Hire Drivers.**

- (i) The Panel considered the application from Mark Graham Morrison Emley.

**Decided:** to note that this application had now been granted under delegated powers as Police Scotland had withdrawn their observation.

- (ii) The Panel heard an observation from Police Scotland and from the representative for the applicant, George Kiltie, in response.

**Decided:** to continue consideration of this application to a future meeting of this Panel when the outcome of the criminal proceedings would be known.

- (iii) The Panel considered the proposed suspension of the licence held by Daniel Luke McColgan.

**Decided:** to agree to suspend the licence held by Daniel Luke McColgan 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 this licence once proof of completion of the training course had been exhibited.

**(c) Private Hire Vehicles.**

- (i) The Panel heard an observation from Police Scotland and considered a letter from the applicant, Douglas Reid.

**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, Darren Davidson in response, in relation to application numbers 16/00597/PHVL, 16/00599/PHVL and 16/00600/PHVL).

Councillor Grant, seconded by Councillor Goldie, moved that these applications be approved for three years.

By way of Amendment, Councillor Hunter that the applications be approved for one year but he failed to find a seconder and his Amendment subsequently fell.

**Decided:** to approve these applications for three years, subject to standard conditions as previously agreed (Councillor Hunter dissenting).

- (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, Edward Munro, in response.

Councillor Convery, seconded by Councillor Campbell, moved that this application be approved for three years.

By way of Amendment, Councillor Hunter moved that this application be approved for one year but failed to find a seconder and subsequently his Amendment fell.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed (Councillor Hunter dissenting).

(d) **Metal Dealers.**

**Lowmac Alloys Limited and Kenneth Smith.**

The Panel heard an observation from Police Scotland and from the representative for the applicant in response.

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

(e) **Market Operator.**

**Heather Young t/a Troon Car Boot Co.**

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

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

6. **Landlord Registration : Mr. Guiseppe Ippolito.**

There was submitted a report (issued to members only) of 19th July 2016 by the Executive Director – Economy, Neighbourhood and Environment requesting that the Panel consider the application for Landlord Registration from Mr. Guiseppe Ippolito.

**Decided:** that this application, at the request of the applicant and the Head of Housing and Facilities, should be continued for consideration at a future meeting of this Panel.

7. **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 items of business on the agenda, 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.

## 8. Civic Government (Scotland) Act 1982 - Licences.

### (a) Taxi Drivers.

- (i) 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, Robert Henry, in response.

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

By way of Amendment, Councillor Campbell 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 but he failed to find a seconder and his Amendment subsequently fell.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed (Councillor Campbell dissenting).

- (ii) The Panel heard an observation from Police Scotland and from the applicant, Neil Oswald Smith, in response.

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

### (b) Metal Dealers.

#### John McKechan t/a Speedlift Auto Salvage.

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

Councillor Convery, seconded by Councillor Campbell, moved that this application be approved for three years.

By way of Amendment, Councillor Hunter 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 but he failed to find a seconder and his Amendment subsequently fell.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed (Councillor Hunter dissenting).

(c) **Private Hire Drivers.**

The Panel heard an observation from Police Scotland in relation to the application from William McKean.

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

The meeting ended at 12.50 p.m.