

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
26th May 2016 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apology: Councillor Ian Cavana.
- Attending: K. Briggs, Legal and Licensing Manager; M. Douglas, Team Leader (Licensing); 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 28th April 2016 (issued) were submitted and approved.

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

- (i) The Panel heard an observation from Police Scotland and considered the application from Roderick John Clotworthy.

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

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.

- (ii) The Panel heard an objection 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 the applicant, Jim Aitken Hamilton.

Councillor Grant, seconded by Councillor Goldie, moved that the application be approved for one year.

By way of Amendment, Councillor Hunter, seconded by Councillor Campbell, moved that the 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.

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

- (iii) The Panel heard from the Licensing Monitoring Officer requesting suspension of the taxi driver's licence held by Paul Mulvey as a complaint had been received regarding abusive behaviour towards a Parking Supervisor, Ayrshire Roads Alliance. The Panel then viewed CCTV footage of the incident and heard from the licence holder in response.

Councillor Galbraith, seconded by Councillor Goldie, moved that the licence currently held by Paul Mulvey not be suspended but that his licence be endorsed.

By way of Amendment, Councillor Hunter, moved to suspend the licence currently held by Paul Mulvey with immediate effect under paragraph 11(2)(a), (c) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the licence holder is not or is no longer a fit and proper person to hold the licence; the carrying on of the activity to which the licence relates has caused or is likely to cause a threat to public order or public safety. Councillor Hunter failed to find a seconder and his Amendment subsequently fell.

Decided: not to suspend the licence held by Paul Mulvey but to confirm that the complaint would be kept on file and referred to if there were any subsequent complaints (Councillor Hunter dissenting).

- (iv) 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:-

Alexander S. Donaldson; and
Paul McDonald.

- (B) having heard from the following who advised that they were booked on a training course, to agree to suspend their licences 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:-

Daniel Fallshaw;
Melvin Wright; and
George Qua; and

- (C) having heard from Samuel J. Taylor, to agree to suspend his licence 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 and a medical certificate confirming his fitness to drive had been exhibited.

(b) Taxi Vehicles.

The Panel considered the proposed suspension of the licence held by William John Mellon as he had failed to present his car for Annual Inspection.

Decided: in the absence of the applicant, to suspend the licence currently held by William John Mellon with immediate effect for its unexpired portion as he had failed to present his car for Annual Inspection in terms of Condition 3 of the Private Hire Vehicle Licence (inspection due by 30th April 2016).

(c) Private Hire Drivers.

The Panel considered the proposed suspension of two licences.

Decided:

- (A) to agree to suspend the licence held by Iain MacLeod 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; and
- (B) having heard from William Dorrian who advised that he was booked on a training course, to suspend his licence 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.

(d) Second Hand Dealer.

Cash 4 Clothes AF Limited and Alan Forde for premises at 12 George Street, Ayr.

The Panel heard an objection 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 of Alan Forde was then circulated.

Decided: in the absence of the applicant, that the 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.

(e) Late Hours Catering.**Shahid Mahmood for Dogars, West Portland Street, Troon.**

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

Decided: to approve this application every Sunday to Thursday from 11.00 p.m. to 1.00 a.m. and every Friday and Saturday from 11.00 p.m. to 3.00 a.m., subject to standard conditions as previously agreed.

4. 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 remaining 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.

5. Civic Government (Scotland) Act 1982 - Licences.**Taxi Drivers.**

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 Panel heard an observation from Police Scotland, heard from the applicant, Patrick Gary Welsh, in response and adjourned for consideration of this application.

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

The meeting ended at 11.10 a.m.