

REGULATORY PANEL.

Minutes of meeting in Town Hall, New Bridge Street, Ayr, on
28th April 2016 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); R. Cairns, Acting Building Standards Manager (for items 3 and 4 only); D. Scobie, Licensing Monitoring Officer; J. McClure, Committee Services Lead Officer; Inspector A. Kelly and Sergeant G. Griffiths, Police Scotland; B. Ferries, General Manager, Ayr Racecourse; and L. Grant, Managing Director and R. Provan, Safety Manager, Ayr United Football Club.

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 17th March 2016 (issued) were submitted and approved.

3. Annual Inspection and Revised Safety Certificates for the Regulated Stands at Ayr Racecourse.

There was submitted a [report](#) (issued) of 29th March 2016 by the Executive Director - Economy, Neighbourhood and Environment advising of the outcome of the technical inspections at Ayr Racecourse; and seeking approval for the issue of the revised Safety Certificates for the two Stands.

The Panel heard

- (1) the Acting Building Standards Manager advise that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service, St. Andrew's Ambulance Corps and the Council's Building Standards Service and Environmental Health Service had no adverse comments; and that all assessments, surveys, certification and reports were now in place; and
- (2) the General Manager, Ayr Racecourse in response who advised that tickets sales had been restricted at the Scottish Grand National to ensure that attendees had a safe and enjoyable experience and that the shuttlebus service had been expanded to minimise reduction to local residents; and outlined his thanks to all officers for their assistance.

Having heard the Chair, on behalf of the Panel, congratulate Mr. Ferries on the success of the Racecourse, the Panel

Decided: to agree

- (a) that the current Safety Certificates should remain in force until 30th June 2016; and
- (b) that the revised Safety Certificates would come into force on 1st July 2016, for a period of one year.

4. Annual Inspection and Revised Safety Certificates for Somerset Park, Ayr.

There was submitted a [report](#) (issued) of 5th April 2016 by the Executive Director – Economy, Neighbourhood and Environment advising of the outcome of the annual technical inspection of Somerset Park, Ayr in respect of the Safety of Sports Grounds Act 1975; and seeking approval for the issue of a Revised Safety Certificate for the ground.

The Panel heard

- (1) the Acting Building Standards Manager
 - (a) advise
 - (i) that a site visit had been undertaken on 9th March 2016 and that all of the required assessments, surveys, certification and reports were now in place, with the exception of the Structural Report and Structural Certificate; and
 - (ii) that there had been no adverse comments from Environmental Health Services, Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service or St. Andrews Ambulance Corps; and
 - (b) update the Panel on the present position in regard to the Maintenance Programme; and
- (2) the Managing Director of Ayr United in response outlining the proposed works and timescales; and advise that the structural report had been delayed due to the illness of the Structural Engineer, however, he hoped to receive this in the very near future when he would then forward this to Building Standards

Decided:

- (A) to agree that the current Safety Certificate should remain in force until 30th June 2016; and
- (B) to agree that the revised Safety Certificate would come into force on 1st July 2016, for a period of one year.

5. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that for the final three months of 2015 there were 40 taxi tests and 2 fails, a failure rate of 5%, down from 18% in the corresponding quarter in the previous year; and for private hire vehicles there were no fails which was a significant improvement on the 29% failure rate for the corresponding period the year before;
- (2) that the failure rates for the whole of 2015 were 12% for taxis and 5% for private hire vehicles compared to 22% and 19% the previous year which was a marked improvement;
- (3) that for the first quarter of 2016 the failure rate was 8% for taxis (24 tests and 2 fails) and 5% for private hires (43 tests and 2 fails) and it was hoped that these downward trends continued; and
- (4) that she would continue to monitor these rates and report back to Panel following the recess.

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

(a) Taxi Drivers.

- (i) The Panel heard an objection from Police Scotland and from the applicant, James McQueen, in response and adjourned for consideration of this application.

Upon reconvening, Councillor Galbraith, seconded by Councillor Douglas, moved that this application be approved for one year.

By way of Amendment, Councillor Hunter, seconded by Councillor Grant, 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.

On a vote being taken by a show of hands, three 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.

- (ii) The Panel considered the proposed suspension of the licence currently held by Paul Mulvey, following receipt of a complaint.

Decided: having heard the Team Leader (Licensing) advise that the licence holder was unable to attend this meeting, to continue consideration of this matter to allow the applicant to attend.

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

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

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

On a vote being taken by a show of hands, three 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.

- (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:-

Christopher Nimmo;
John Grant Mossie;
John McMillan;
Paul James Cunningham;
Alessandro De Cesare;
Paul Graham;
James McClelland;
Anjum Sultan;
Felix Ryan;
Steve Smith;
Julie Roche;
David Samuel Millington.

- (B) having heard from the following, 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:-

Gail Bayes; and
Scott Andrew Berry;

- (C) having heard the Team Leader (Licensing) advise that Andrew James Flynn had now passed the training course, to take no action in relation to his licence; and

- (D) having heard Peter Simcock advise that, due to illness, he had not sat the training course, however, once he was fit to undertake his taxi driving duties he would complete the course, to suspend his licence for its unexpired portion 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.

(b) Taxi Vehicles.

- (i) The Panel heard an observation from Police Scotland and from the representative for the applicant, Thomas Lindores (application number 16/00122/HCVL), in response.

Decided: 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 representative for the applicant, Thomas Lindores (application number 16/00123/HCVL) in response.

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

7. 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.

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

(a) Private Hire Drivers.

- (i) The Panel heard from Jacqueline Ann Blackhurst in relation to her application.

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

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

Decided: 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:-

William Stuart Galloway;
James Lewis; and
Steven McMillan.

(b) Street Trader.

Michael Salotti for Sale of Hot and Cold Food in Maybole and Surrounding Villages.

The Panel heard from Police Scotland and from the applicant in response in relation to this application.

Decided: to approve this application every Monday to Thursday from 5.00 p.m. to 7.00 p.m., subject to standard conditions as previously agreed.

(c) **Street Trader.**

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

Decided: at the request of the applicant, to continue consideration of this application to a future meeting of this Panel.

9. **Cinemas Act 1985 - Film Classification.**

Odeon Cinema, Burns Statue Square, Ayr.

The Panel heard from the Team Leader (Licensing) in relation to this application.

Decided: to confirm that, if the Odeon Cinema, Burns Statue Square, Ayr requested to show the film entitled "Fear Itself" then it would be permitted to do so on condition that no person apparently under the age of 18 years would be admitted to the screening.

10. **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.

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

Taxi Vehicle.

The Panel heard from the Licensing Monitoring Officer requesting suspension of the operator's licence held by Patrick Gary Welsh due to his vehicle failing its annual inspection and being poorly maintained between inspections.

Decided:

- (1) to suspend the licence currently held by Patrick Gary Welsh 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 safety; and a condition of the licence has been contravened;
- (2) that the licence be suspended until such time as the licence holder obtained adequate insurance for the vehicle; and that delegated powers be granted to the Legal and Licensing Manager to reinstate the licence once the appropriate paperwork had been exhibited; and
- (3) that when reinstated, the licence should be varied so that the vehicle required to be tested every four months

The meeting ended at 11.15 a.m.