

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
28th May 2015 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Ian Cavana, Ian Douglas, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apologies: Councillors Andy Campbell and Ann Galbraith.
- Attending: M. Douglas, Team Leader (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.
- In Attendance: Inspector W. Ramsay, Sergeant D. McIntosh 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 meeting.

The minutes of 30th April 2015 (issued) ([link attached](#)) were submitted and approved.

3. 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.

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

(a) Taxi Drivers.

- (i) The Panel heard an observation from Police Scotland and from the applicant, Alastair Kidd, in response.

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

- (ii) Reference was made to the minutes of 30th April 2015 (Page 5, paragraph 6(a)(vii)(B) when it had been decided, having heard that David K. Tunnock had now enrolled on an appropriate training course, to continue consideration of this matter to allow him to complete the course and to request medical advice from his GP to ensure that he was fit to carry out his duties as a taxi driver.

The Panel heard the Team Leader (Licensing) advise that Mr. Tunnock had now completed and passed the appropriate training course.

Decided: not to suspend the licence held by David K. Tunnock and to take no further action pending receipt of a satisfactory medical report.

- (iii) Reference was made to the minutes of 30th April 2015 (Page 5, paragraph 6(a)(vii)(C) when it had been decided, having heard Ian McKenna Smith advise that he had now enrolled on an appropriate training course, to continue consideration of this matter to allow him to complete the course.

The Panel heard the Team Leader (Licensing) advise that Mr. Smith had now completed and passed the appropriate training course.

Decided: not to suspend the licence held by Ian McKenna Smith and to take no further action.

- (iv) Reference was made to the minutes of 30th April 2015 (Page 5, paragraph 6(a)(vii)(D) when it had been decided, having heard from Peter Neilan, to continue this matter to allow him to enrol on an appropriate training course. Should Mr. Neilan fail to gain a place on the course currently taking place, the Panel would again consider the proposed suspension of his licence.

The Panel heard the Team Leader (Licensing) advise that Mr. Neilan had attended one module of the training course but had failed to attend the remainder of the course.

Decided: to agree to suspend the licence held by Peter Neilan 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 had been exhibited.

- (v) Reference was made to the minutes of 30th April 2015 (Page 5, paragraph 6(a)(vii)(C) when it had been decided, having heard Ian Downie MacDonald advise that he had now enrolled on an appropriate training course, to continue consideration of this matter to allow him to complete the course.

The Panel heard the Team Leader (Licensing) advise that Mr. MacDonald had now completed and passed the appropriate training course.

Decided: not to suspend the licence held by Ian Downie MacDonald and to take no further action.

- (vi) The Panel heard an observation from Police Scotland and from the applicant, Amjad Sultan Chadhar, in response.

Councillor Douglas, seconded by Councillor Grant, moved that this application be approved for three years.

By way of Amendment, Councillor Cavana, seconded by Councillor Hunter, moved that the application be approved for one year.

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

(b) Private Hire Driver.

Reference was made to the Minutes of 30th April 2015 (Page 6, paragraph 6(b)(ii)(B) when the Panel had decided, having heard Alexander Smith Fagan advise that he had now enrolled on an appropriate training course, to continue consideration of this matter to allow him to complete the course.

The Panel heard the Team Leader (Licensing) advise that Mr. Fagan had now completed and passed the appropriate training course.

Decided: not to suspend the licence held by Alexander Smith Fagan and to take no further action.

(c) Late Hours Catering.

Waleed Saleem for 8 Arthur Street, Ayr.

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

Decided: to approve this application, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 3.30 a.m., subject to standard conditions.

(d) Late Hours Catering – Application for Variation.

1b Arthur Street, Ayr.

The Panel heard from the applicant's representative in relation to this variation to a late hours catering licence.

Councillor Hunter moved that this application be approved for Friday and Saturday night of Ayr Gold Cup and the period from 1st December to 2nd January 2016 for the festive season only. He failed to find a seconder and his Motion, therefore, fell. He requested that his dissent be recorded.

Decided: Councillor Hunter dissenting, to approve this application for the remainder of the licence (until 29/04/17), the hours being 3.30 a.m. to 4.30 a.m. on the following dates, subject to standard conditions:-

Easter Saturday and Sunday;
Friday and Saturday night of the Scottish Grand National Weekend;
Friday and Saturday night of the Ayr Gold Cup; and
The period 1st December to 2nd January for the festive season.

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 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.

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

Taxi Drivers.

The Panel heard an objection from Police Scotland and from the applicant, Timothy Graham, in response.

Decided: to continue consideration of this application to the next meeting of the Panel scheduled to be held on Thursday, 18th June 2015, to await the outcome of the forthcoming trial and for the applicant to provide a medical report.

The meeting ended at 10.45 a.m.