

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
30th April 2015 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; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

Also Attending: Inspector W. Ramsay and Constable R. Armstrong, Police Scotland.

In Attendance: B. Ferries, General Manager, Ayr Racecourse; and G. Steel, Stadium Manager 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 19th March 2015 (issued) ([link attached](#)) and 2nd April 2015 (Special) (issued) ([link attached](#)) were submitted and approved.

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

There was submitted a report (issued) ([link attached](#)) of 31st March 2015 by the Executive Director - Economy, Neighbourhood and Environment advising of the outcome of the technical inspections of the Princess Royal and Eglinton Stands 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
- (2) the General Manager, Ayr Racecourse in response who advised that tickets sales had been restricted in the Princess Royal Stand at the Scottish Grand National to ensure that attendees had an enjoyable experience and outlined his thanks to all officers for their assistance.

Decided: to agree

- (a) that the Safety Certificates should remain in force until 30th June 2015; and
- (b) that the revised Safety Certificates would come into force on 1st July 2015, for the period of one year.

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

There was submitted a report (issued) ([link attached](#)) of 31st March 2015 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 advise
 - (a) that the required assessments, reports and certificates had been received beyond the deadline of 28th February 2015; that the automatic emergency generator was not operational; that corrosion existed in the main stand and two covered enclosures; and that one of the turnstiles was not recording numbers properly;
 - (b) that Environmental Health Services had reported on required areas of asbestos management and issues with hot food safety;
 - (c) that there had been no adverse comments from Police Scotland, Scottish Fire and Rescue and the Scottish Ambulance Service; and
 - (d) that B. Kidd of St. Andrew's Ambulance Corps had offered officers of Ayr United Football Club valuable advice on the levels of medical supplies required; and
- (2) a representative from Ayr United in response outlining that he had now provided Building Standards Service with the required assessments, reports and certificates; that a steward was designated to oversee the generator at every match to start the generator manually should the power fail and that this matter would be investigated over the summer period to repair the generator to enable it to start automatically again; that a representative from the Scottish Football Association who visited the ground every summer would be attempting to repair the turnstiles; and that all outstanding works would be completed by 14th July 2015.

Questions were then raised by Members of the Panel in relation to the corrosion; the generator; the Maintenance Plan; and the lateness of the required assessments, reports and assessments and the Stadium Manager provided updates to the Panel.

Decided:

- (i) to agree that the current General Safety Certificate should remain in force until 30th June 2015;
- (ii) to agree that the revised Safety Certificate would come into force on 1st July 2015, for the period of one year;
- (iii) that the Panel would be provided with an update report to the meeting scheduled to be held on Thursday, 5th November 2015.

5. Update From Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that, since the meeting of this Panel on 22nd January 2015, she had now obtained the failure statistics for Taxis and Private Hire Vehicles for the first quarter of 2015 compared to the same period of 2014;

For Taxi Vehicles

From 01/01/15 to 31/03/15 27 taxi vehicle tests were carried out and 7 vehicles failed (a failure rate of 26%) compared to 28 taxi tests being carried out and 8 failing for the same period in 2014, a failure rate of 28%, which was no significant change;

For Private Hire Vehicles

From 01/01/15 to 31/03/15 – 46 Private Hire Vehicle tests were carried out and 7 failed which was a failure rate of 15% compared to 37 tests and 11 fails during the same period in 2014, a failure rate of 29% showing a significant decrease in private hire vehicles failing the vehicle test this year which was a positive step;

- (2) that the annual figures showed that in 2014 22% of Taxis had failed and 21% had failed for Private Hire Vehicles; and
- (3) that she would continue to monitor the operators of these vehicles.

Decided: to thank the Licensing Monitoring Officer for her update.

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

(a) Taxi Drivers.

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

Councillor Hunter, seconded by 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.

By way of Amendment, Councillor Grant, seconded by Councillor Goldie, moved that this application be approved for one year.

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

- (ii) The Panel heard an observation from Police Scotland and from the applicant, Alessandro De Cesare, in response.

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

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

On a vote being taken by a show of hands, six Members voted for the Amendment and two for the Motion. The Amendment was accordingly declared carried.

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

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

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

By way of Amendment, Councillor Campbell, seconded by Councillor Galbraith, moved that this 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) Reference was made to the Minutes of 2nd April 2015 (Page, 1, paragraph 2(a)(i)) and the Panel heard from the Team Leader (Licensing) regarding the request from Police Scotland for the immediate suspension of the licence held by Derek Scot Burns 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: in the absence of the applicant, to suspend the licence currently held by Derek Scot Burns with immediate effect under paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that 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.

- (v) Reference was made to the Minutes of 2nd April 2015 (Page 1, paragraph 2(a)(ii) and the Panel heard from the Team Leader (Licensing) regarding the request from Police Scotland for the immediate suspension of the licence held by Grant Michael Negus 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: in the absence of the applicant, to suspend the licence currently held by Grant Michael Negus with immediate effect under paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that 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.

- (vi) The Panel considered a request from Police Scotland for the immediate suspension of the licence held by Archibald Pettigrew Buchanan 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: in the absence of the applicant, to suspend the licence currently held by Archibald Pettigrew Buchanan with immediate effect under paragraph 11(2)(a) and (c) and paragraph 11(10) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that 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.

- (vii) 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:-

Peter Tasker;
Susanne Colville; and
Steven Woods;

- (B) 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;

- (C) having heard the following advise that they were now enrolled on an appropriate training course, to continue consideration of these matters to allow them to complete the course:-

Ian McKenna Smith; and
Ian D. MacDonald; and

- (D) 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 at the next meeting of this Panel scheduled to take place on Thursday, 28th May 2015.

(b) Private Hire Drivers.

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

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

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

Decided:

- (A) having heard the Team Leader (Licensing) advised that Ian King Smith had surrendered his licence, to take no further action; and
- (B) 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.

(c) Private Hire Vehicle.

Reference was made to the Minutes of 2nd April 2015 (Page 2, paragraph 2(b) and the Panel heard a request from Police Scotland for the immediate suspension of the licence held by Grant Michael Negus 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: in the absence of the applicant, to suspend the licence currently held by Grant Michael Negus with immediate effect under paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that 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.

(d) Public Entertainment.

Troon St. Meddan's Parish Church of Scotland Halls.

The Panel heard from the applicant's representative and from one of the two objectors and adjourned for consideration of this application.

Decided: upon reconvening, to approve this application for three years between 9.00 a.m. and 10.00 p.m. daily, subject to standard conditions and subject to the licence holder reviewing the conditions of let which would be considered at the meeting of Thursday, 24th September 2015 to ensure that the conditions were to the satisfaction of this Panel.

The meeting ended at 12.15 p.m.