

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
5th November 2015 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie and William J. Grant.
- Apology: Councillor Hugh Hunter.
- Attending: M. Douglas, Team Leader (Licensing); R. Cairns, Acting Building Standards Manager (for item 3 only); D. Thomson Trading Standards and Environmental Health Manager (for items 6 and 7 only); D. Scobie, Licensing Monitoring Officer; and J. McClure Committee Services Officer.
- In Attendance: Inspector W. Ramsay and E. Blackwood, Police Scotland.
- Also Attending: L. Grant, Managing Director and R. Provan, Stadium and Safety Manager, Ayr United Football Club (for item 3 only).

### **1. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Douglas declared an interest in item 5(a)(iii) as the applicant was a constituent of his and known to him and he indicated that he would withdraw from the meeting during consideration of this application.

### **2. Minutes of previous meetings.**

The minutes of 24th September 2015 ([link attached](#)) were submitted and approved.

### **3. Update Report on the Annual Inspection of Somerset Park, Ayr.**

Reference was made to the Minutes of 30th April 2015 (Page 2, paragraph 4) and there was submitted a report (issued) of 14th October 2015 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment outlining the matters arising from the 2015 Annual Inspection of Somerset Park, Ayr.

The Panel heard an update from the Acting Building Standards Manager and from L. Grant, Ayr United Football Club in response.

**Decided:** to note the update as outlined in section 4 of the report and that the electrical works to the Somerset and Railway loops would be completed by end of October 2016.

#### 4. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that, since her last update in June 2015, she had now obtained the failure statistics for Taxis and Private Hire Vehicles for the third quarter of 2015 compared to the third quarter of 2014:

##### For Taxi Vehicles

From 01/07/15 to 30/09/15 43 taxi vehicle tests had been carried out and 3 vehicles had failed (a failure rate of 7%) compared to 40 taxi tests being carried out and 9 failing for the same period in 2014, a failure rate of 23%, which was a considerable decrease in taxi vehicles failing the vehicle test;

##### For Private Hire Vehicles

From 01/07/15 to 30/09/15 – 42 Private Hire Vehicle tests had been carried out and 1 failed which was a failure rate of just over 2% compared to 43 tests and 3 fails during the same period in 2014, a failure rate of 7% showing a slight decrease in Private Hire Vehicles failing the vehicle test which was a great improvement from some years ago;

- (2) that she had recently been carrying out routine inspections in Girvan with Police Scotland and with Vehicle Emissions Inspectors in Ayr and Prestwick; and
- (3) that she would update the Panel in the new year on the statistics for the last quarter of 2015.

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

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

##### (a) Taxi Drivers.

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

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

- (ii) The Panel heard from the applicant, Mary Blackmore in relation to her application.

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

**Councillor Douglas, having previously declared an interest in the following item of business, left the meeting during consideration of this application.**

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

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

**Councillor Douglas re-joined the meeting at this point.**

- (iv) The Panel heard an observation from Police Scotland and from the applicant, Robert Long, in response.

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

- (v) The Panel heard from Police Scotland and from the licence holder's representative and considered the proposed suspension of the licence held by James Gerrard Henderson.

**Decided:**

(A) not to suspend the licence held by James Gerrard Henderson and to take no further action; and

(B) to advise Police Scotland to submit a fresh application should there be a subsequent conviction of the licence holder.

- (vi) The Panel considered the proposed suspension of the licence held by Gerald Thomas Dempsey as he had not completed the Taxi Driver Training Course.

**Decided:** in the absence of the applicant, to agree to suspend the licence currently held by Gerald Thomas Dempsey 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.

- (vii) The Panel considered the proposed suspension of the licence held by Christopher Lewis Hunter as he had not completed the Taxi Driver Training Course.

**Decided:** in the absence of the applicant, to agree to suspend the licence currently held by Christopher Lewis Hunter 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.

**(b) Street Trader.**

**(i) Neil Lindsay McCreadie for Sale of Hot and Cold Food in Ayr.**

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

**Decided:** to approve this application for three years from 8.00 a.m. to 2.00 p.m., subject to standard conditions as previously agreed.

**(ii) Danny McCreadie for Sale of Hot and Cold Food in Ayr.**

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

**Decided:** by a majority, to approve this application for one year from 8.00 a.m. to 2.00 p.m., subject to standard conditions as previously agreed.

**(iii) Darren Sharp for Sale of Glow Novelties, Novelties, Helium Balloons and Fancy Goods in Kyle Street/High Street/Ayr Town Centre.**

**Decided:** to approve this application for a temporary licence for Saturday 14th November 2015 from 9.00 a.m. to 10.00 p.m., subject to standard conditions as previously agreed.

**(c) Public Entertainment Licence.****Troon St. Meddan's Parish Church of Scotland Halls, Church Street, Troon.**

Reference was made to the Minutes of 30th April 2015 (Page 6, paragraph 6(d)) when it had been decided 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 for consideration at a future meeting of this Panel and the Panel heard the Team Leader (Licensing) advise that the licence holders had now submitted their updated conditions of let.

**Decided:** to note the updated conditions of let.

**6. Application for a Skin Piercing and Tattooing Licence – Callum David Lambie in respect of Route 66, 91 Templehill, Troon.**

There was submitted a report (issued to members only) of 13th October 2015 by the Executive Director – Economy Neighbourhood and Environment requesting that the Panel consider an application from Callum David Lambie for a skin piercing and tattooing licence in respect of Route 66, 91 Templehill, Troon.

The Panel heard an observation from Police Scotland, from the Trading Standards and Environmental Health Manager and from the applicant's representative in response and considered two letters of commendations which were tabled.

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

7. **Application for Renewal of Pet Shop Licence - David Allan for Pets' Aquarium, 124 Main Street, Prestwick.**

There was submitted a report (issued to members only) of 13th October 2015 by the Executive Director – Economy Neighbourhood and Environment requesting that the Panel consider a renewal application from David Allan, in respect of Pets' Aquarium, 124 Main Street, Prestwick.

The Panel heard from the Trading Standards and Environmental Health Manager and from the applicant in response.

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

8. **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.

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

**Taxi Driver.**

The Panel heard an observation from Police Scotland, an update from the Licensing Monitoring Officer and from the applicant, Thomas Lindores, 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.

The meeting ended at 11.40 a.m.