

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
18th April 2017 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, William J. Grant and Hugh Hunter.

Apology: Councillor Sandra Goldie.

Attending: M. Douglas, Team Leader (Licensing); K. Briggs, Legal and Licensing Manager; H. Talbot, Team Leader, Building Standards; D. Scobie, Licensing Monitoring Officer; J. McClure, Committee Services Lead Officer; Chief Inspector G. l'Anson and Sergeant G. Griffiths, Police Scotland; B. Ferries, General Manager, Ayr Racecourse and L. Jardine, Managing Director; and R. Provan, Safety and Stadium Manager, Ayr United Football Club.

1. Declarations of Interest.

Councillor Convery declared an interest in item 8(c) of this minute as the applicant's business partner was known to him and advised that he would leave the meeting during consideration of this application.

2. Minutes of previous meetings.

The [minutes](#) of 16th March 2017 (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 4th April 2017 by the Head of Neighbourhood Services advising of the outcome of the annual technical inspections at Ayr Racecourse; and seeking approval for the issue of the revised Safety Certificates for the two Grandstands.

The Panel heard

- (1) the Team Leader (Building Standards) advise that a site visit had been undertaken on 22nd February 2017 and that all assessments, surveys, certification and reports were now in place; and 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 to questions, advise that once ticket only meetings were sold out, this was advertised on social media, the local press and radio and on the organised shuttle buses to ensure that race-goers did not attempt to gain entry without a ticket.

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 Certificate should remain in force until 30th June 2017; and
- (b) that the revised Safety Certificate would come into force on 1st July 2017, for a period of one year.

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

There was submitted a [report](#) (issued) of 4th April 2017 by the Head of Neighbourhood Services advising of the outcome of the annual technical inspection of Somerset Park, Ayr; and seeking approval for the issue of a Revised Safety Certificate for the ground.

The Panel heard

- (1) the Team Leader (Building Standards)
 - (a) advise
 - (i) that a site visit had been undertaken on 27th February 2017 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 to questions on the arrangements in place for emergency lighting; and the reason for the late submission of the Structural Report and Structural Certificate.

Decided:

- (A) to agree that the current Safety Certificate should remain in force until 30th June 2017; and
- (B) to agree that the revised Safety Certificate would come into force on 1st July 2017, for a period of one year.

5. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the first quarter of 2017 compared to the same period in 2016 were as follows:-
 - (a) 16% failure rate for Taxi Vehicles compared to 8% last year which was disappointing; and
 - (b) a 10% failure rate for Private Hire Vehicles compared to 5% last year which was a significant increase;
- (2) that she would continue to monitor vehicle operators; and
- (3) that she had carried out a further day of action in conjunction with Police Scotland whereby twelve vehicles were inspected (two taxis vehicles and ten private hire vehicles) and four notices issued for various reasons.

The Chair, on behalf of the Panel expressed his concerns at the failure rates; outlined that licence holders had a duty of care to passengers; and advised that action would be taken against licence holders should their vehicle continue to fail the taxi/private hire vehicle test.

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

(a) Taxi Drivers.

- (i) The Panel heard an observation from Police Scotland and from the Licensing Monitoring Officer and considered the application from Thomas Lindores.

Decided: in the absence of the applicant, 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

- (ii) The Panel heard from the licence holder David Samuel Millington and considered his request for exemption from carrying wheelchair using passengers.

Decided: to approve the request from David Samuel Millington for exemption from wheelchair work for the remaining term of his licence; and to note that the Licensing Section would supply the licence holder with a letter outlining this exemption for the perusal of wheelchair using passengers.

- (iii) The Panel heard an observation from Police Scotland and from the representative for the applicant, Robert Peter McCormick, in response.

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

By way of Amendment, Councillor Hunter moved that this application be approved for one year, however, he failed to find a seconder and consequently his Amendment fell.

Decided: to approve this application for three years, subject to standard conditions as previously agreed (Councillor Hunter dissenting).

- (iv) The Panel heard an observation from Police Scotland and from the Licensing Monitoring Officer in relation to the applicant, John McNair Sharkey. Following discussion the Panel adjourned for consideration of this application

Upon reconvening, the Panel

Decided: by a majority, to approve this application for one year, 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) **Taxi Drivers.**

The Panel heard from the applicant, Andrew Easdale Rodger, in relation to his application.

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

By way of Amendment, Councillor Hunter moved that this application be approved for one year, however, he failed to find a seconder and consequently his Amendment fell.

Decided: to approve this application for three years, subject to standard conditions as previously agreed (Councillor Hunter dissenting).

(b) **Private Hire Driver.**

The Panel heard an observation from Police Scotland, from the Licensing Monitoring Officer and from the applicant, James Mathew Westran, in relation to his application.

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

Having previously declared an interest in this application, Councillor Convery left the room during consideration of this matter. Councillor Galbraith then took the Chair.

(c) **Market Operator.**

Alexander John Sharpe for 5-9 South Beach, Troon, KA10 6EF.

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

Decided: to approve this application, subject to standard conditions as previously agreed. The applicant was advised, however, that the granting of this licence did not imply that planning permission had also been granted.

Councillor Convery re-joined the meeting at this point and took the Chair.

(d) **Street Traders.**

(i) **Krzystof Mariusz Jabtowski for Content Avenue/Pavilion Road/John Street/Whitlets Road/Walker Road/Harbour Street/Smith Street/Kyle Street/Castlehill Road for Sale of Coffee.**

Decided: in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel.

(ii) **Louise O'Connor-Mason.**

Decided: in the absence of the applicant, to refuse this application as the applicant had failed, despite reminders, to provide photographs with her application.

9. **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 items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

Taxi Drivers.

The Panel heard an observation from Police Scotland, from the Licensing Monitoring Officer and from the applicant, Alan Kennedy, in response.

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

11. Chair's Closing Remarks.

The Chair thanked all Panel Members for their contribution over the years and thanked the Officers for their assistance.

The meeting ended at 11.45 a.m.