

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
19th January 2017 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); D. Scobie, Licensing Monitoring Officer; J. McClure, Committee Services Lead Officer; and Inspector A. Kelly 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 meetings.

The minutes of 1st December 2016 (issued) 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, Jack Andrew Grigor, in response.

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

- (ii) Reference was made to the Minutes of 1st December 2016 (Page 2, paragraph 4(a)(iii)) when it had been decided to continue consideration of this matter, at the request of the licence holder and with the consent of Police Scotland, to this meeting and the Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by James Gerrard Henderson and from the licence holder's representative in response.

Decided: not to suspend the licence held by James Gerrard Henderson and to take no further action.

- (iii) The Panel heard an observation from Police Scotland and from the applicant, Russell George Cowan, in response.

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

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

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

Decided: to approve this application for three years, 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:-

Christina Skilling;
Gerrard John Reid;
Roderick John Clotworthy;
Derek Steed;
Anthony John Trainor; and
Kristoffer Gordon;

- (B) having heard from the following licence holders who advised that they had enrolled on the next available training course, to agree to suspend the licences of the following for their unexpired portions 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:-

Steven William Dunn;
Michael Youvi Hemphill; and
Scott William Keenan; and

- (C) having heard from the Team Leader (Licensing) that Donald Mackay had submitted a letter advising that he was unable to attend this meeting due to previous commitments and that he had returned his taxi badge to the Licensing Service, to agree 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) Private Hire Drivers.

The Panel considered the proposed suspension of various licences.

Decided:

- (i) to agree to suspend the licence held by Jacqueline Ann Blackhurst for its unexpired portion as she had failed to undertake training as per the licence issued to her 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;
- (ii) having heard the Team Leader (Licensing) advise that Amanda Gibson was enrolled on the next available training course, to suspend her 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; and
- (iii) having heard from the Team Leader (Licensing), to note that Pauline Clark had moved out of South Ayrshire and had surrendered her taxi licence.

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 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.

6. Civic Government (Scotland) Act 1982 - Licences.**(a) Taxi Drivers.**

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

Councillor Douglas, seconded by Councillor Goldie moved that this application be approved for one year.

By way of Amendment, Councillor Campbell, 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, four Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried.

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

(b) Private Hire Vehicle Licence.

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

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

(c) Taxi Drivers.

(i) The Panel heard an observation from Police Scotland and from the applicant, Grant McAleer, 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 applicant, Palpinder Singh, in response.

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

(iii) The Panel heard an observation from Police Scotland and from the applicant, Myles McFarlane, in response.

Councillor Convery, seconded by Councillor Cavana, moved that this application be approved for three years.

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

On a vote being taken by a show of hands, three Members voted for the Amendment and four for the Motion which was accordingly declared carried.

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

(iv) The Panel heard an observation from Police Scotland, heard from the Licensing Monitoring Officer and from the applicant, Thomas Lindores, in response.

Decided: to continue consideration of this application to the meeting of this Panel scheduled to be held on 26th April 2017 at which time the outcome of the court proceedings would be known.

(d) Private Hire Vehicle Licence.

The Panel considered the licence held by Andrew James Flynn as he had failed to provide his insurance certificate.

Decided: to suspend the licence currently held by Andrew James Flynn for its unexpired portion as he had failed to provide his insurance certificate.