

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
30th November 2017 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Ian Cavana, Ian Fitzsimmons and Margaret Toner.

Apologies: Councillors Andy Campbell, Peter Convery, Mary Kilpatrick and Craig Mackay.

Attending: M. Douglas, Team Leader (Licensing); D. Scobie, Civic Government Licensing Standards Officer; D. McLeman, Building Standards Surveyor; and J. McClure, Committee Services Lead Officer; and Inspector J. Hamilton and Sergeant D. Dougan, 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 25th October 2017 (issued) were submitted and approved.

3. Update by Civic Government Licensing Standards Officer.

The Civic Government Licensing Standards Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the third quarter of 2017 compared to the same period in 2016 were as follows:-
 - (a) 12% failure rate for Taxi Vehicles as opposed to 2% last year which was very disappointing; and
 - (b) a 25% failure rate for Private Hire Vehicles as opposed to 2% last year which was very worrying; and
- (2) that currently she issued a warning letter to licence holders after a second failure and that following a third failure the matter would be considered by this Panel, however, the Panel may wish to review this procedure.

Having heard Panel Members express their concerns at the failure rates and the Civic Government Licensing Standards Officer advise of some of the reasons for vehicles failing the test, the Panel

Decided: to review the current procedures and to now issue licence holders with a warning letter following one test failure.

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

(a) Taxi Drivers.

- (i) The Panel heard Police Scotland advise that further investigations required to be carried out in respect of the application from Mark Leggat.

Decided: with the agreement of the applicant, to continue consideration of this matter to a future meeting of this Panel.

- (ii) The Panel heard an observation from Police Scotland in relation to the application from Patrick Joseph O'Donnell.

Decided: in the absence of the applicant, to approve this application for three years, subject to standard conditions as previously agreed.

- (iii) The Panel heard an observation from Police Scotland in relation to the application from Jay Andrew Davidson.

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.

- (iv) The Panel heard an observation from Police Scotland in relation to the application from David Murray.

Decided: in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel, scheduled to be held on Thursday, 18th January 2017.

(b) Private Hire Driver.

The Panel heard from the Civic Government Licensing Standards Officer and considered the proposed suspension of the licence held by Steven Mitchell.

Decided: to agree to suspend the licence held by Steven Mitchell 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 this licence once proof of completion of the training course had been exhibited.

(c) Private Hire Vehicle Licence.

The Panel considered the proposed suspension of the licence held by Jane Spence.

Decided: having heard the Team Leader (Licensing) advise that Jane Spence had now surrendered her licence, to take no further action.

(d) **Public Entertainment Licence.**

Oswald St. George Browne for Marquee at Enterkine House Hotel, Annbank, Ayr, KA6 5AL.

The Panel considered written objections, a further letter from an objector (tabled), heard from one of the objectors, from the Building Standards Surveyor and from the representative for the applicant.

Decided:

- (i) to approve this application for festive season parties and similar entertainments at any time of year including music and dancing and also for events such as displays, fashion shows, exhibitions, concerts and similar activities, for one year subject to standard conditions as previously agreed; and
- (ii) to request that an Environmental Health report be submitted to the Panel on submission of a further application.

(e) **Recall of Suspension of Taxi Vehicle Licences.**

There was submitted a report (issued to members only) of 9th November 2017 by the Head of Legal and Democratic Services advising of an appeal lodged against the Panel's decision to suspend the vehicle licences held by John Grigor.

Decided: to recall the suspension of the Taxi Vehicle Licences held by John Grigor.

The meeting ended at 10.50 a.m.