

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
24th May 2018 at 10.00 a.m.

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

Apologies: Councillors Andy Campbell and Craig Mackay.

Attending: K. Briggs, Service Lead - Legal and Licensing; H. Talbot, Acting Team Leader (Building Standards); D. Scobie, Civic Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan and Constable E. McArthur, 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.

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 26th April 2018 (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 3rd May 2018 by the Director – Place 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 stands.

The Panel heard

- (1) the Acting Team Leader (Building Standards) advise that a site visit had been undertaken on 5th April 2018 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 invite Panel Members to undertake a site visit to view the premises.

Decided: to agree

- (a) that the current Safety Certificates should remain in force until 30th June 2018;
- (b) that the revised Safety Certificates would come into force on 1st July 2018, for a period of one year; and
- (c) to carry out a site visit to Ayr Racecourse following the Summer Recess.

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

There was submitted a [report](#) (issued) of 4th May 2018 by the Director – Place 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 4th April 2018 and that all of the required assessments, surveys, certification and reports were now in place, however, maintenance works required to be completed prior to 14th July 2018 when a further inspection would be carried out to ensure all necessary works had been completed; 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 ongoing scheduled Maintenance Agreement for the upgrading of the overall stadium; and the present position in relation to the condition of the track side wall identified within the Structural Report and also the two external stairs to the main stand;
- (2) the Managing Director and the Safety and Stadium Manager of Ayr United in response to questions on the ongoing works being carried out and the timescales for these being completed.

Decided:

- (A) to agree that the current Safety Certificate should remain in force until 30th June 2018;
- (B) to agree that the revised Safety Certificate would come into force on 1st July 2018, for a period of one year;
- (C) to carry out a site visit to Somerset Park, Ayr following the Summer Recess.

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

(a) Taxi Drivers.

- (i) The Panel heard a representation from Police Scotland and from the applicant, Christopher Tyson, in response.

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

- (ii) The Panel heard from the licence holder, Andrew Chalmers and considered his request for exemption from carrying wheelchair using passengers.

Decided: to approve the request from Andrew Chalmers for exemption from wheelchair work for the remaining term of his licence.

- (iii) The Panel heard an objection from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions of Steven Scott Oliver was then circulated and the Panel heard from Police Scotland in relation to this.

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 considered the application from John Charles Stewart.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

- (v) The Panel considered the application from Peter Batton McNair.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

- (vi) The Panel heard an objection from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions was then circulated and the Panel heard from Police Scotland in relation to this and from the applicant, Steven James McLaughlin, in response.

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

(b) **Second Hand Car Dealer.**

Michael John Hanna for Unit C1, Olympic Business Park, Dundonald, Kilmarnock, KA2 9BE.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

The meeting ended at 10.55 a.m.