

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
29 August 2024 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Alan Lamont and Duncan Townson.

Present Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Attending: K. Briggs, Service Lead – Legal and Licensing; L. McChristie, Co-ordinator (Licensing); C. Carroll, Co-ordinator (Housing Policy and Strategy); D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet Officer; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Also Attending: Sergeant S. Syme, Police Scotland.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Co-ordinator (Licensing) called the Sederunt for the meeting and having called the roll, confirmed that 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 12 June 2024 (Special) and 29 June 2024 (issued) were submitted and approved.

3. Update by Civic Licensing Standards Officer.

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2024 (1 April to 30 June), compared to the same period in 2023 as follows:-
 - (a) 7% failure rate for the twenty seven Taxi Vehicles tested and two vehicles which failed; compared to 19% in 2023 when twenty seven Taxi Vehicles had been tested and five had failed; and
 - (b) 3% failure rate for the thirty five Private Hire Vehicles tested and one failure as opposed to 17% in 2023 when twenty nine vehicles had been tested and five had failed;

- (2) referred to the significant decrease in fails for both Taxi and Private Hire Vehicles during this period which was welcomed;
- (3) highlighted the various reasons for the vehicles failing the test;
- (4) advised that the Licensing Team had been extremely busy processing applications for both Civic and Liquor Licensing this year; outlined the statistics for these applications which included music festivals, gala days, community events and charity fundraising days; and advised that the Licensing Team worked closely with the organisers of these events to ensure that all the relevant documentation, including all safety documentation was provided to facilitate these events;
- (5) advised that the Ayr Show next weekend had been in process for the last nine months with various services within South Ayrshire Council working together to deliver this event;
- (6) outlined that the first multi-agency meeting had taken place this year regarding firework displays which included Police Scotland, Strathclyde Fire and Rescue, Environmental Health, NHS and organisers from Girvan, Ayr and Troon; that early engagement was welcomed with those planning to hold a fireworks event to ensure that all relevant parties had the opportunity to report on these events as public safety was paramount; and
- (7) advised that the Licensing Team dealt with many other types of civic applications such as Street Traders, Late Hours Catering, Second Hand Car Dealers and Second Hand Dealers with thirty eight licences granted from January 2024 until now; that the Licensing Team also dealt with Public Processions and the notification process for this type of event; that the Team was very busy, especially approaching the festive season for events including Christmas Fayres and Markets, therefore early engagement would be appreciated for all types of licences to ensure the processing of applications.

Comments were made by Members in relation to the success of The Open at Royal Troon; the large number of applications which were processed by the Licensing Team; and the decrease in Taxi and Private Hire failure rates being welcomed.

The Panel, having commended the Licensing Team for their work,

Decided: to note the update from the Civic Licensing Standards Officer.

Variation in Order of Business

In terms of Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

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 following two items, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 14 of Part 1 of Schedule 7A of the Act.

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

(a) **Taxi Driver Licence**

The Panel heard from Police Scotland in relation to the suspension of the licence previously held by Jack Grigor.

The Co-ordinator (Licensing) advised that on 30 July 2024 the Chief Governance Officer had suspended Mr Grigor's licence under delegated powers on the grounds that the carrying on of the licensed activity, is causing, or is likely to cause, a threat to public safety.

The Panel

Decided: in the absence of Mr Grigor, to suspend the licence previously held by him with immediate effect in terms of Paragraph 11(2)(a) and (2)(c) of Schedule 1 of the Act as, in their opinion, the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity, is causing, or is likely to cause, a threat to public safety.

(b) **Private Hire Vehicle Licence**

The Panel heard from the Civic Licensing Standards Officer and from the Fleet Officer in relation to the application from the licence holder Allahyar Sultani, to grant an extension to his current vehicle licence.

The Panel

Decided: to grant an additional twelve months to Mr Sultani's current licence subject to the conditions that an additional test be carried out on his vehicle after six months; and that any advisory matters be rectified and the Licensing Team be notified of this within a reasonable timescale.

(c) **Short Term Lets**

(i) **7 Churchill Tower, Ayr**

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from two of the objectors and from the applicant's representative in relation to the above application.

Following a comment from one of the objectors that he had emailed all Panel Members regarding this application and had not received a response, a Member advised that the Members of the Panel were unable to respond to applicants or objectors on specific applications.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Six Members voted for the Motion, two Members voted against the Motion and one Member abstained.

The Panel

Decided: to approve this application subject to standard conditions as previously agreed and subject to the condition that there be a curfew on the use of the balcony, to be agreed between the applicant and the Co-ordinator (Housing Policy and Strategy).

Adjournment

The time being 11.30 a.m., the Panel adjourned for ten minutes.

Resumption of Meeting

The meeting resumed at 11.40 a.m.

(ii) 7 Donnini Court, Ayr

The Panel heard from the Co-ordinator (Housing Policy and Strategy) and from the applicant's representative in relation to the above application.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Seven Members voted for the Motion and two Members voted against the Motion.

The Panel

Decided: to approve this application subject to standard conditions as previously agreed and subject to the applicant's contact details being provided to all neighbours.

Short Term Lets

Following discussion, the Panel agreed that a written briefing be submitted to all Members regarding the process should a complaint be received regarding a Short Term Let licence.

The meeting ended at 12.10 p.m.