

County Buildings
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5 January 2023

To:- Councillors Bell (Chair), Cavana, Clark, Connolly, Dixon, Kilbride, Kilpatrick, Mackay and Townson.

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (LICENSING)

You are invited to participate in the above hybrid webcast Panel to be held on **Thursday 19 January 2023 at 10.00 a.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Prestwick Room.

This meeting will be held on a hybrid basis, remotely and in County Hall and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of:
 - (a) 1 December 2022; and
 - (b) 14 December 2022 (Special)(copies herewith).
3. Civic Licensing Standards Officer Update.
- 4./

4. Civic Government (Scotland) Act 1982 - Applications for Licences - Consider applications for licences in respect of which adverse comments have been received in terms of the accompanying reports, namely:-

- (a) Taxi Driver.**
- (b) Private Hire Driver.**
- (c) Taxi Vehicle.**
- (d) Private Hire Vehicle**

Submit reports by Head of Legal and Regulatory Services (copies herewith - members only).

For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services, on 01292 612169, at Wellington Square, Ayr or e-mail: committeeservices@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL

Minutes of a hybrid webcast meeting of
1 December 2022 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Brian Connolly, Martin Kilbride and Duncan Townson.

Present Remotely: Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.

Apology: Councillor Alec Clark.

Attending: K. Briggs, Service Lead – Legal and Licensing; D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

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 Service Lead – Legal and 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 3 November 2022 (issued) were submitted and approved.

3. Civic Government (Scotland) Act 1982 – Late Hours Catering Licence Exemption Applications

There was submitted a [report](#) (issued) of 11 November 2022 by the Head of Legal and Regulatory Services presenting three applications requesting an exemption from the requirement to obtain a late hours catering licence for a particular occasion which required to be determined by the Panel.

The Service Lead – Legal and Licensing referred to a typographical error within the report advising that the application was for Thursday 22 December and Friday 23 December 2022.

The Panel

Decided:

- (1) to accept the three letters received from Gosschalks Solicitors, attached as Appendix 2 to the report, on behalf of their client Wm Morrison Supermarkets Ltd, all dated 27 October 2022, as applications for exemptions from the requirement to hold a late hours catering licence, in terms of Section 42(5) of the Civic Government (Scotland) Act 1982;
- (2) to grant the applications to Wm Morrison Supermarkets Ltd for exemption from the requirement to hold a late hours catering licence for Morrisons Petrol Filling Station, Duke Street, Troon; Morrisons Petrol Filling Station, Castlehill Road, Ayr; and Morrisons Supermarket, Castlehill Road, Ayr; between 23:00h and 00:00h from Thursday 22 December 2022 to Friday 23 December 2022 inclusive; and
- (3) to impose the South Ayrshire Council late hours catering conditions, under deletion of the word “licence holder” and insertion of the word “applicant” applicable to late hours catering licence, attached as Appendix 3 to the report..

The meeting ended at 10.15 a.m.

REGULATORY PANEL (SPECIAL)

Minutes of a hybrid webcast special meeting of
14 December 2022 at 10.00 a.m.

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

Present Remotely: Councillor Craig Mackay.

Apology: Councillor Mary Kilpatrick.

Attending: K. Briggs, Service Lead – Legal and Licensing; D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; C. Buchanan, Committee Services Officer; and C. McCallum, Committee Services Assistant.

Chair's Remarks

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and 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. 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.

3. Civic Government (Scotland) Act 1982 – Taxi Driver Licences

(a) The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by Patrick O'Donnell; and from the licence holder and his representative in response.

The Panel

Decided:

- (i) to suspend the licence currently held by Patrick O'Donnell with immediate effect until the expiry of the period of Disqualification Order issued by Ayr Sheriff Court under Section 40B of the Child Support Act 1991 (one year from 21 October 2022) or until the Disqualification Order has been revoked if earlier; and in terms of Paragraph 11(2)(a) of Schedule 1 of the 1982 Act as, in their opinion, the holder of the licence is no longer a fit and proper person to hold the licence; and
 - (ii) to grant delegated powers to the Service Lead – Legal and Licensing, to lift the suspension of the licence, should Police Scotland advise that the Disqualification Notice had been revoked.
- (b) The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by Dominic Bennett.

Decided: in the absence of the applicant, to suspend the licence currently held by Dominic Bennett with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier.

The meeting ended at 10.35 a.m.

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

19 JANUARY 2023

TAXI DRIVER LICENCE

1. MUHAMMAD AZHAR
2. SCOTT QUA
3. ALAN BALKELEY SHAW
4. AHAMED AZEEM MOHAMMED MOHIDEEN
5. SHAUN MCQUILLAN
6. ALEXANDER CARROLL
7. DOMINIC BENNETT

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

19 JANUARY 2023

PRIVATE HIRE DRIVER LICENCE

1. DAVID KENNEDY

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

19 JANUARY 2023

TAXI VEHICLE LICENCE

1. THOMAS WILLIAM McGHEE

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

19 JANUARY 2023

PRIVATE HIRE VEHICLE LICENCE

1. SANDRA MACNAB