

County Buildings  
Wellington Square  
AYR KA7 1DR  
Telephone No.01292 612169



20 October 2023

**To:- Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont, 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 2 November 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 meeting of 28 September 2023 (copy 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 Drivers.**
  - (b) Private Hire Drivers.**
  - (c) Taxi Vehicle.**
  - (d) Short Term Lets**

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

5. Protocol for Handling of Short Term Lets Applications at Regulatory Panel (Licensing) – Submit report by Head of Legal and Regulatory Services (copy herewith).

<p>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: <a href="mailto:committeeservices@south-ayrshire.gov.uk">committeeservices@south-ayrshire.gov.uk</a> <a href="http://www.south-ayrshire.gov.uk">www.south-ayrshire.gov.uk</a></p>
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**REGULATORY PANEL**

Minutes of a hybrid webcast meeting of  
28 September 2023 at 10.00 a.m.

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

Apology: Councillor Craig Mackay.

Attending: L. McChristie, Co-ordinator (Licensing); C. Carroll, Co-ordinator (Housing Policy and Strategy) G. Beattie, Fleet Inspector; D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Also Attending: Inspector I. McColl, 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 31 August 2023 (issued) were submitted and approved.

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

The Panel considered the proposed suspension of various licences.

**Decided:**

- (i) that, as the undernoted licence holders had not completed training, to suspend the licences held by them for their unexpired duration with immediate effect on the ground that a condition of the licence has been contravened; and to grant delegated powers to the Service Lead - Legal and Licensing to reinstate these licences once proof of completion of the training course had been exhibited:

- (A) Shahzad Ahmad;
- (B) Graham McCall;
- (C) Ewan Alexander;
- (D) Daniel James Biggar; and
- (E) Ryan Beattie;

(ii) having heard the Chair advise that the licences previously held by the following had now been surrendered, to take no further action:

- (A) Scott Frazer
- (B) Barry Cairns;
- (C) James Lynch; and
- (D) David Reid; and

(iii) having heard from the following, to grant delegated powers to the Service Lead – Legal and Licensing to suspend the licences held by them should they not submit a certificate of completion of the training course to Licensing Services within seven days of the training course taking place on 9 November 2023:

- (A) George James Ferguson;
- (B) Barrie McCurdie;
- (C) William Larson; and
- (D) Derek Cochrane.

**(b) Private Hire Driver.**

The Panel considered the proposed suspension of the licence currently held by James Billingham.

**Decided:** that as James Billingham had not completed training, to suspend the licence held by him for its unexpired duration with immediate effect on the ground that a condition of the licence has been contravened; and to grant delegated powers to the Service Lead - Legal and Licensing to reinstate this licence once proof of completion of the training course had been exhibited.

**(c) Taxi Vehicle.**

The Panel heard from the Civic Licensing Standards Officer, from the Fleet Inspector and from the licence holder, Balkar Singh, in relation to the proposed suspension of the licence currently held by him.

**Decided:** to suspend the licence currently held by Balkar Singh on the grounds that the licence holder is not or is no longer a fit and proper person to hold the licence.

**(d) Late Hours Catering.**

**TG Convenience Stores Limited For 1 Monkton Road, Prestwick, KA9 1AS**

The Panel heard from the Civic Licensing Standards Officer and from the applicant's representative.

**Decided:** to approve this application for the hours Monday to Sunday from 11.00 p.m. to 5.00 a.m., subject to standard conditions previously agreed.

**(e) Short Term Lets****85 Dalblair Road, Ayr**

The Panel heard from the Co-ordinator (Licensing), from the Co-ordinator (Housing Policy and Strategy) and from the applicant 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 Council moved to a vote for or against the Motion.

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

**Councillor Kilpatrick left the meeting at this point.**

**4. 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, 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.

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

The Panel considered the proposed suspension of various licences.

**Decided:**

- (i) having heard from Christopher William Bradley, to grant delegated powers to the Service Lead – Legal and Licensing to suspend the licence held by him should he not submit a certificate of completion of the training course to Licensing Services within seven days of the training course taking place in February 2024; and
- (ii) that, as Dillon McEwan had not completed training, to suspend the licence held by him for its unexpired duration with immediate effect on the ground that a condition of the licence has been contravened; and to grant delegated powers to the Service Lead - Legal and Licensing to reinstate this licence once proof of completion of the training course had been exhibited.

**Adjournment**

The time being 11.45 a.m., the Panel adjourned for ten minutes for a comfort break.

**Resumption of Meeting**

The meeting resumed at 11.55 a.m.

(b) **Taxi Driver.**

The Panel heard from Police Scotland and from the licence holder in relation to the proposed suspension of the licence currently held by James Ferguson Mitchell.

**Decided:** to suspend the licence currently held by James Ferguson Mitchell 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 12.10 p.m.

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**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**2 NOVEMBER 2023**

**TAXI DRIVER LICENCES**

1. **James Ferguson Mitchell**
2. **Craig Martin**
3. **Mark Peter Postlethwaite**
4. **Muhammad Azhar**
5. **Billy Govans**
6. **Steven Fitzsimmons**
7. **William Bold Moffat**



**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**2 NOVEMBER 2023**

**PRIVATE HIRE DRIVER LICENCES**

1. **Edward Allison**
2. **Alexander Macrae**
3. **Declan Maltman**
4. **Ayesha Ahmad**
5. **Mark Barnes**
6. **David James Conway Brown**

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**2 NOVEMBER 2023**

**TAXI VEHICLE LICENCE**

1. **Alba Cabs Limited and John Grigor**

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**2 NOVEMBER 2023**

**SHORT TERM LETS LICENCE**

1. 16A North Harbour Street, Ayr

**South Ayrshire Council**

**Report by Head of Legal and Regulatory Services  
to Regulatory Panel (Licensing)  
of 2 November 2023**

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**Subject: Protocol for Handling of Applications under the Civic Government (Scotland) Act 1982 at Regulatory Panel (Licensing)**

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**1. Purpose**

- 1.1 The purpose of this report is to seek approval for the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), which is attached as Appendix 2 to this report.

**2. Recommendation**

**2.1 It is recommended that the Panel:**

**2.1.1 approves the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), which is attached as Appendix 2 to this report.**

**2.1.2 requests that the Co-ordinator (Housing Policy and Strategy), arranges for publication of the approved Protocol on the Council's webpage for the Short-Term Let Licensing Scheme.**

**2.1.3 requests that the Co-ordinator (Licensing) arranges for publication of the approved Protocol on the Council's webpage for Licensing.**

**3. Background**

3.1 The Council's Housing, Operations and Development Directorate administers the Short-Term Let Licensing Scheme and the Council's Legal and Regulatory Service administers the Licensing scheme for all other applications submitted in terms of the Civic Government (Scotland) Act 1982 ("the Act").

3.2 In terms of the Council's Short-Term Let Licensing Scheme, applications which attract competent objections are required to be determined by the Regulatory Panel (Licensing), rather than by officers under delegated powers.

3.3 In terms of all other applications under the Act, there are some applications which are referred to be determined by the Regulatory Panel (Licensing), rather than by officers under delegated powers

- 3.4 For applications which are heard by the Panel in the above circumstances narrated in 3.2 and 3.3, it is considered appropriate in the interests of efficiency, transparency and good governance, to have a Protocol in place, outlining for Applicants and persons who have made a relevant objection or representation, how submissions will be heard.

#### **4. Proposals**

- 4.1 It is proposed that members approve the Protocol in Appendix 2, which sets out how Applicants and persons who have made a relevant objection or representation are permitted to speak, the duration of oral submissions, and the order in which proceedings will be heard. It is considered that this will provide clarity going forward for all parties involved in this type of application, when they come before Panel.
- 4.2 If members are minded to approve the Protocol, it is also suggested that a link to this document is added to the South Ayrshire Council web pages for Licensing and the Short-Term Licensing Scheme, to provide information on this to Applicants and persons who have made a relevant objection or representation as part of the process.

#### **5. Legal and Procurement Implications**

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

#### **6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

#### **7. Human Resources Implications**

- 7.1 Not applicable

#### **8. Risk**

##### **8.1 *Risk Implications of Adopting the Recommendations***

- 8.1.1 There are no risks associated with adopting the recommendations.

## 8.2 **Risk Implications of Rejecting the Recommendations**

If the recommendations are rejected the Panel will not have a Protocol for The hearing of applications under the Act, which could lead to inconsistencies in hearing applications and uncertainty for the Panel members, Applicants and members of the public about the order of proceedings and the length of time permitted for Applicants and persons who have made a relevant objection or representations to speak.

## 9. **Equalities**

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

## 10. **Sustainable Development Implications**

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## 11. **Options Appraisal**

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. **Link to Council Plan**

- 12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/Leadership that promotes fairness.

## 13. **Results of Consultation**

- 13.1 The Portfolio Holder for Buildings, Housing and Environment, Councillor Martin Kilbride, has been consulted and is supportive of the report.

**Background Papers : none**

**Person to Contact** Karen Briggs, Service Lead - Legal and Licensing  
County Buildings, Wellington Square, Ayr, KA7 1DR  
Phone 01292 612416  
E-mail [karen.briggs@south-ayrshire.gov.uk](mailto:karen.briggs@south-ayrshire.gov.uk)

**Date:** 24<sup>th</sup> October 2023

**South Ayrshire Council      Equality Impact Assessment Scoping**
**1. Proposal details**

Protocol for Handling Applications under the Civic Government (Scotland) Act 1982 at Regulatory Panel (Licensing)	Lead Officer Karen Briggs
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**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts**

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	-	-
People from different racial groups, ethnic or national origin.	-	-
Women and/or men (boys and girls)	-	-
People with disabilities	-	-
People from particular age groups for example Older people, children and young people	-	-
Lesbian, gay, bisexual and heterosexual people	-	-
People who are proposing to undergo, are undergoing or have undergone a process to change sex	-	-
Pregnant women and new mothers	-	-
People who are married or in a civil partnership	-	-
People who share a particular religion or belief	-	-
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	-	-

**3. Do you have evidence or reason to believe that the proposal will support the Council to:**

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	low
Promote equality of opportunity between particular communities or groups	low
Foster good relations between particular communities or groups	low
Promote positive attitudes towards different communities or groups	low
Increase participation of particular communities or groups in public life	low
Improve the health and wellbeing of particular communities or groups	low
Promote the human rights of particular communities or groups	low
Tackle deprivation faced by particular communities or groups	low

**4. Summary Assessment**

<b>Is a full Equality Impact Assessment required?</b> (A full EIA must be carried out on all high and medium impact proposals)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>Rationale for decision: This report is in relation to an administrative procedure for the Council Panel.</b>			
Signed : Karen Briggs , Service Lead Legal and Licensing			
Date: 24.10.23		Copy to <a href="mailto:equalities@south-ayrshire.gov.uk">equalities@south-ayrshire.gov.uk</a>	

## SOUTH AYRSHIRE COUNCIL

### PROTOCOL FOR THE HANDLING OF APPLICATIONS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AT THE REGULATORY PANEL (LICENSING)

**This Protocol sets out how oral submissions on applications under the Civic Government (Scotland) Act 1982 can be heard at the Regulatory Panel (Licensing) by members of the public.**

#### **1. How submissions can be heard at Panel.**

- 1.1 In order to be heard at the Panel Hearing, any member of the public must first have submitted a competent written representation to the Council. Parties shall be given not less than 14 days' notice of the date of the Panel hearing.
- 1.2 The notice will provide a hyperlink to the agenda for the meeting and a copy of the relevant Panel papers for the application.
- 1.3 Only the relevant parties (applicant and persons who have made a relevant objection or representation) will be so notified. At that time, the parties will be advised that they may make a brief **5-minute** oral submission at the Panel hearing.
- 1.4 If you wish to speak at the meeting, either in person or via the internet, you must confirm your attendance, by email or in writing, as follows:-

i) **In relation to Short Term Let applications**, please confirm your attendance with the Housing Service by 7 days before the meeting. Emails must be sent to: [shorttermlets@south-ayrshire.gov.uk](mailto:shorttermlets@south-ayrshire.gov.uk). Letters must be sent to Short-term lets, Riverside House, 21 River Terrace, Ayr, KA8 0AU. Your confirmation correspondence must make clear your name, address, contact details and the application you wish to speak about.

ii) **In relation to all other types of applications**, please confirm your attendance with the Licensing Service by 7 days before the meeting. Emails must be sent to: [licensing@south-ayrshire.gov.uk](mailto:licensing@south-ayrshire.gov.uk). Letters must be sent to Licensing, County Buildings, Wellington Square, Ayr, KA7 1DR. Your confirmation correspondence must make clear your name, address, contact details and the application you wish to speak about.

Please note that if you have not confirmed by email/letter your desire to speak at the meeting within the timescales outlined above, you will not be permitted to speak, except at the discretion of the Chair of the Regulatory Panel (Licensing).

1.5 if you wish to represent another person(s) alongside your own representation, you are required to notify the Council of this under the above section 1.4 when intimating your attendance at Panel Hearing. Please note that in those circumstances, the person you would like to represent must also advise



the Council in writing that they consent to you representing them at the Panel Hearing.

## **2. What happens when an application is considered at a Panel Hearing?**

### **2.1 Order of Proceedings**

2.1.1 The procedure at the Hearing will be as follows:

- (i) Chair introduces Agenda item;
- (ii) Officer(s) of the Council, and/or where appropriate, Police Scotland or other statutory consultee, to address the Panel;
- (iii) Applicant or agent to address Panel;
- (iv) other parties to address the Panel
- (v) Panel Members may seek further clarification from any of the parties and discuss the application.;
- (vi) Panel progresses to determination of item.

### **2.2 Duration of Submissions**

2.2.1 All parties will be required to limit their submissions to no more than 5 minutes.

2.2.2 This limit may be extended, with the prior agreement of the Chairperson of the Panel, to up to 10 minutes where a group of two or more of the parties have appointed a spokesperson or representative to make the submission on behalf of the group. In such circumstances, the other parties will also be afforded up to 10 minutes to speak.

2.2.3 Where a local ward member (Councillor) addresses the Panel, this submission should not exceed 5 minutes. The Councillor should advise Committee Services of his/ her intention to make a submission in advance of the Panel meeting. Once the local ward member has made their submission they must leave the room.

2.2.4 To ensure fairness and consistency these time limits will be strictly enforced.

### **2.3 Protocol for Submissions**

2.3.1 Presenting parties must adhere to the following rules:

- (i) oral submissions shall relate to the written submissions already lodged by the person making the oral submission;
- (ii) no new information shall be submitted in the form of new lines of argument, nor in the form of any maps, diagrams, photographs, physical objects or any other documentary material;
- (iii) no witnesses shall be called;
- (iv) the submission of clearly frivolous or vexatious points, and of plainly repetitious material will not be accepted;
- (v) abusive behaviour or the making of abusive personal comments about other parties will not be accepted.
- (vi) it is not permitted to bring any photographs, plans or documentation for the benefit of the Panel nor make any electronic presentations to the Panel.