

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
30 November 2023 at 10.00 a.m.

- Present in
County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark and Martin Kilbride.
- Present
Remotely: Councillors Mark Dixon and Mary Kilpatrick.
- Apologies: Councillors Alan Lamont, Craig Mackay and Duncan Townson.
- Attending: K. Briggs, Service Lead – Legal and Licensing; L. McChristie, Co-ordinator (Licensing); D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet 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 2 November 2023 (issued) were submitted and approved.

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

The Panel heard from the Co-ordinator – Licensing in relation to the application from Neil Caldwell McGuffie.

Decided: in the absence of the applicant, to continue this application to a future meeting of this Panel to allow the applicant to attend.

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.

(b) Taxi Vehicle.

The Panel heard from the Civic Licensing Standards Officer, from the Fleet Officer and from the licence holder, Scott Vance, in response.

Decided: to take no further action in relation to this matter.

(c) Street Trader

The Panel considered the application from Ryan Stevenson for Mobile Sale of Food and Hot and Cold Drinks.

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

(d) Late Hours Catering

Muhammad Qadeer and Syed Munir Hussain – T/A Bombay Cuisine (Daniel McGiffen, Galloway & Ayrshire Partnership LLP) for 104b Dalrymple Street, Girvan

The Panel heard from the applicant's representative in relation to the above application.

Decided: to approve the above application, the approved hours being every Monday to Wednesday inclusive from 11.00 p.m. to Midnight and every Thursday to Sunday inclusive from 11.009 p.m. to 1.00 a.m.

(e) Second Hand Dealer

Vision Leisure Vehicles Ltd and John Ireland Frew for Eldo House, Monkton Road, Prestwick

The Panel considered the above application.

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

(f) Late Hours Catering Exemptions

There was submitted a report (issued) of 17 November 2023 by the Head of Legal and Regulatory Services presenting two 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 Panel

Decided:

- (1) to accept the two letters received from Gosschalks Solicitors, attached as Appendix 2 to the report, on behalf of their client Wm Morrison Supermarkets Ltd, both dated 17 November 2023, 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; and Morrisons Petrol Filling Station, Castlehill Road, Ayr; between 23:00h and 00:00h from Thursday 21 December 2023 to Saturday 23 December 2023 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..

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 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.

5. Civic Government (Scotland) Act 1982 - Licences

(a) Late Hours Catering

Flakes Prestwick Ltd and Kashif Ali for Flakes, 124 Main Street, Prestwick

The Panel heard a representation 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, Kashif Ali, in response.

Decided: to refuse this application as, in their opinion, the applicant, as a Director of the business is not a fit and proper person to hold the licence.

Adjournment

The time being 11.10 a.m., the Panel adjourned for ten minutes.

Resumption of Meeting

The meeting resumed at 11.20 a.m.

(b) Taxi Drivers.

- (i) The Panel heard from the Civic Licensing Standards Officer, from the complainant and from the licence holder, Raymond Joseph Cunningham in response.

Decided: that Mr Cunningham undertake the Taxi Driver Training Course at Ayr College within six months of the date of this meeting to ensure that he was aware of his responsibilities as a Taxi Driver in order for public safety to be maintained.

Following discussion of the above matter, the Panel requested that the Taxi Drivers' Association be written to reminding its members of their responsibilities to wheelchair users.

- (ii) The Panel heard from Police Scotland and from the applicant, Tony Condy, in response.

Decided: to refuse this application as, in their opinion, the applicant is not a fit and proper person to hold the licence

- (iii) The Panel heard from Police Scotland and from the representative for the applicant, Scott Mitchell, in response.

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

(c) Private Hire Driver.

The Panel heard from Police Scotland and from the representative for the applicant, Robert Clark, in response.

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

The meeting ended at 12.30 p.m.