

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
31 October 2024 at 10.00 a.m.

- Present in County Hall: Councillors Alan Lamont (Chair), Ian Cavana, Alec Clark, Mark Dixon and Craig Mackay.
- Present Remotely: Councillor Mary Kilpatrick.
- Apologies: Councillors Martin Kilbride, Lee Lyons and Duncan Townson.
- Attending: K. Briggs, Service Lead – Legal and Licensing; C. Carroll, Service Lead - Housing Strategy and Regeneration; T. Burns, Service Lead - Asset Management and Community Asset Transfer; L. McChristie, Co-ordinator (Licensing); R. Campbell, Estates Transformation Co-ordinator; S. Yeardley, Transformation Co-ordinator (Assets); R. Lee, Co-ordinator (Development Management), Planning; 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 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 [18 September 2024 \(Special\)](#) (issued) were submitted and approved.

As only two Members were present who had been in attendance at the meeting of [26 September 2024](#), it was agreed that these minutes be continued to the next meeting of this Panel for approval.

3. Variation of Street Trading Licences

There was submitted a [report](#) (issued) of 15 October 2024 by the Director of Housing, Operations and Development seeking approval to vary the street licences indicated in the plans attached in Appendix 1 to the report, to allow these sites to be marketed for street traders for a period of 1 year.

Questions were raised and responded to by the Service Lead – Asset Management and Community Asset Transfer in relation to the definition of a "mobile sauna"; the proposed site in Prestwick; whether these identified sites had been open to the market; and how the booking system for mobile saunas would operate.

Comments were made by Members that consultation should take place with local Ward Members and the relevant Portfolio Holder before marketing.

The Panel

Decided:

- (1) to agree to vary the Street Trader licences for the successful bidders for the locations shown in Appendix 1 to the report, to allow them to trade at these locations for the duration of the tendered period; and
- (2) that consultation should be undertaken with the relevant Portfolio Holder and Ward Members prior to the sites included in the report being marketed.

4. Civic Government (Scotland) Act 1982 – Licences

(a) Short Term Lets

(i) 3C Dunchattan Grove, Troon

The Panel heard 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 Panel moved to a vote undertaken by electronic means for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion and accordingly, the Panel

Decided: to approve this application subject to standard conditions as previously agreed.

(ii) 8 Rowallan Court, South Beach Road, Troon

Having heard from the Co-ordinator (Licensing), the Panel

Decided: that, at the request of the applicant's representative, consideration of this application be continued to a future meeting of this Panel to allow further information to be obtained.

(iii) 2nd Floor, 61 Alloway Street, Ayr

The Panel heard from the Co-ordinator (Housing Policy and Strategy) , the Co-ordinator (Licensing), the Co-ordinator (Development Management), and from the applicant's representative and adjourned at 11.10 a.m. for consideration of this application.

Upon reconvening at 11.30 a.m., the Co-ordinator (Licensing) advised that she had given Panel Members legal advice on the options available to them when determining this application.

The Panel

Decided: that, having considered the position of the planning authority and its policies to be a relevant part of the licensing process and of this application; and having sought clarification from the applicant's representative and the Co-ordinator (Development Management) regarding the position of a planning application in respect of the property; that the use of the property as a short term let is likely to breach planning control if granted. Therefore, taking all of the information relevant to this application into account, including both written and verbal submissions, the Panel considered that the ground of refusal under Paragraph 5(3)(d) of Schedule 1 of the 1982 Act is met, ie that there is other good reason for refusing the application, as planning permission is required and not held. Accordingly the application was refused.

The applicant's representative then requested a Statement of Reasons for the decision reached and this was granted.

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.

5. Update from Civic Licensing Standards Officer

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the third quarter of 2024 (1 July to 30 September), compared to the same period in 2023 as follows:-
 - (a) 26% failure rate for the thirty nine Taxi Vehicles tested and ten vehicles which failed; compared to 14% in 2023 when thirty six Taxi Vehicles had been tested and five failed; and
 - (b) a 7% failure rate for the sixty Private Hire Vehicles tested and four failures as opposed to 22% in 2023 when sixty vehicles had been tested and thirteen failed;
- (2) advised that this was a disappointing increase in taxi vehicles failing the test and a decrease in private hire vehicles failing the inspection which was positive;
- (3) advised that the ten Taxi fails included nine classed as Repair Immediately (Major Defects) and one South Ayrshire Council Fail Sheet; and that in the same period in 2022 and 2023, five Taxi fails had all been classed Repair Immediately (Major Defects);

- (4) outlined that the four Private Hire Vehicle fails had included three classed as Repair Immediately (Major Defects) and had failed on South Ayrshire Council Fail Sheet and one failed only on South Ayrshire Fail Sheet; in the same period in 2023 thirteen Private Hire Vehicles had failed with three classed as Repair immediately (Major Defects), nine failed on items on the South Ayrshire Fail sheet and one was a refusal to inspect (due to the inspector not being able to open the boot of the vehicle); and in In the same period in 2022, five fails were recorded, three were classed as Repair Immediately (Major Defects) and two failed on items on the South Ayrshire Fail sheet;
- (5) outlined the reasons for the failures for the Taxi Vehicles which were between one year and nine years old; and for the failures of the Private Hire Vehicles which ranged from brand new to seven years old;
- (6) advised that all operators who failed a test would continue to be monitored; and that any operator failing a test with “do not drive” would continue to be cited to this Panel; and
- (7) advised that the next training course would be held on Thursday 7 November 2024.

Concerns were raised by Members regarding the reasons for failures and a request was made that a letter be sent by the Licensing Team to taxi operators reminding them of their responsibilities.

The Panel, having expressed disappointment at the increase in failure rates of Taxi Vehicles,

Decided:

- (a) to note the update from the Civic Licensing Standards Officer; and
- (b) to request that the Licensing Team issue a letter to taxi operators reminding them of their responsibilities.

6. Civic Government (Scotland) Act 1982 – Licences

(a) Taxi Driver Training

The Panel considered the proposed suspension of various licences as the licence holders had not completed the mandatory training.

The Panel

Decided:

- (i) having heard from the Civic Licensing Standards Officer, 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) Campbell Rae Hendry;
- (B) Vincent Keane;
- (C) John Stuart Dennis;
- (D) Sean Newell Livingston Thomson;
- (E) Keiran Ferguson; and
- (F) John Boyle;

- (ii) having heard the Chair advise that the following had surrendered their licences, to take no further action in relation to these licence holders:
 - (A) Jamie Murray; and
 - (B) Clive Martin McIndoe; and
- (iii) having heard the Chair advise that reminders sent to Michelle Thomson had been sent to an old email address, to agree to continue this matter to a future meeting of this Panel to allow a reminder to be sent by post to Ms Thomson.

(b) Late Hours Catering

Tanveer Iqbal for 45 Fort Street, Ayr

Having heard from the Co-ordinator (Licensing), the Panel

Decided: at the request of the applicant's representative, to continue consideration of this application to a future meeting of this Panel to allow further information to be sought on the objector's concerns regarding noise issues and to obtain a representation from Environmental Health Service.

7. 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 item, 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.

8. Civic Government (Scotland) Act 1982 – Licences

(a) Late Hours Catering

Ghulam Mustafa for 124 Main Street, Prestwick

Having heard from the Co-ordinator (Licensing) and from the applicant, the Panel

Decided: to approve the licence, the approved hours being every Friday and Saturday from 11.00 p.m. to 2.00 a.m., subject to standard conditions as previously agreed until 11 January 2026 when the applicant's right to work expired and to grant delegated powers to the Service Lead – Legal and Licensing to issue the licence for the remainder of the three years upon confirmation that Mr Mustafa had the right for work.

(b) Review of Metered Taxi Fares

There was submitted a [report](#) (issued) of 25 October 2024 by the Chief Governance Officer seeking approval to review metered fares for taxis and proposing a new fare scale.

Discussion then took place regarding the press advertisement and any adverse comments and the Co-ordinator (Licensing) confirmed that any adverse comments would be submitted to a future meeting of this Panel for consideration.

The Panel, having reviewed the existing scales for metered fares for taxis, as detailed in Appendix 1 to the report,

Decided:

- (1) to propose new maximum scales for fares, as detailed in Appendix 2 to the report;
- (2) to request officers to advertise the proposed scales in a newspaper circulating in the local authority area;
- (3) in the event of there being no adverse representations received, to grant delegated authority to the Service Lead – Legal and Licensing, to fix the scales as proposed and to give notice of the scales and date of commencement of the scales, in a newspaper circulating in the local authority area; and
- (4) in the event of there being adverse representations received, to request officers to bring back a further report to Panel, to consider those representations.

The meeting ended at 12.20 p.m.