

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
18 January 2024 at 10.00 a.m.

Present in
County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark and Alan Lamont.

Present
Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apologies: Councillors Mark Dixon, Martin Kilbride 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.

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 30 November 2023 (issued) were submitted and approved.

3. Update from Civic Licensing Standards Officer

The Civic Licensing Standards Officer outlined

- (1) that the Council's contract with Arnold Clark for taxi and private hire testing had been terminated and that agreement had now been reached with the garage operated by Ayrshire Roads Alliance (ARA) in Crookedholm, Kilmarnock (which also carried out the taxi and private hire tests for East Ayrshire Council) and that inspections began for this Council on 3 January 2024 which was proving positive for ARA, Licensing and the taxi and private hire trade;

- (2) the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2023 (1 October to 31 December), compared to the same period in 2022 as follows:-
 - (a) 26% failure rate for the thirty eight Taxi Vehicles tested and ten vehicles which failed; compared to 9% in 2022 when thirty five Taxi Vehicles had been tested and three failed; and
 - (b) an 18% failure rate for the forty five Private Hire Vehicles tested and eight failures as opposed to 5% in 2022 when thirty eight vehicles had been tested and two failed;
- (3) that three of the taxi fails were classed as 'Do not drive until repaired (dangerous defects)' and 5 were classed as 'Repair immediately (major defects)' and that 9 out of the 10 fails were on items on the South Ayrshire Council Fail Sheet;
- (4) that one of the Private Hire Vehicles was classed as 'Do not drive until repaired (dangerous defects)' and two were classed as Repair immediately (major defects) and that all eight fails were on items on the South Ayrshire Council Fail Sheet;
- (5) that these figures showed a significant increase in fails for both taxi and private hire vehicles during this period;
- (6) outlined the figures for the final quarter in 2019 pre-pandemic; and provided pre-pandemic figures for 2019 showing that the percentage of taxi vehicles failing the test was 15% and for Private Hire was 10%.
- (7) the annual statistics for 2023 compared with 2022 with the percentage of taxi vehicles failing the test increasing from 9% to 20% and private hire increasing from 11% to 22% which was concerning;
- (7) advised that all operators who failed a test would continue to be monitored and any operators failing a test with "**do not drive**" would continue to be cited to this Panel at the earliest opportunity;
- (8) that Ayrshire College were continuing to provide training days and that the next course would be held on Thursday 8 February 2024 which was a one-day course costing £150 which was now fully booked, however, further courses were planned for March/April and June 2024;
- (9) that, following a question from a Member at the Regulatory Panel of November 2023 on whether a payment plan could be provided for drivers, Ayrshire College had been offering a payment plan for one day courses and some of the drivers had taken the opportunity to use this facility, however, the College's Finance Team had now confirmed in their 2024 update that they were no longer able to accept payment plans for taxi delegates due to the course duration being only a single day and the requirements for a payment plan called for a course duration of more than one day;
- (10) that the College had apologised for this sudden change and advised that those who already had a payment plan in place would be honoured for the February course date;
- (11) that the College would be offering the course on a more frequent basis due to the number of drivers looking to complete the training; and that grants and other funding mechanisms would be examined in place of the delayed ITA funding to support these drivers and would provide guidance on applying for this funding.

Following a question from a Panel Member on the Council's Fail Sheet, the Civic Licensing Standards Officer advised that the Fail Sheet was part of the whole test process along with the MOT and that there were around 30 items covered within the MOT and Fail Sheet.

The Panel, having expressed disappointment at the increase in failure rates of Taxi Vehicles and Private Hire Vehicles and having advised that the Panel's concerns should be stressed to the taxi and private hire representatives at the next meeting of the Taxi Forum,

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

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

(a) **Taxi Driver.**

Reference was made to the Minutes of 30 November 2023 (Page 1, paragraph 3(a)) when it had been decided, in the absence of the applicant, to continue this application to this meeting to allow the applicant to attend; and the Panel heard from the Co-ordinator – Licensing and from the applicant, Neil Caldwell McGuffie.

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

(b) **Taxi Vehicle.**

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

Decided:

- (1) to take no further action in respect of the current licence, and
- (2) in respect of any future renewal applications by Mr Colville for this vehicle, the grant of the licence will be subject to a variation of the condition relating to the testing of the vehicle to impose a three monthly testing regime of the vehicle

The meeting ended at 10.55 a.m.