

REGULATORY PANEL

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

Present in County Hall: Councillors Kenny Bell (Chair), Ian Cavana, Mark Dixon and Duncan Townson.

Present Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apologies: Councillors Alec Clark, Brian Connolly and Martin Kilbride.

Attending: K. Briggs, Service Lead – Legal and Licensing; D. Scobie, Civic Licensing Standards Officer; G. Beattie, Fleet Inspector; H. Talbot, Team Leader (Building Standards); J. McClure, Committee Services Lead Officer; and C. Buchanan, Committee Services Officer.

In Attendance Remotely: Inspector J. Logan, Police Scotland.

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 Councillor Cavana declared an interest in item 8(b)(i) of this Minute as the licence holder was known to him.

2. Minutes of Previous Meeting

The minutes of 16 June 2022 (issued) were submitted and approved.

3. Update from Civic Licensing Standards Officer

The Civic Licensing Standards Officer advised

- (1) that taxis and private hire cars must be tested at a Council approved testing station at least once per year with the Council having its own standards which, in some cases, were more stringent than an MOT;
- (2) that many cases were considered by this Panel because the vehicle had failed the test, with those failures classified as a "Do Not Drive Until Repaired (Dangerous Defects)" automatically referred to this Panel and the operator received a warning letter; and that, if the operator's vehicle failed a second time, this would usually be referred to this Panel;

- (3) that the decision of this Panel was often to vary a licence to require additional tests so that the Panel was satisfied that the vehicle was safe, however, in extreme cases or if there were multiple failures, the Panel may suspend the licence with immediate effect as the priority was public safety and the vehicle should be well maintained all year round;
- (4) that previous Panels had requested a regular update on failure statistics on a quarterly basis to monitor levels of failure within the trade, with the last update being April 2022;
- (5) outlined the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2022, from 1 April to 30 June 2022 compared to the same period in 2021:
 - (a) 7% failure rate for the twenty seven Taxi Vehicles tested and two vehicles which failed; compared to 12% in 2021 when twenty five Taxi Vehicles were tested and three failed; and
 - (b) a 3% failure rate for the thirty three Private Hire Vehicles tested and one fail as opposed to 14% last year when twenty nine vehicles were tested and four failed;
- (6) advised that there had been a slight decrease in failure rates for both taxis and private hire vehicles during this period which was encouraging, however, all operators whose vehicles failed a test would continue to be monitored and any operator failing a test with "Do Not Drive" would continue to be cited to this Panel; and
- (7) detailed the reasons for the vehicles failing the test.

The Panel, having noted its pleasure at the reduction in the number of fails, thanked the Civic Licensing Standards Officer for her update.

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

(a) **Taxi Drivers**

- (i) The Panel heard from Police Scotland and from the applicant, Coen Urquhart, in response.

Decided: to continue consideration of this application to a future meeting of this Panel until the outcome of the Court trial was known.

- (ii) The Panel considered the proposed suspension of various licences.

Decided: that as the undernoted licence holders had not completed training, to grant delegated powers to the Service Lead - Legal and Licensing to suspend the licences held by the following for their unexpired duration with immediate effect; 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) Colin Nixon;
- (B) Simon O'Loughlin;
- (C) Angus Black; and
- (D) Jamie McClure.

(b) Private Hire Drivers

The Panel considered the proposed suspension of various licences.

Decided: that as the undernoted licence holders had not completed training, to grant delegated powers to the Service Lead - Legal and Licensing to suspend the licences held by the following for their unexpired duration with immediate effect; 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) Ross Marshall;
- (B) Pushpinder Singh; and
- (C) Philip Hutchinson.

(c) Taxi Vehicle

Reference was made to the Minutes of 16 June 2022 (Page 3, paragraph 5(a)) and the Panel heard from the Civic Licensing Standards Officer, the Fleet Inspector and from the applicant in relation to the proposed suspension of the licences currently held by Daniel Charles Christie (Registration No. SF64 HLY, Plate 36; Registration No. SF15 CZG, Plate 103; and Registration No. SF13 NDJ, Plate 136).

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion.

Decided: not to suspend the licences held by Mr Christie, however, to agree that Mr Christie's three vehicles as outlined above should continue to be tested every four months until June 2023.

5. Variation in order of business

In terms of Council Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

6. Civic Government (Scotland) Act 1982 - Licences**(a) Public Entertainment****(i) Grain Exchange – South Ayrshire Council and Joan Elliot for premises at 77-81 High Street, Ayr**

The Panel heard from the applicant's representative and from the Team Leader (Building Standards) in relation to this application.

Decided: to approve this application for three years, the approved hours being 9.00 a.m. to 11.00 p.m. daily, subject to standard conditions as previously agreed.

(b) **Late Hours Catering**

Alina Gabriela Dragomir for premises at 26 Smith Street, Ayr

The Panel heard from the Service Lead – Legal and Licensing and the applicant's representative in relation to this application.

Decided: to approve this application, the approved hours being every Sunday to Tuesday from 11.00 p.m. to midnight; and every Friday and Saturday from 11.00 p.m. to 3.00 a.m., subject to standard conditions as previously agreed.

(c) **Street Trader**

Heather Kilcullen for private land at Palmermount Industrial Park, Dundonald

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.

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 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.

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

(a) **Private Hire Vehicle**

The Panel heard from the licence holder, Nicholas Smith, in relation to his application for exemption from displaying plates.

Decided: to grant the application for exemption from displaying plates subject to the plates being fixed inside the boot of the vehicle; window stickers being displayed on two of the back windows of the vehicle; and, should the licence holder's business model change to a normal Private Hire, he should advise the Licensing Section of this in writing and Private Hire plates should be displayed on the vehicle in the normal way.

(b) **Taxi Drivers**

- (i) The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by Ian Richard Patterson.

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

- (ii) The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by John Easdale.

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

(c) **Taxi Vehicle**

The Panel heard from the Civic Licensing Standards Officer and the Fleet Inspector in relation to the proposed suspension of the licence currently held by Zamen Ali Mirzai (Registration No. GF66 UPU, Plate 17).

Decided: to continue consideration of this matter to the next meeting of this Panel to allow the licence holder to attend.

The meeting ended at 12.30 p.m.