

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
3 November 2022 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Alec Clark, Brian Connolly, Mark Dixon and Duncan Townson.

Present Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apologies: Councillors Ian Cavana and Martin Kilbride.

Attending: K. Briggs, Service Lead – Legal and Licensing; D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and E. Moore, Committee Services Assistant.

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 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 29 September 2022 (issued) were submitted and approved.

3. Civic Government (Scotland) Act 1982 – Electronic Communications

There was submitted a report (issued) of 13 October 2022 by the Head of Legal and Regulatory Services requesting that the Panel agrees to determine to accept certain applications, objections, representations and notifications under the Civic Government (Scotland) Act 1982 by means of an electronic communication; and also to determine to give certain types of notices and reasons under the 1982 Act by means of an electronic communication.

The Panel, having welcomed this report,

Decided:

- (1) to accept by means of electronic communication,
 - (a) applications for the grant or renewal of a licence under paragraph 1 of Schedule 1 of the 1982 Act;
 - (b) objections or representations under paragraph 3 of Schedule 1 of the 1982 Act; and

- (c) notifications of a change to a licence under paragraph 9 of Schedule 1 of the 1982 Act;
- (2) to give notice under paragraphs 5,9,10,11 or 12 of Schedule 1 of the 1982 Act;
- (3) to give reasons under paragraph 17 of Schedule 1 of the 1982 Act by means of an electronic communication, subject to the terms of paragraph 16A(5) of Schedule 1 of the 1982 Act;
- (4) to accept by means of electronic communication,
 - (a) applications for the grant or renewal of a licence under Schedule 2 of the 1982 Act;
 - (b) objections or representations under paragraph 8 of Schedule 2 of the 1982 Act; and
 - (c) notifications of a change to a licence under paragraph 14 of Schedule 2 of the 1982 Act;
- (5) give notices under paragraphs 8,10,13, 14 or 15 of Schedule 2 of the 1982 Act;
- (6) give reasons under paragraph 23 of Schedule 2 of the 1982 Act by means of an electronic communication, subject to the terms of paragraph 22A(5) of Schedule 2 of the 1982 Act ; and
- (7) determines that the form of electronic communication by which applications, objections, representations or notifications may be made or given is email; that the electronic address to be used for making or giving applications, objections, representations or notifications is Licensing@south-ayrshire.gov.uk; and that an electronic signature would be sufficient means of authorisation.

4. Update by 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 2022 (1 July to 30 September), compared to the same period in 2021 as follows:-
 - (a) 14% failure rate for the thirty seven Taxi Vehicles tested and five vehicles which failed; compared to 5% in 2021 when thirty nine Taxi Vehicles had been tested and two failed; and
 - (b) an 8% failure rate for the fifty nine Private Hire Vehicles tested and five failures as opposed to 18% in 2021 when fifty one vehicles had been tested and nine failed;
- (2) advised that all operators would continue to be monitored and, if necessary, brought before the Panel; and
- (3) that all of the Taxi fails and three of the five Private Hire fails had been classed as Repair Immediately (Major Defects).

Following questions from Panel Members, the Civic Licensing Standards outlined the various reasons for vehicles failing the taxi test; advised that a meeting of the Taxi Forum would be taking place shortly when the Panel's concerns could be highlighted to those licence holders present; and referred to a checklist provided by Fleet Management which was issued to those licence holders whose vehicle had failed a test.

Panel Members thereafter reiterated that vehicles should be inspected regularly and that a daily check should be carried out of lights, tyres, etc.

The Panel, having expressed disappointment at the increase in failure rates of Taxi Vehicles and the decrease in standards of Taxi Vehicles and Private Hire Vehicles,

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

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

(a) **Taxi Drivers**

- (i) The Panel heard from the Service Lead – Legal and Licensing in relation to the application from Mark Peter Postlethwaite.

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

- (ii) The Panel heard the Service Lead – Legal and Licensing advise that the licence holder, Derek Wilson, had returned his taxi badge and would no longer be operating as a taxi driver.

Decided: to suspend the licence held by Derek Wilson for its unexpired duration with immediate effect.

- (iii) The Panel heard the Service Lead – Legal and Licensing advise that the licence holder, Jamie Easdale, had outlined that he would be returning his taxi badge and would no longer be operating as a taxi driver.

Decided: to suspend the licence held by Jamie Easdale for its unexpired duration with immediate effect.

(b) Private Hire Drivers.

- (i) The Panel heard from the Service Lead – Legal and Licensing and from the licence holder, Graeme Ferguson in relation to the proposed suspension of the licence held by him as he had failed to complete the statutory training course.

Mr Ferguson advised that he had recently completed this course and had submitted the certificate to Licensing Services; and the Service Lead – Legal and Licensing advised that the certificate had not yet been received by Licensing Services.

Decided: to continue consideration of this application to the next meeting of this Panel scheduled to be held on 1 December 2022 to allow the Service Lead – Legal and Licensing to ascertain if the training certificate had been submitted to Licensing Services; however, if the certificate had been received by Licensing Services, no further action would be taken.

- (ii) The Panel heard the Service Lead – Legal and Licensing advise that the licence holder, Ian Kerr, had outlined that he would be returning his taxi badge and would no longer be operating as a taxi driver.

Decided: to suspend the licence held by Ian Kerr for its unexpired duration with immediate effect.

(c) Private Hire Vehicle

The Panel heard from the Service Lead – Legal and Licensing in relation to the application from Ingvar Ritzen.

Decided: to continue consideration of this application to a future meeting of this Panel to allow the applicant's vehicle to be re-inspected.

The meeting ended at 10.40 a.m.