

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
31 August 2023 at 10.00 a.m.

Present in
County Hall: Councillors Martin Kilbride (Chair), Ian Cavana, Alec Clark and Hugh Hunter.

Present Remotely: Councillor Craig Mackay.

Apologies: Councillors Kenneth Bell, Mark Dixon, Mary Kilpatrick and Duncan Townson.

Attending: K. Briggs, Service Lead – Legal and Licensing; L. McChristie, Co-ordinator (Licensing); C. Carroll, Co-ordinator (Housing Policy and Strategy) M. Wright, Fleet Officer; D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Also Attending: Sergeant S. Syme, Police Scotland.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting;
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live; and
- (3) welcomed Councillor Hugh Hunter to his first meeting of this Panel and thanked Councillor Brian Connolly for his contribution during his time on the Panel.

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.

Councillor Cavana later declared an interest at item 4(a)(iii) of these minutes on realising that the applicant was known to him and left the meeting during consideration of this application.

2. Minutes of Previous Meeting

The **minutes** of 22 June 2023 (issued) were submitted and approved.

3. Update by Civic Licensing Standards Officer.

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2023 (1 April to 30 June), compared to the same period in 2022 as follows:-
 - (a) 19% failure rate for the twenty seven Taxi Vehicles tested and five vehicles which failed; compared to 7% in 2022 when twenty seven Taxi Vehicles had been tested and two had failed; and
 - (b) 17% failure rate for the twenty nine Private Hire Vehicles tested and five failures as opposed to 3% in 2022 when thirty three vehicles had been tested and one had failed;
- (2) referred to the significant increase in fails for both Taxi and Private Hire Vehicles during this period which was very concerning;
- (3) highlighted the various reasons for the vehicles failing the test;
- (4) advised that Taxis and Private Hire Cars must be tested at a Council approved testing station at least once a year; that the Council had its own standards which in some cases were more stringent than an MOT test; and that, in many cases the licence holder would come to Panel if the vehicle had failed the test;
- (5) outlined that, if the failure had been classified as “do not drive until repaired (dangerous defects)” the operator would automatically be referred to the Panel; that if the fail was classified as “repair immediately (major defects)”, the operator would receive a warning letter; and that, if the operator failed a second time, then they would usually be referred to the Panel;
- (6) advised that the Panel, in many cases, would vary the licence to require additional tests so that the Panel was satisfied that the vehicle was safe; and that in extreme cases, or if there were multiple failures, the Panel may suspend the licence with immediate effect as the Panel’s priority was public safety and all vehicles should be well maintained all year; and
- (7) outlined that previous Panels had requested an update on failure statistics on a quarterly basis to monitor levels of failure within the trade; and that the last update had been provided in April 2023.

The Panel, having expressed its disappointment at the increase in failure rates, having outlined that the Panel’s primary concern was public safety; and having stated that licence holders required to ensure that their vehicle was roadworthy at all times,

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

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

(a) **Taxi Drivers.**

- (i) The Panel heard from the Co-ordinator (Licensing) and considered the application from Talib Afghan Yaar.

Decided: to continue consideration of this application to allow further information to be sought.

- (ii) The Panel heard from the Co-ordinator (Licensing) and from the representative for the licence holder, James McCracken Caddis, in relation to his exemption request for Mobility Assistance Duties.

Decided: to approve the application for an exemption under section 166 of the Equality Act 2010 and grant this exemption for the duration of Mr Caddis' current licence and the duration of any future licences held by him.

Having stated that the applicant was known to him, Councillor Cavana declared an interest in this application and left the meeting during consideration of this matter.

- (iii) The Panel heard from the Co-ordinator (Licensing) and from the licence holder, Lorimer John Shaw, in relation to his exemption request for Mobility Assistance Duties.

Decided: to approve the application for an exemption under section 166 of the Equality Act 2010 and grant this exemption for the duration of Mr Shaw's current licence.

Councillor Cavana re-joined the meeting at this point.

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

Decided:

- (A) that as the undernoted licence holders had not completed training, to suspend the licences held by the following 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:

- (I) Robert Arwyn Jones;
- (II) Hubert Matuszewski;
- (III) Martin Dolan;
- (IV) Lauren Agnes White;
- (V) Robert McIntosh; and
- (VI) Thomas Gilmour; and

- (B) having heard the Chair advise that the licence previously held by Jennifer Rennie had now been surrendered, to take no further action.

(b) Private Hire Driver.

The Panel heard from the Co-ordinator (Licensing), from Police Scotland and from the applicant, Robert Fry, in response; and adjourned for consideration of this application.

Upon reconvening, the Panel

Decided: to approve this application for one year, subject to standard conditions previously agreed.

(c) Taxi Vehicle.

The Panel heard from the Co-ordinator (Licensing) in relation to the application from Catherine Marie Wilkie.

Decided: to note that this application had been granted, however, no details of the vehicle had been provided; and that this matter may be submitted to a future meeting of this Panel for consideration should these details not be forthcoming.

(d) Private Hire Vehicle.

The Panel heard from the Civic Licensing Standards Officer and from the applicant, Paul Armstrong in response in relation to his application for an extension to his licence until such time as a new vehicle was available to him.

Decided: to approve an extension of the licence held by Paul Armstrong for a period of one year, subject to the vehicle undergoing tests in December 2023 and in June 2024; and subject to any advisory matters from these tests being dealt with and proof of this being submitted to the Licensing Section.

(e) Street Trader**Matt Purrington for Mobile Sale of Hot and Cold Food, Snacks and Drinks**

The Panel heard from the Co-ordinator (Licensing) in relation to this application.

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

5. 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 item, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

Short Term Lets

(i) **47 Ayr Road, Prestwick**

The Panel heard from the Co-ordinator (Licensing), from the Co-ordinator (Housing Policy and Strategy), from the applicant and from the objectors in relation to the above application.

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

(ii) **1A Cassillis Street, Ayr**

The Panel heard from the Co-ordinator (Licensing) in relation to the above application.

Decided: to continue consideration of this application to a future meeting of this Panel to await the outcome of the planning application.

The meeting ended at 12.20 p.m.