

## **REGULATORY PANEL**

Minutes of a hybrid webcast meeting of  
2 November 2023 at 10.00 a.m.

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

Present Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apology: Councillor Mark Dixon.

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

Also Attending: Inspector I. McColl, 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 Alan Lamont to his first meeting of this 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.

### **2. Minutes of Previous Meeting**

The [minutes](#) of 28 September 2023 (issued) were submitted and approved.

### **3. 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 2023 (1 July to 30 September), compared to the same period in 2022 as follows:-
  - (a) 14% failure rate for the thirty six Taxi Vehicles tested and five vehicles which failed; compared to 14% in 2021 when thirty seven Taxi Vehicles had been tested and five failed; and

- (b) a 22% failure rate for the sixty Private Hire Vehicles tested and thirteen failures as opposed to 5% in 2022 when fifty nine vehicles had been tested and five failed;
- (2) advised that in 2022 and 2023, the five Taxi fails were all classed as “repair immediately (major defects); that of the thirteen fails for Private Hire Vehicles in 2023, three had been classed as “repair immediately (major defects)”, nine had failed on items on the South Ayrshire Fail Sheet and one had been a refusal to inspect (due to the inspector not being able to open the boot of the vehicle); and in the same period in 2022 for Private Hire Vehicles, of the five fails recorded, three had been classed as “repair immediately (major defects)” and two had failed on items on the South Ayrshire Fail Sheet;
- (3) advised that all operators who 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
- (4) outlined that the next training course scheduled to be held on 9 November 2023 was now fully booked with twenty drivers undertaking training; and that the next available course would be Thursday 8 February 2024, however, Ayrshire College had confirmed that there was no further ILA funding available.

Following a question from a Panel Member on whether those licence holders whose vehicle had failed the test would be required to attend this Panel, the Civic Licensing Standards Officer advised that the Panel had previously decided that any licence holder with a vehicle which had failed with a “do not drive” would be cited to attend this Panel; and any licence holder whose vehicle failed with less severity would receive a warning letter, however, should their vehicle fail a subsequent test, they would then be cited to attend this Panel.

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

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

#### **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.

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

##### **(a) Taxi Drivers.**

The Panel considered the proposed suspension of various licences.

##### **Decided:**

- (i) to note that, as William Bold Moffat had surrendered his licence, no further action would be taken;

(ii) 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) Craig Martin;
- (B) Mark Peter Postlethwaite;
- (C) Muhammad Azhar; and
- (D) Billy Govans; and

(iii) having heard Steven Fitzsimmons advise that he was booked on the training course taking place on 9 November 2023, not to suspend his licence, however, to grant delegated powers to the Service Lead – Legal and Licensing to suspend the licence held by him should he not submit a certificate of completion of the training course to Licensing Services within seven days of the training course taking place.

**(b) Private Hire Drivers.**

The Panel considered the proposed suspension of various licences.

**Decided:**

(i) to note that, as Edward Allison had surrendered his licence, no further action would be taken;

(ii) to note that, as the following licence holders had completed training, to take no further action:-

- (A) Alexander Macrae; and
- (B) Ayesha Ahmad;

(iii) 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) Declan Maltman;
- (B) Mark Barnes; and
- (C) David James Conway Brown.

**(c) Taxi Vehicle.**

The Panel heard from the Co-ordinator – Licensing in relation to the application from Alba Cabs Limited and John Grigor.

**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 following two items, 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.

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

(a) **Taxi Drivers.**

- (i) The Panel heard from the Co-ordinator – Licensing, from Police Scotland and from the applicant, James Ferguson Mitchell.

**Decided:** to refuse this application for renewal on the grounds that, in their opinion, the applicant was not a fit and proper person to hold the licence.

- (ii) Reference was made to the Minutes of 28 September 2023 (Page 4, paragraph 5(b)), when it had been decided to suspend the licence currently held by James Ferguson Mitchell with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier.

**Decided:** having refused the licence holder's renewal application at 6(a)(i) above, the Panel noted that this suspension hearing had now fallen.

(b) **Short Term Lets**

**16A North Harbour Street, Ayr**

The Panel heard from the Co-ordinator (Licensing), from the Co-ordinator (Housing Policy and Strategy) and from the applicant's representative in relation to the above application and the Panel adjourned for consideration of this application.

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow the required documentation to be circulated to the applicant and their representative.

6. **Protocol for Handling of Applications under the Civic Government (Scotland) Act 1982 at Regulatory Panel (Licensing)**

There was submitted a [report](#) (issued) of 24 October 2023 by the Head of Legal and Regulatory Services seeking approval of the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), is attached as Appendix 2 to the report.

The Panel

**Decided:**

- (1) to approve the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), attached as Appendix 2 to the report;

- (2) to request that the Co-ordinator (Housing Policy and Strategy), arrange for publication of the approved Protocol on the Council's webpage for the Short-Term Let Licensing Scheme; and
- (3) to request that the Co-ordinator (Licensing) arrange for publication of the approved Protocol on the Council's webpage for Licensing.

The meeting ended at 11.20 a.m.