

County Buildings  
Wellington Square  
AYR KA7 1DR  
Telephone No.01292 612169



9 May 2024

**To:- Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont, Mackay and Townson.**

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (LICENSING)**

You are invited to participate in the above hybrid webcast Panel to be held on **Thursday 23 May 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

**Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Prestwick Room.**

This meeting will be held on a hybrid basis, remotely and in County Hall and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

**CATRIONA CAVES**  
Chief Governance Officer

**B U S I N E S S**

1. Declarations of Interest.
2. Minutes of previous meeting of 25 April 2024 (copy herewith).
3. Vehicle Ages – Temporary Extension – Submit report by Chief Governance Officer (copy herewith).
- 4./

#### 4. Business Under Civic Government (Scotland) Act 1982:

- (a) Short Term Lets
- (b) Taxi Driver.
- (c) Private Hire Driver.
- (d) Driver Training.
- (e) Late Hours Catering.

**(relevant information for each item – Members Only)**

For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services, on 01292 612169, at Wellington Square, Ayr or e-mail: [committeeservices@south-ayrshire.gov.uk](mailto:committeeservices@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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**REGULATORY PANEL**

Minutes of a hybrid webcast meeting of  
25 April 2024 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); D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet Officer; and J. McClure, Committee Services Lead Officer.
- In Attendance: Sergeant D. Markin, Police Scotland.

**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 14 March 2024 (issued) were submitted and approved.

**3. Civic Licensing Standards Officer Update**

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the first quarter of 2024 (1 January to 31 March), compared to the same period in 2023 as follows:-
  - (a) 28% failure rate for the twenty nine Taxi Vehicles tested and eight vehicles which failed; compared to 19% in 2023 when thirty two Taxi Vehicles had been tested and six had failed; and

- (b) 9% failure rate for the forty six Private Hire Vehicles tested and four failures as opposed to 29% in 2022 when thirty eight vehicles had been tested and eleven had failed;
- (2) highlighted the various reasons for the vehicles failing the test;
- (3) advised that there had been an increase in Taxi Vehicles failing the inspection over this quarter compared with the first quarter of 2023, however, she was pleased to report that the percentage of Private Hire Vehicles failing the inspection had decreased for this quarter;
- (4) advised that all operators would continue to be monitored and, if necessary, brought before the Panel;
- (5) advised that today's training course was full and the next course would run on Thursday 6 June 2024; and
- (6) advised that the Licensing Team was extremely busy dealing with a significant number of applications for Public Entertainment Licences for events across the spring and summer, eg Ayr Agricultural Show, Carrick Lowland Gathering, Ballantrae festival of food and drink, Pavilion Festival, The Open Championships, several funfairs and many other events in South Ayrshire, with an application also expected for the Air Show later in the year.

The Panel, having expressed its disappointment at the increase in failure rates of Taxi Vehicles; and having outlined that applications for Public Entertainment Licences should be submitted with as much notice as possible in advance of the event,

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

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

##### (a) **Short Term Lets**

Having heard from the Chair, the Panel

**Decided:** to note that the three Short Term Lets applications on the agenda would be considered at a later date.

##### **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.

##### (b) **Taxi Vehicle**

The Panel heard from the Civic Licensing Standards Officer, the Fleet Officer and from the representative for the licence holder, Charles Cunningham in relation to the proposed suspension of his licence.

**Decided:** to take no action at this time.

(c) **Private Hire Vehicle**

- (i) Having heard from the Chair, the Panel

**Decided:** to note that the application from Edward Holloway for exemption from displaying plates and door stickers on his vehicle, had been withdrawn.

- (ii) The Panel heard from the Civic Licensing Standards Officer, the Fleet Officer and from the licence holder, William Gibson in relation to the proposed suspension of his licence.

**Decided:** to take no action at this time.

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 items of business on this minute, 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.

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

(a) **Proposed Suspensions**

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

**Decided:** in the absence of the licence holder, to suspend the licence currently held by Masood Sultanee with immediate effect in terms of Paragraph 11(2)(a) and (2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 as, in their opinion, the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity, is causing, or is likely to cause, a threat to public safety.

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

**Decided:** in the absence of the licence holder, to suspend the licence currently held by Nicholas James Krasewitz with immediate effect in terms of Paragraph 11(2)(a) and (2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 as, in their opinion, the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity, is causing, or is likely to cause, a threat to public safety.

(b) **Taxi Drivers.**

- (i) The Panel heard from the Civic Licensing Standards Officer and from the licence holder, Abdul Rauf Hasan in relation to the proposed suspension of his licence.

Councillor Clark, seconded by Councillor Kilbride, moved that the Panel take no action at this time, however delegated powers be granted to the Service Lead – Legal and Licensing to suspend his licence for its unexpired duration should he not provide proof of completion of the training course on 6 June 2024.

By way of Amendment, Councillor Bell, seconded by Councillor Kilpatrick, moved that the licence be suspended with immediate effect on the grounds that the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity, is causing, or is likely to cause, a threat to public safety.

On a vote being taken by electronic means, two Members voted for the Amendment and six voted for the Motion which was accordingly declared carried and the Panel

**Decided:** to take no action at this time, however delegated powers be granted to the Service Lead – Legal and Licensing to suspend his licence for its unexpired duration should he not provide proof of completion of the training course on 6 June 2024.

- (ii) The Panel heard from the Civic Licensing Standards Officer and from the licence holder, Iwan Kulakowski in relation to the proposed suspension of his licence.

**Decided:** to suspend the licence currently held by Iwan Kulakowski immediately for its unexpired duration as, in their opinion, the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity, is causing, or is likely to cause undue public nuisance or a threat to public order or public safety

The meeting ended at 11.30 a.m.

**South Ayrshire Council**

**Report by Chief Governance Officer  
to Regulatory Panel (Licensing)  
of 23 May 2024**

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**Subject: Taxi and Private Hire Vehicle age limits**

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**1. Purpose**

- 1.1 The purpose of this report is to seek an extension to the recent decision of the Regulatory Panel (Licensing) on 14<sup>th</sup> March 2024 to temporarily extend the upper age limit of taxis and private hire vehicles from 31<sup>st</sup> May 2024 to 11<sup>th</sup> October 2024.

**2. Recommendation**

**2.1 It is recommended that the Panel:**

- 2.1.1 grant an extension of the vehicle age limits to 11<sup>th</sup> October 2024 for the licence holders of taxi and private hire vehicles:**
- (a) currently holding an extension authorised by the Licensing service, following the Panel decision of 14<sup>th</sup> March 2024, subject to authorisation by Licensing including any required testing in terms of paragraph 2.1.3**
  - (b) whose vehicles have reached or will reach their upper age limit in terms of Council policy between 14<sup>th</sup> March 2024 and 11<sup>th</sup> October 2024, who have advised Licensing of their intention to utilise the extension, and subject to authorisation by Licensing, including any required testing in terms of paragraph 2.1.3**
- 2.1.2 if members agree to the temporary extension in terms of paragraph 2.1.1 above, request that the Co-ordinator (Licensing) advises the taxi and private hire trade of this temporary extension and requests that licence holders who (a) currently hold an extension and (b) whose taxi or private hire vehicles will reach the current age limit before 11<sup>th</sup> October 2024, contact Licensing if they wish to utilise this extension so the necessary arrangements can be made**
- 2.1.3 if members agree to the temporary extension in terms of paragraph 2.1.1 above, grant delegated powers to the Service Lead – Legal and Licensing to determine if any further vehicle testing is required in each circumstance.**

### **3. Background**

- 3.1 At the Regulatory Panel (Licensing) meeting on 14<sup>th</sup> March 2024, members were advised of a request from the Taxi and Private Hire Forum that an update of the Council Policy be considered, namely that (1) the age limit for first registering a vehicle as a taxi or private hire vehicle is increased from 4 years to 5 years; and (2) the age limit at which a taxi or private hire vehicle must cease to be used as such in South Ayrshire is increased.  
Councillor Kilbride, as the Chair of the Forum, agreed that a Report should be prepared for Cabinet to consider this request for a change to the current policy.
- 3.2 Given the current challenging economic environment and difficulties experienced by licence holders Councillors Kilbride and Bell requested that a temporary extension to the upper vehicle age limits be considered by the Regulatory Panel (Licensing), to grant all vehicles which reach the current age limit before 31<sup>st</sup> May 2024 a temporary extension until the 31<sup>st</sup> May 2024 to allow them to continue to trade. This was agreed by Regulatory Panel (Licensing) on 14<sup>th</sup> March 2024.
- 3.3 The report which will be considered at Cabinet is currently being drafted with information being provided by various departments in the Council. It has not yet been finalised and will not be ready to be considered by Cabinet on 21<sup>st</sup> May 2024. It is now proposed that it will be heard at Cabinet on the 25<sup>th</sup> September 2024.

### **4. Proposals**

- 4.1 It is proposed that the vehicle age limits are extended to 11<sup>th</sup> October 2024 for:
- licence holders who currently hold an extension authorised by the Licensing service, following the Panel decision of 14<sup>th</sup> March 2024 subject to authorisation by Licensing including any required testing in terms of paragraph 4.2 below , and
  - licence holders whose vehicles have reached or will reach their upper age limit in terms of Council policy between 14<sup>th</sup> March 2024 and 11<sup>th</sup> October 2024, who have advised Licensing of their intention to utilise the extension, and subject to authorisation by Licensing, including any required testing in terms of paragraph 4.2 below.
- 4.2 It is also proposed that, due to the varying times when inspections and MOT's are due, to grant delegated authority to the Service Lead – Legal and Licensing to determine if any further vehicle testing is required for any vehicle utilising the extension.

### **5. Legal and Procurement Implications**

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.



## **6. Financial Implications**

6.1 There are no financial implications arising from this report.

## **7. Human Resources Implications**

7.1 Not applicable

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### **8.2 *Risk Implications of Rejecting the Recommendations***

If the recommendations are rejected the taxi and private hire licence holders whose vehicles reach the upper age limit soon would not be able continue using their vehicle and may cease to use their licence or they may substitute another vehicle onto their licence at considerable cost when Cabinet may permanently extend the vehicle age limit in September 2024.

## **9. Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

## **10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## **11. Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## **12. Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/Leadership that promotes fairness.

## **13. Results of Consultation**

13.1 The Portfolio Holder for Buildings, Housing and Environment, Councillor Martin Kilbride, has been consulted and is supportive of the report.

**Background Papers**    **Report Regulatory Panel (Licensing) 14<sup>th</sup> March 2024**  
[https://www.south-ayrshire.gov.uk/media/11465/Agenda-Item-4-Temporary-Extension-to-Vehicle-Age-Limits/pdf/Item\\_4\\_REGLIC140324\\_Vehicle\\_Age\\_Limits.pdf?m=1710148241073](https://www.south-ayrshire.gov.uk/media/11465/Agenda-Item-4-Temporary-Extension-to-Vehicle-Age-Limits/pdf/Item_4_REGLIC140324_Vehicle_Age_Limits.pdf?m=1710148241073)

**Current Policy for the Operation and Testing of Private Hire Vehicles - <https://www.south-ayrshire.gov.uk/media/3191/Operation-And-Testing-Of-Taxis-And-Private-Hire-Cars/pdf/licensingtaxipolicy.pdf?m=1636448893810>**

**Person to Contact**    **Karen Briggs, Service Lead - Legal and Licensing**  
**County Buildings, Wellington Square, Ayr, KA7 1DR**  
**Phone 01292 612416**  
**E-mail [karen.briggs@south-ayrshire.gov.uk](mailto:karen.briggs@south-ayrshire.gov.uk)**

**Date: 17<sup>th</sup> May 2024**

## South Ayrshire Council Equality Impact Assessment Scoping

## 1. Proposal details

Taxi and Private Hire vehicle age limits	Lead Officer Karen Briggs
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**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts**

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	-	-
People from different racial groups, ethnic or national origin.	-	-
Women and/or men (boys and girls)	-	-
People with disabilities	-	-
People from particular age groups for example Older people, children and young people	-	-
Lesbian, gay, bisexual and heterosexual people	-	-
People who are proposing to undergo, are undergoing or have undergone a process to change sex	-	-
Pregnant women and new mothers	-	-
People who are married or in a civil partnership	-	-
People who share a particular religion or belief	-	-
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	-	-

**3. Do you have evidence or reason to believe that the proposal will support the Council to:**

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	low
Promote equality of opportunity between particular communities or groups	low
Foster good relations between particular communities or groups	low
Promote positive attitudes towards different communities or groups	low
Increase participation of particular communities or groups in public life	low
Improve the health and wellbeing of particular communities or groups	low
Promote the human rights of particular communities or groups	low
Tackle deprivation faced by particular communities or groups	low

## 4. Summary Assessment

<b>Is a full Equality Impact Assessment required?</b> (A full EIA must be carried out on all high and medium impact proposals)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>Rationale for decision: This report is in relation to an administrative procedure for the Council Panel.</b>			
Signed : Karen Briggs , Service Lead Legal and Licensing			
Date: 17.5.24		Copy to <a href="mailto:equalities@south-ayrshire.gov.uk">equalities@south-ayrshire.gov.uk</a>	

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**23 MAY 2024**

**SHORT TERM LETS LICENCES**

1. 14B North Harbour Street, Ayr
2. 14D North Harbour Street, Ayr
3. 16A North Harbour Street, Ayr

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**23 MAY 2024**

**TAXI DRIVER LICENCES**

1. **Mark Robert Kennedy**

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

23 MAY 2024

PRIVATE HIRE DRIVER LICENCES

1. MOHAMMAD ARSALAN JAVED
2. PETER AJOKU

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**23 MAY 2024**

**DRIVER TRAINING**

1. JOSHUA GIBREAL
2. ROBERT PETERS
3. SIMANPREET SINGH
4. GREG ROBERT TUNNOCK
5. CONSTANTINOS GRIVAS
6. BRIAN O'ROURKE
7. CHRISTOPHER COBURN
8. REECE COX
9. NADEEM ABDI
10. ZAFER YILDRIM
11. GLEN EDWARDS LOGAN
12. JAMES MEEK
13. PATRICK FERGUSON
14. LOUISE ANNE MUIR
15. MOHAMMAD KONBOS
16. MOHAMMAD SHAFI
17. MARK ANTONY SHEARER
18. DAWID SPOZOWSKI
19. WILLIAM BLACKLAW
20. PAUL WILLIAM TYNAN

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**23 MAY 2024**

**LATE HOURS CATERING LICENCE**

1. **SPICE CUBES, 64 SANDGATE, AYR, KA7 1BX**