

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.