

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
23 January 2025 at 10.00 a.m.

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

Present Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apology: Councillor Lee Lyons.

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

Also Attending: Inspector I. McColl and D. Hastings, 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 28 November 2024 (issued) were submitted and approved.

3. Civic Licensing Standards Officer Update

The Civic Licensing Standards Officer outlined

- (1) the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2024 (1 October to 31 December), compared to the same period in 2023 as follows:-
 - (a) 27% failure rate for the thirty seven Taxi Vehicles tested and ten vehicles which failed; compared to 26% in 2023 when thirty eight Taxi Vehicles had been tested and ten failed; and

- (b) a 7% failure rate for the forty three Private Hire Vehicles tested and three failures as opposed to 18% in 2023 when forty five vehicles had been tested and eight failed;
- (2) that two of the taxi fails were classed as 'Do not drive until repaired (dangerous defects)' and eight were classed as 'Repair immediately (major defects);
- (3) that two of the Private Hire Vehicles were classed as 'Repair immediately (major defects)' and one failed on items on the South Ayrshire Council Fail Sheet;
- (4) that the statistics showed that Taxi figures had not changed for this period, however, there had been a significant decrease in fails for Private Hire Vehicles during this period;
- (5) the figures for the final quarter in 2019 pre-pandemic;
- (6) the annual statistics for 2024 compared with 2023 with the percentage of taxi vehicles failing the test increasing from 20% to 23% and private hire decreasing from 22% to 7% which was concerning;
- (7) that for the pre-pandemic figures for 2019 compared with 2024, the percentage of Taxi Vehicles failing the test was 15% and for Private Hire was 10%;
- (8) the annual figures for Taxi Vehicles and Private Hire Vehicles for 2019 to 2024; and
- (9) 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 at the earliest opportunity.

The Panel

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

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

(a) **Late Hours Catering**

(i) **45 Fort Street, Ayr**

The Panel heard from the Environmental Health Officer and from the applicant's representative and adjourned for consideration of this application.

Upon reconvening, the Panel

Decided: to continue consideration of this application to a future meeting of this Panel.

(ii) **124B Main Street, Prestwick**

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

The Panel

Decided: to grant the above application subject to standard conditions as previously agreed, the approved hours being every Sunday to Thursday from 11.00p.m. – 12.00a.m; and every Friday and Saturday from 11.00p.m. – 2a.m. (Grocery Store).

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 four 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 Driver Licence**

- (i) The Panel heard from the Co-ordinator (Licensing) and from Police Scotland regarding the application from John Compton.

The Panel

Decided: in the absence of the applicant, to refuse this application, in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds that the applicant was not a fit and proper person to hold the licence.

- (ii) The Panel

Decided: to note that, as the above application had been refused, the proposed suspension of the licence held by John Compton would now fall.

- (iii) The Panel heard from Police Scotland and from the representative for the licence holder, Balwant Singh Sandhu, in relation to the proposed suspension of the licence currently held by him.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Seven Members voted for the Motion and one Member voted against the Motion and the Panel

Decided: to reinstate Balwant Singh Sandhu's licence.

- (v) The Panel heard from Police Scotland and from the representative for the licence holder, Colin Jamieson, in relation to his renewal application.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

Councillor Kilpatrick left the meeting at this point.

Adjournment

The time being 11.40 a.m., the Panel adjourned for fifteen minutes.

Resumption of Meeting

The Panel resumed at 11.55 a.m.

(b) Taxi Driver Complaints

- (i) The Panel heard from the Civic Licensing Standards Officer and from the licence holder, Kevin Woolway, in relation to the complaint against him.

Councillor Mark Dixon, seconded by Councillor Duncan Townson, moved that Mr Woolway complete an additional training course at Ayrshire College within six months of today's date, following which he should advise the Licensing Team of completion of this training.

By way of Amendment, Councillor Alec Clark, seconded by Councillor Martin Kilbride, moved that Mr Woolway be issued with a warning letter regarding his conduct with regard to this incident.

On a vote being taken by electronic means, four Members voted for the Amendment and three Members voted for the Motion. The Amendment was accordingly declared carried and the Panel

Decided: that that Mr Woolway be issued with a warning letter regarding his conduct with regard to this incident.

Councillor Duncan Townson left the meeting at this point.

Councillor Ian Cavana declared an interest at this point for the next item as it had become apparent that he had been in communication with the licence holder's wife on another matter. He left the meeting at this point.

Councillor Alan Lamont declared an interest at this point for the next item as it had become apparent that the complainant was known to him. He left the meeting and Councillor Martin Kilbride took the Chair at this point.

- (ii) The Panel heard from the Civic Licensing Standards Officer, from the complainant and from the licence holder, Alexander Collins, in relation to the complaint.

The Panel

Decided: to vary the terms of Mr Collins' licence such that he should undertake another training course at Ayrshire College within six months of today's date; and thereafter, advise the Licensing Team when he had completed this training.

Councillor Alan Lamont resumed the Chair at this point.

Councillor Ian Cavana rejoined the meeting at this point.

(c) Taxi Vehicle Licence

The Panel heard from the Civic Licensing Standards Officer, in relation to the proposed suspension of the licence currently held by Andrew Young.

The Panel

Decided: that Mr. Young's vehicle should be re-tested within eight weeks of today's meeting and, thereafter, the vehicle should be tested every four months from the first re-test for the duration of any licence for this vehicle.

(d) Short Term Lets

(i) 8 Rowallan Court, South Beach Road, Ayr

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

The Panel

Decided: to refuse this application on the basis of any other good reason, being planning permission was required for the use of the property as a short term let but not held.

(ii) Orchard Flat, 2D Racecourse View, Ayr

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

The Panel

Decided: to undertake an accompanied site visit to the premises, at a date and time to be arranged.

The meeting ended at 1.45 p.m.