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03 March 2022

**To:- Councillors Connolly (Chair), I. Campbell, Cavana, Clark, Fitzsimmons, Kilpatrick, McGinley, Mackay and Toner.**

**All other Members for Information Only**

**Dear Councillor**

### **REGULATORY PANEL**

You are invited to participate in the above Panel to be held on **Thursday, 17 March 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held remotely and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

**Yours sincerely**

**CATRIONA CAVES**  
**Head of Legal, HR and Regulatory Services**

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

1. Declarations of Interest.
2. Minutes of previous meeting of 20 January 2022 (copy herewith).
3. Civic Licensing Standards Update.
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**4. Civic Government (Scotland) Act 1982 - Applications for Licences - Consider applications for licences in respect of which adverse comments have been received in terms of the accompanying reports, namely:-**

- a) Taxi Fare Review (To follow).**
- b) Taxi Driver**
- c) Private Hire Vehicle**
- d) Late Hours Catering**

**Submit reports by Head of Legal, HR and Regulatory Services (copies herewith - 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)  
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**REGULATORY PANEL.**

Minutes of a remote webcast meeting of  
20 January 2022 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Ian Cavana, Alec Clark, Mary Kilpatrick, Craig Mackay, Brian McGinley and Margaret Toner.

Apologies: Councillors Iain Campbell and Ian Fitzsimmons.

Attending: M. Douglas, Team Leader (Licensing); D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet Inspector, Fleet Management; and J. McClure, Committee Services Lead Officer.

In Attendance: Inspector I. McCall and Sergeant S. Syme, Police Scotland.

**Chair's Remarks.**

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

**1. Declarations of Interest.**

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 25 November 2021 (issued) were submitted and approved.

**3. Update by Civic Licensing Standards Officer.**

The Civic Licensing Standards Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2021 compared to the same period in 2020 (1 October to 31 December) were as follows:-
  - (a) 18% failure rate for the forty four Taxi Vehicles tested and eight vehicles which failed; as opposed to 9% in 2020 when thirty five Taxi Vehicles were tested and three failed; and
  - (b) a 9% failure rate for the forty four Private Hire Vehicles tested and four failures as opposed to 2% in 2020 when forty two vehicles were tested and one failed;
- (2) that this showed a significant increase in both Taxis and Private Hire Vehicles failing their tests;

- (3) that one of the fails for taxis was classed as “do not drive until repaired (dangerous defects)”; four of the fails were classed as “repair immediately (major defects)”; and three of the fails for Private Hire Vehicles were classed as “repair immediately (major defects)”;
- (4) that the annual statistics for 2021 compared with 2020 showed that the percentage of Taxi Vehicles failing the test had remained the same at 13% and Private Hire Vehicles had increased from 9% to 11%;
- (5) that all operators whose vehicle failed the test would continue to be monitored; and
- (6) that the College was continuing to provide training days with the next course being held on Wednesday 9 February 2022, which was a one day course costing £135. Drivers could apply for funding through My World of Work.

Having expressed their disappointment at the increase in failure rates, Panel Members thanked the Civic Licensing Standards Officer for her update.

### **Adjournment of Meeting**

During consideration of the above matter the meeting was adjourned and the recording paused for ten minutes due to the Chair having connectivity issues. The meeting resumed at 10.18 a.m.

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

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

- (i) The Panel heard from the Team Leader (Licensing) and the applicant, Gareth Hazlett, in relation to his application.

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

- (ii) Reference was made to the Minutes of 25 November 2021 (Page 2, paragraph 7(a)) when the Panel had decided to continue consideration of the application from Patrick Welsh to allow further information to be sought. The Panel heard from the Team Leader (Licensing) in relation to this application.

**Decided:** to note that Mr Welsh had now withdrawn his application.

## **5. Variation in order of business**

In terms of Council Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

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

### (a) Taxi Drivers

The Panel heard from Police Scotland and from the applicant, Craig Martin in response.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed; and subject to Mr Martin undertaking and passing the training course within six months of receiving his licence.

### (b) Street Trader.

**Brian Samuel Darroch for Mobile Trading Selling Hot Filled Rolls, Burgers, Chips, Pasta, Pies, Homemade Curry, Tea, Coffee, Soft Drinks – Burger/Food Van**

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

### (c) Taxi Vehicles.

(i) The Panel heard from the Civic Licensing Standards Officer and the Fleet Inspector; and from the licence holder, Daniel Christie, in response in relation to the proposed suspension of the licences held by him (19/00854/HCVL, YD67 YFB, Plate 39; 19/00041/HCVL, SF CZG, Plate 103; and 20/00517/HCVL, SF13 NDJ, Plate 136). The Panel also considered a written submission from Mr Christie.

**Decided:** to take no further action.

(ii) The Panel heard from the Civic Licensing Standards Officer and from the Fleet Inspector; and from the licence holder, John Grigor, in response in relation to the proposed suspension of the licences held by him (19/00943/HCVL, SG10 AYR, Plate 151; 19/00942/HCVL, JG10 AYR, Plate 152; and 19/00945, AY12 UTD, Plate 153). The Panel also considered a written submission from Mr Grigor.

**Decided:** not to suspend the licences held by Mr Grigor, however, to agree that Mr. Grigor's three vehicles as outlined above should be tested six monthly for one year, the test taking place in June 2022.

## 7. 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 of business on the agenda, 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.

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

**Taxi Drivers**

The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by Ross Tait.

**Decided:** to suspend the licence held by Ross Tait with immediate effect for its unexpired duration as he is no longer a fit and proper person to hold the licence; and the carrying on of the activity is likely to cause a threat to public safety.

The meeting ended at 11.55 a.m.

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**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**17 MARCH 2022**

**TAXI DRIVER LICENCE**

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1.	<b>Jamie Rennie</b>	Suspension – 19/00644/HCDL  Licence granted 16 August 2019 until 15 August 2022
	<b>Licensing</b>	Failure to complete Training
2.	<b>Colin Saxton</b>	Suspension – 19/00520/HCDL  Licence granted 9 July 2019 until 8 July 2022
	<b>Licensing</b>	Failure to complete Training

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**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**17 FEBRUARY 2022**

**PRIVATE HIRE VEHICLE LICENCE**

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|----|----------------------------|--|
| 1. | <b>PALPINDER SINGH</b>     | Suspension – 19/01002/PHVL<br><br>GJ18 KNO – Plate 46<br><br>Licence granted 7 January 2020 until 6 January 2023     |
|    | <b>Licensing</b>           | Civic Licensing Standards Officer Report – see attached  |
| 2. | <b>MARIUSZ CZAPOROWSKI</b> | Suspension – 20/00132/PHVL<br><br>DV17 NEO – Plate 33<br><br>Licence granted 11 March 2020 until 10 March 2023       |
|    |                            | Suspension – 20/00132/PHVL<br><br>EX67 DJD – Plate 36<br><br>Licence granted 21 February 2020 until 20 February 2023 |
|    | <b>Licensing</b>           | Civic Licensing Standards Office Report – see attached   |
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**SOUTH AYRSHIRE COUNCIL****REGULATORY PANEL****17 MARCH 2022****LATE HOURS CATERING**

For the guidance of Members the current policy on Late Hours Catering is:-

All new applications for late hours catering should be advertised in the press to allow objections to be submitted.

For commercial (town centre) zones, to operate with a presumption in favour of new applications, subject to consideration of any representations/objections.

For areas outwith the commercial zones, to operate with a presumption against new applications, subject to consideration of representations.

To continue existing licence hours for premises outwith commercial zones subject to consideration of representations.

Hot food takeaway premises within commercial areas should close no later than one hour after entertainment premises.

In appropriate circumstances, having regard to premises and location, a condition should be applied requiring the Licence holder to appoint and employ door stewards.

1.	<b>KINJAL FOOD LIMITED AND KESHABRAJ BHANDARI</b>	Application SAC/LHC/178	App Rec'd 07.10.2020
	<b>Location</b>	36 Alloway Street, Ayr	
	<b>Hours applied for</b>	Monday - Sunday 11p.m. – 3.00am	
	<b>Police</b>	No objection	
	<b>South Ayrshire Council Environmental Health Service</b>	No objection	
	<b>South Ayrshire Council Planning Service</b>	No objection	