

County Buildings  
Wellington Square  
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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.
- 4./

**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)  
[www.south-ayrshire.gov.uk](http://www.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.

DRAFT

**South Ayrshire Council**

**Report by Head of Legal, HR and Regulatory Services  
to Regulatory Panel of  
17<sup>th</sup> March 2022**

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**Subject:       Review of Metered Taxi Fares**

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**1.       Purpose**

- 1.1       The purpose of this report is to seek Regulatory Panel's approval to review metered fares for taxis and propose a new fare structure.

**2.       Recommendation**

- 2.1       **It is recommended that the Panel should propose the maximum fares as detailed in Appendix 2. The proposed fare structure will then be advertised in terms of section 17 of the Civic Government (Scotland) Act 1982. Anyone may then comment on the proposed fare structure and the Panel is obliged to consider any representations received. However, if no representations are received delegated powers are requested to permit the Service Lead, Legal and Licensing to set the fare structure as proposed.**

**3.       Background**

- 3.1       The Council is obliged under section 17 of the Civic Government (Scotland) Act 1982 and section 14 of the Transport Act 1985 to fix maximum fare scales and to review these scales at intervals not exceeding eighteen months. With the consent of the taxi trade the review which was due in 2021 was postponed because of the Coronavirus pandemic. The last review was completed with an implementation date of 14<sup>th</sup> July 2019 and the current fare card is annexed – Appendix 1. Whilst obliged to carry out a review, the Council is not obliged to increase (or decrease) maximum fares.

**4.       Proposals**

- 4.1       The taxi trade has been impacted severely by the pandemic. There have been significant increases in costs for the trade in relation to fuel, maintenance, insurance and the cost of replacing vehicles. There has been consultation with all licensed operators and booking offices and the responses received are shown in Appendix 3. The proposed increases reflect the views of the trade. There are currently 110 taxis licensed in South Ayrshire which is 15% decrease in the number pre-pandemic and this reflects the pressures which the trade has been under. The increased fares are required to keep the taxi fleet sustainable.

4.2 If approved, the proposed fare structure will be advertised in the press with a proposal that the fares will come into effect on 1<sup>st</sup> May 2022. Any person may make representations in writing on the proposed fares and the Panel is obliged to consider such representations before the proposed scale is fixed.

## **5 Equalities**

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 4.

### **Person to Contact:**

Morag Douglas,  
Licensing Team Leader,  
County Buildings,  
Wellington Square,  
Ayr  
Telephone (01292) 617687  
Date 16<sup>th</sup> March 2022.



## Current Fare Card



## Civic Government (Scotland) Act 1982 and Transport Act 1985

## METERED FARES FOR TAXIS AND PRIVATE HIRE CARS

With effect from 14<sup>th</sup> July 2019 the **maximum** fares and charges are as follows:-

## JOURNEYS MADE WITHIN SOUTH AYRSHIRE

## TARIFF 1

For up to 5 passengers - Journeys beginning after 6.00am until midnight.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £3.00 |
| (2) For each additional and subsequent 78.2 yards, or part thereof, or additional waiting time of 24 seconds or part thereof. | £0.10 |

## TARIFF 2

For up to 5 passengers - Journeys beginning after midnight until 6.00am.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £4.00 |
| (2) For each additional and subsequent 78.2 yards, or part thereof, or additional waiting time of 24 seconds or part thereof. | £0.10 |

## TARIFF 3

For 6 - 8 passengers - Journeys beginning after 6.00am until midnight.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £4.50 |
| (2) For each additional and subsequent 104.3 yards or part thereof, or additional waiting time of 32 seconds or part thereof. | £0.20 |

## TARIFF 4

For 6 - 8 passengers - Journeys beginning after midnight until 6.00am.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £6.00 |
| (2) For each additional and subsequent 104.3 yards or part thereof, or additional waiting time of 32 seconds or part thereof. | £0.20 |

## CHRISTMAS &amp; NEW YEAR

For Journeys beginning after 9.00pm until midnight on 24 & 31 December, and from 6.00am until midnight on 25 & 26 December and 1 & 2 January, and for Journeys beginning after midnight until 6.00am on 25, 26 & 27 December, and on 1, 2 & 3 January.

ALL FARES WILL BE SUBJECT TO A SURCHARGE OF FARE PLUS 50%

## ADDITIONAL CHARGES

- (1) Where a taxi has been arranged, but not used by the hirer, the applicable tariff will apply.
- (2) Waiting time (per hour) £16.00
- (3) Soiling Charge – a fee is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. £60.00

## JOURNEYS MADE OUTWITH SOUTH AYRSHIRE

Such a fare, prior to the acceptance of the hire, as may be proposed to the hirer and accepted by him.

## Proposed Fare Card



## Civic Government (Scotland) Act 1982 and Transport Act 1985

## METERED FARES FOR TAXIS AND PRIVATE HIRE CARS

## JOURNEYS MADE WITHIN SOUTH AYRSHIRE

**TARIFF 1**

For up to 5 passengers - Journeys beginning after 6.00am until midnight.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £3.60 |
| (2) For each additional and subsequent 78.2 yards, or part thereof, or additional waiting time of 24 seconds or part thereof. | £0.12 |

**TARIFF 2**

For up to 5 passengers - Journeys beginning after midnight until 6.00am.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £4.80 |
| (2) For each additional and subsequent 78.2 yards, or part thereof, or additional waiting time of 24 seconds or part thereof. | £0.12 |

**TARIFF 3**

For 6 - 8 passengers - Journeys beginning after 6.00am until midnight.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £5:40 |
| (2) For each additional and subsequent 104.3 yards or part thereof, or additional waiting time of 32 seconds or part thereof. | £0.24 |

**TARIFF 4**

For 6 - 8 passengers - Journeys beginning after midnight until 6.00am.

- |   |       |
|---|-------|
| (1) For a distance not exceeding 1100 yards, or waiting time not exceeding 280 seconds.                                       | £6.76 |
| (2) For each additional and subsequent 104.3 yards or part thereof, or additional waiting time of 32 seconds or part thereof. | £0.24 |

**CHRISTMAS & NEW YEAR**

For Journeys beginning after 9.00pm until midnight on 24 & 31 December, and from 6.00am until midnight on 25 & 26 December and 1 & 2 January, and for Journeys beginning after midnight until 6.00am on 25, 26 & 27 December, and on 1, 2 & 3 January.

ALL FARES WILL BE SUBJECT TO A SURCHARGE OF FARE PLUS 50%

**ADDITIONAL CHARGES**

- (1) Where a taxi has been arranged, but not used by the hirer, the applicable tariff will apply.
- (2) Waiting time (per hour) £18.00
- (3) Soiling Charge – a fee is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. £60.00

**JOURNEYS MADE OUTWITH SOUTH AYRSHIRE**

Such a fare, prior to the acceptance of the hire, as may be proposed to the hirer and accepted by him.

**RESPONSES RECEIVED**

**South Ayrshire Taxi Owners Association**

Consensus is for 20p per mile and midnight flag fall to start at £4-50

**Mrs Catherine WilkieT/A Streamline**

We at Streamline would like to see a substantial rise as costs since covid have exploded. Diesel is up 35p per litre (25 % ) replacement vehicles are up 30% and also parts are up around 30% .

We propose £3.50 starting fare and 50p on the running mile, with waiting time at £20 per hour.

**John Kelly Premier Taxis**

I've had an opportunity to discuss the fare increase with the operators in my company and their general consensus is for a mileage rate increase of 20p per mile and a flag increase on tariff 2 to £4.50 instead of the current £4.00.

**South Ayrshire Council      Equality Impact Assessment Scoping**

**1. Proposal details**

|                  |                            |
|------------------|----------------------------|
| Taxi Fare Review | Lead Officer Morag Douglas |
|------------------|----------------------------|

**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   |                  | x                |
| People from different racial groups, ethnic or national origin.                               |                  | x                |
| Women and/or men (boys and girls)   |                  | x                |
| People with disabilities  |                  | x                |
| People from particular age groups for example Older people, children and young people         |                  | x                |
| Lesbian, gay, bisexual and heterosexual people  |                  | x                |
| People who are proposing to undergo, are undergoing or have undergone a process to change sex |                  | x                |
| Pregnant women and new mothers  |                  | x                |
| People who are married or in a civil partnership  |                  | x                |
| People who share a particular religion or belie   |                  | x                |
| Thematic Groups: Health, Human Rights, Rurality and Deprivation.                              |                  | x                |

**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><br>(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:</b><br>The increase in fares being suggested is in line with increased costs being faced by the taxi trade and is required to keep the taxi service viable as taxis provide a valuable service to the whole community. |                              |  |
|   |                              |  |

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**17 MARCH 2022**

**TAXI DRIVER LICENCE**

1. JAMIE RENNIE
2. COLIN SAXTON

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**17 MARCH 2022**

**PRIVAE HIRE VEICLE LICENCE**

1. **PALPINDER SINGH**
2. **MARIUSZ CZAPOROWSKI**

**SOUTH AYRSHIRE COUNCIL**

**REGULATORY PANEL**

**17 MARCH 2022**

**LATE HOURS CATERING LICENCE**

1. **KINJAL FOOD LIMITED AND KESHABRAJ BHANDARI**