

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
19 January 2023 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Martin Kilbride and Duncan Townson.

Present Remotely: Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.

Attending: K. Briggs, Service Lead – Legal and Licensing; D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet Inspector; J. McClure, Committee Services Lead Officer; and E. Moore, Committee Services Assistant.

Attending Remotely: Sergeant S. Syme, 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 Service Lead – Legal and 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 1 December 2022 and 14 December 2022 (Special) (issued) were submitted and approved.

3. Update by Civic Licensing Standards Officer.

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2022 (1 October to 31 December), compared to the same period in 2021 as follows:-
 - (a) 9% failure rate for the thirty five Taxi Vehicles tested and three vehicles which failed; compared to 18% in 2021 when forty four Taxi Vehicles had been tested and eight failed; and
 - (b) 5% failure rate for the thirty eight Private Hire Vehicles tested and two failures as opposed to 9% in 2021 when forty four vehicles had been tested and four failed;

- (2) highlighted the various reasons for the vehicles failing the test;
- (3) advised that all operators would continue to be monitored and, if necessary, brought before the Panel; and
- (4) advised that she had provided pre-pandemic figures from 2019 for a comparison, as requested by Members, as follows:-
 - (a) 24% failure rate for the thirty four Taxi Vehicles tested and eight vehicles which failed; and
 - (b) 9% failure rate for the forty five Private Hire Vehicles tested and four failures;
- (5) outlined the annual statistics for 2022 compared with 2021 as follows:-
 - (a) 9% failure rate for the one hundred and thirty two tests and twelve failures in 2022, compared to 13% in 2021 when one hundred and thirty five Taxi Vehicles had been tested and seventeen failed; and
 - (b) 11% failure rate for one hundred and sixty five Private Hire Vehicles tested and eighteen failures as opposed to 11% in 2021 when one hundred and fifty nine vehicles had been tested and eighteen failed;
- (6) advised that Ayrshire College was continuing its training days with the next one-day course being held on Thursday 2 February 2023 at a cost of £150 with further courses planned for 8 June and 5 October 2023;
- (7) advised that funding was available for drivers to undertake the training course through My World of Work website which must be in place prior to enrolling for the course; and that the information on My World of Work and Ayrshire College had been issued to all drivers who had yet to complete the training course.

The Panel, having expressed its pleasure at the decrease in failure rates,

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

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

(a) **Taxi Drivers**

- (i) The Panel heard from the Service Lead – Legal and Licensing in relation to the application from Muhammad Azhar.

Decided: at the request of the applicant, to continue consideration of this application to a future meeting of this Panel.

- (ii) The Panel considered the proposed suspension of various licences.

Decided:

- (A) that as the undernoted licence holders had not completed training, to suspend the licences held by the following for their unexpired duration with immediate effect on the ground that a condition of the licence has been contravened; and to grant delegated powers to the Service Lead - Legal and Licensing to reinstate these licences once proof of completion of the training course had been exhibited:
- (I) Scott Qua;
 - (II) Alan Balkely Shaw;
 - (III) Ahamed Azeem Mohammed Mohideen; and
 - (IV) Alexander Carroll; and
- (B) having heard the licence holder, Shaun McQuillan, advise that he was enrolled on the next available training course on 2 February 2023, not to suspend the licence currently held by Mr McQuillan, however delegated powers be granted to the Service Lead - Legal and Licensing to suspend his licence on the ground that a condition of the licence had been contravened, should he not provide proof of completion of the training course within seven days of undertaking this course.

Due to connectivity issues, Councillor Dixon left the meeting during consideration of the above matter.

- (iii) Reference was made to the Minutes of 14 December 2022 (Page 2, paragraph 3(b)) when the Panel had decided, in the absence of the applicant, to suspend the licence currently held by Dominic Bennett with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier; and the Panel now considered this matter in the absence of Mr Bennett.

Decided: having heard from Police Scotland, to suspend the licence previously held by Dominic Bennett with immediate effect for its unexpired duration under paragraphs 11(2)(a) and 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that, in their opinion, the licence holder is no longer a fit and proper person to hold the licence and the carrying on of the licensed activity, is likely to cause a threat to public safety.

As it had become apparent that the applicant was known to him, Councillor Clark now declared an interest in the following application:-

(b) Private Hire Driver.

- (i) The Panel heard from the Service Lead – Legal and Licensing and from the licence holder, David Kennedy, in relation to his application.

Decided: to approve this application for one year, subject to standard conditions as previously agreed; and that, following the one year duration of the licence, this licence would then be granted for two years under delegated powers, should the licence holder have no further points on his licence during the duration of the one year period of the licence.

Councillor Clark re-joined the meeting at this point.

- (ii) The Panel heard the Service Lead – Legal and Licensing advise that the licence holder, John Flynn, had now undertaken the appropriate training course and had supplied proof of completion.

Decided: to note that Mr Flynn had completed the appropriate training course and to take no further action.

(c) Taxi Vehicle

The Panel heard from the Civic Licensing Standards Officer, from the Fleet Inspector and from the applicant, Thomas William McGhee in relation to the application for the substitution of vehicle registration number Registration No. MB21 FBU, with Registration No. MF65 BXA to allow the purchase and fitting out of a new taxi to allow the transportation of a specific wheelchair using passenger.

Decided: to agree in the specific circumstances of the case, to a temporary relaxation of the Licensing Policy regarding the age requirement for vehicles; and to approve the substitution of vehicle registration number MB21 FBU, with Registration No. MF65 BXA for a period of six months to allow for the purchase and fitting out of a new taxi to allow the transportation of a specific wheelchair using passenger.

(d) Taxi Vehicle

The Panel heard from the Civic Licensing Standards Officer, from the Fleet Inspector and from the applicant, Sandra Macnab in relation to the proposed suspension of the licence currently held by Ms Macnab (Registration No. SJ70 RMY, Plate No. 118).

Decided: not to suspend the licence held by Ms Macnab and to take no further action.

The meeting ended at 11.35 a.m.