

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
23 January 2020 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Craig Mackay and Margaret Toner.

Apology: Councillor Mary Kilpatrick.

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

Also Attending: Sergeant D. Dougan, Police Scotland.

**1. Chair's Remarks.**

The Chair outlined the procedures for the hearing process pertaining to the applications on the agenda.

**2. Declarations of Interest.**

The Chair declared an interest in item 5(d) of this Minute he had previously represented the applicant and his wife; and advised that he would leave the room during consideration of this application.

**3. Minutes of previous meeting.**

The minutes of [28 November 2019](#) (issued) were submitted and approved.

**4. 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 2019 compared to the same period in 2018 (1 October to 31 December) were as follows:-
  - (a) 24% failure rate for the thirty four Taxi Vehicles tested and eight vehicles which failed; as opposed to 9% last year when thirty five Taxi Vehicles were tested and three failed; and
  - (b) a 9% failure rate for the forty five Private Hire Vehicles tested and four failures as opposed to 9% last year when forty four vehicles were tested and four failed;
- (2) that this showed an increase in Taxis failing their tests, however, there had been no change in Private Hire Vehicles failures;
- (3) that the annual statistics for 2019 compared with 2018 showed that the percentage of Taxi Vehicles failing the test had increased from 7% to 15% and Private Hire Vehicles was 10% as opposed to 8% last year which showed a concerning increase in failure rates; and

- (4) that all operators whose vehicle failed the test would continue to be monitored.

A Panel Member enquired if the testing procedure had changed which would account for the increase in the failure rate and the Civic Licensing Standards Officer advised that there had been no change to the testing procedure.

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

**Councillor Alec Clark did not participate in the following application as he was not present when the application was previously considered.**

**(a) Taxi Driver.**

Reference was made to the Minutes of 31 October 2019 (Page 2, paragraph 4(a)(ii)) when the Panel decided, by a majority, to continue consideration of this application to a future meeting of this Panel once the outcome of the court trial was known and the Panel then heard from Police Scotland and the applicant, Festim Ereqi in response.

Councillor Fitzsimmons, seconded by Councillor Mackay moved that the licence be approved for one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Cavana, moved that the application be approved for three years.

On a vote being taken by a show of hands, two Members voted for the Amendment and five for the Motion which was accordingly declared carried.

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

**(b) Taxi Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer, the Fleet Officer and the applicant's representative and adjourned for consideration of the proposed suspension of the licence held by James Caddis.

**Decided:** upon reconvening, not to suspend the licence held by James Caddis, however, his vehicle should be tested every three months for a period of one year; and delegated powers be granted to the Service Lead – Legal and Licensing to revert back to annual testing should his vehicle pass the quarterly inspections.

**(c) Private Hire Drivers.**

- (i) The Panel heard from Police Scotland and from the applicant, Daniel Lee Nelson in response.

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

- (ii) The Panel heard from the Team Leader (Licensing) and from the applicant, William Peter Murray in relation to his application.

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

**Having previously declared an interest in this application, Councillor Connolly left the room during consideration of this matter. Councillor Mackay then took the Chair.**

**(d) Private Hire Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer, the Fleet Officer and the applicant's representative in relation to the proposed suspension of the licences held by Martin Fisher for three vehicles (17/00374/PHVL, 17/00325/PHVL and 18/00799/PHVL). The Panel also viewed a video of the inspection of vehicle licence number 17/00374/PHVL and considered documents circulated by the applicant's representative.

**Decided:** not to suspend the licences held by Martin Fisher, however, the vehicle for licence number 18/00799/PHVL should be tested every four months for a period of one year. If licences 17/00374/PHVL and 17/00325/PHVL are renewed in May 2020 they should be subject to a condition that they are tested four monthly for the first year. If a vehicle is substituted to licence number 17/015050 then it is to be subject to four monthly inspections. Any further failures should be brought back to Panel for consideration.

The meeting ended at 11.15 a.m.