

**REGULATORY PANEL.**

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

- Present: Councillor Brian Connolly (Chair).
- Present Remotely: Councillors Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.
- Attending: D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and K. Hancox, Committee Services.
- Attending Remotely: M. Douglas, Team Leader (Licensing).

**1. Chair's Remarks.**

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

**2. Police Scotland.**

The Team Leader (Licensing) advised that, due to the requirement for all staff in the Licensing Section of Police Scotland in Kilmarnock to self-isolate as a staff member had contact with someone who had tested positive for Covid-19, Police Scotland could not attend this meeting.

**3. 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.

**4. Minutes of previous meeting.**

The [minutes](#) of 17 September 2020 (issued) were submitted and approved.

**5. Update from Civic Licensing Standards Officer.**

The Civic Licensing Standards Officer

(1) advised

- (a) that all taxi and private hire vehicles were required to undergo an annual test which included the standard MOT and the Council's own standards, which in some cases was higher than the MOT, however, due to the pandemic, all testing of South Ayrshire taxi and private hire vehicles had ceased at the end of March 2020 and resumed on 18 May 2020;

- (b) that the MOT system now classified test results into categories of: dangerous, major, minor, advisory and pass; and she explained each category;
- (2) outlined the recent failure statistics, namely:-
- 1 January to 23 March:  
 29 taxi vehicle tests had been carried out and 3 had failed, which was a 10% failure rate with one of the fails classed as "Dangerous – Do Not Drive Until Repaired";  
 45 private hire vehicle tests had been carried out and 3 had failed which was a 4% failure rate and that these fails were classed as "Major – Repair Immediately".
- 18 May to 30 September 2020:  
 56 taxi vehicle tests had been carried out with 11 failures which was a 20% failure rate, with 2 of these failures classed as "Dangerous – Do Not Drive Until Repaired" and 9 of these failures classed as "Major – Repair Immediately".  
 72 private hire car vehicle tests had been carried out with 12 failure which was a 17% failure rate and that 3 of these failures had been classified as "Dangerous – Do Not Drive Until Repaired" and one vehicle also had additional major defects. 9 of these failures had been classified as "Major – Repair Immediately".
- (3) referred to the recent practice of sending a warning letter to licence holders if their vehicle had failed a test and then bringing it to the attention of the Panel if a subsequent test was failed, however, the number of vehicles being presented for test in a condition which was deemed to be dangerous was very concerning;
- (4) sought approval to bring to the immediate attention of the Panel any licence holder whose vehicle was deemed dangerous, for a breach of the licence condition "to require the vehicle to be maintained in a roadworthy condition at all times";
- (5) referred to the difficulties experienced by taxi and private hire drivers over the last few months, however, stated that vehicles must be safe in order to maintain public safety; and
- (6) reported on the condition that all licence holders must complete a training course at Ayr College within six months of being granted their licence, however, as the courses were not currently available due to the College's health and safety restrictions, a request to grant a six month extension to this date was being sought from the Head of Legal, HR and Regulatory Services.

Concerns were raised by Panel Members regarding the failure rates and the reasons for these failures; comments were made regarding public safety being the Panel's priority; and regarding the Government's 6 month extension to the MOT, however, it had been stated that cars must be roadworthy; and following a question from a Member, the Team Leader (Licensing) confirmed that operators who undertook school runs had been paid a percentage of their contract by this Council during the period of lockdown when schools had been closed.

**Decided:** to agree that any licence holder whose vehicle had been deemed dangerous should be reported immediately to this Panel for breach of the conditions of their licence.

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

(a) **Taxi Drivers.**

- (i) Reference was made to the Minutes of 19 March 2020 (Page 1, paragraph 5(a)(ii)) when the Panel had decided that due to the applicant self-isolating, to continue consideration of this application to a future meeting to allow the applicant to attend; to the Minutes of 27 August 2020 (Page 2, paragraph 5(a)(ii)) when the Panel had decided that, due to the applicant having connectivity issues and being unable to join the meeting, the application be continued to a future meeting to allow the applicant to attend; and to the Minutes of 17 September 2020 (Page 2, paragraph 5) when the Panel had continued consideration of the application to allow the applicant to attend; the Panel then heard from the Team Leader (Licensing) in relation to the objection from Police Scotland to the application from Gary Eccles.

**Decided:** in the absence of the applicant, to refuse this application on the grounds that, in their opinion, the applicant was not a fit and proper person to be the holder of the licence

**Councillor Convery joined the meeting at this point.**

- (ii) The Panel heard from the Team Leader (Licensing) in relation to the application from Manvir Singh.

**Decided:** in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend.

7. **Variation in Order of Business.**

In terms of Council Standing Order No. 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

**Due to connectivity issues, Councillor Convery left the meeting at this point.**

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

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

The Panel heard from the Civic Licensing Standards Officer and from the applicant, William Lithgow in response, regarding the application for A1 Ecosse Limited and William Lithgow.

**Decided:** having heard the applicant advise that, on approval of this licence, he would be replacing his vehicle, to approve this application for three years, subject to the vehicle undergoing bi-annual testing for one year and subject to standard conditions as previously agreed.

(b) **Taxi Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer in relation to the proposed suspension of the five licences held by David McKee (19/00032/HCVL: Vehicle Registration MT14 KMF: Plate Number 156; 18/00859/HCVL: Vehicle Registration SF65 BZD: Plate Number 61; 18/00638/HCVL: Vehicle Registration SF15 GHJ: Plate Number 20; 18/01098/HCVL: Vehicle Registration SF16 DTU: Plate Number 44; and 18/00187/HCVL: Vehicle Registration SF15 CXA; Plate Number 5.

**Decided:** in the absence of the applicant, to continue consideration of this application to cite the applicant to attend.

The meeting ended at 11.00 a.m.