

REGULATORY PANEL.

Minutes of a remote meeting of
23 September 2021 at 10.00 a.m.

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

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

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

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 and that this meeting was being recorded for minuting purposes only.

The Chair welcomed Councillor Brian McGinley to his first meeting of this Panel and thanked Councillor Andy Campbell for his service on the Panel.

He also welcomed Sergeant Sheryl Syme, Police Scotland to her first meeting of this Panel.

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 26 August 2021 ([issued](#)) were submitted and approved.

3. Update from Civic Licensing Standards Officer.

The Civic Licensing Standards Officer

- (1) outlined the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2021, from 1 April to 30 June 2021 compared to the period 18 May to 30 June 2020 (18 May being the date when testing resumed due to the pandemic) as follows:-
 - (a) 12% failure rate for the twenty five Taxi Vehicles tested and three vehicles which failed; compared to 12% in 2020 when eight Taxi Vehicles were tested and one failed; and
 - (b) a 14% failure rate for the twenty nine Private Hire Vehicles tested and four failures as opposed to 9% last year when eleven vehicles were tested and one failed;

- (2) advised that all operators would continue to be monitored and, if necessary, brought before the Panel;
- (3) detailed the reasons for the vehicles failing the test; and
- (4) advised that Taxi and Private Hire Driver Training would resume at the start of November at Ayrshire College and that all 78 drivers who required to undertake this training had been written to with details of the course, the cost and how to enrol.

Various questions were raised by Members and the Panel

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

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

(a) **Taxi Drivers.**

- (i) The Panel considered the written submission from the applicant's representative in relation to the application from Peter McNair.

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

- (ii) The Panel considered the application from Ross Tait.

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

- (iii) The Panel heard from the licence holder, Steven McFadzean and considered his request for exemption from carrying wheelchair using passengers.

Decided:

(A) to approve the request from Steven McFadzean for exemption from carrying wheelchair using passengers until 30 September 2021, when his Statement of Fitness for Work expired; and

(B) to grant delegated powers to the Team Leader (Licensing) to extend the exemption from carrying wheelchair using passengers on receipt of a further Statement of Fitness for Work from Mr. McFadzean's GP.

(b) **Taxi Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer, from the Fleet Inspector and from the licence holder, Jacqueline Weir, in relation to the proposed suspension of licence numbers 18/01084/HCVL, SF65 FWL, Plate 79; and 19/00999/HCVL, SL60 PVK, Plate 52, currently held by her.

The Panel

Decided: that the Taxi Vehicle Licences should continue until their expiry with the condition that the vehicles were taken for a pre-test at the taxi test garage in Ayr prior to the taxi test and that the vehicles continued to undergo six-monthly tests.

(c) **Private Hire Car Driver.**

The Panel heard from Police Scotland and the from the licence holder, Graham Wilson, in relation to the proposed suspension of the licence held by him.

Decided: to suspend the Taxi Driver Licence held by Graham Wilson with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier.

The meeting ended at 11.25 a.m.