

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
18th June 2015 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, William J. Grant and Hugh Hunter.

Apology: Councillor Sandra Goldie.

Attending: M. Douglas, Team Leader (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

In Attendance: Inspector W. Ramsay and Sergeant D. McIntosh, Police Scotland.

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 28th May 2015 (issued) ([link attached](#)) were submitted and approved.

3. Update From Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that, since her last update in April 2015, she had now obtained the failure statistics for Taxis and Private Hire Vehicles from 1st April to 30th June 2015 compared with the same period last year;

For Taxi Vehicles

From 01/04/15 to 30/06/15 31 taxi vehicle tests were carried out and 5 vehicles failed (a failure rate of 16%) compared to 32 taxi tests being carried out and 6 failing for the same period in 2014, a failure rate of 19%, which was no significant change;

For Private Hire Vehicles

From 01/04/15 to 30/06/15 – 40 Private Hire Vehicle tests were carried out and 1 failed which was a failure rate of 3% compared to 38 tests and 7 fails during the same period in 2014, a failure rate of 18% showing a significant decrease in private hire vehicles failing the vehicle test this year which was very positive; and

- (2) that she had recently been carrying out roadside checks on Taxi Vehicles and found overall no major issues and that further roadside inspections were planned with Vehicle Emissions and Police Scotland.

Decided: to thank the Licensing Monitoring Officer for her welcome update.

4. **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.

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

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and considered the application from Paul William Houston.

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.

- (ii) The Panel heard an observation from Police Scotland and from the applicant, Grant MacDonald, in response.

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

- (iii) The Panel heard an observation from Police Scotland and from the applicant, Felix Ryan, in response.

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

- (iv) The Panel considered the application from Ronald Alexander Johnstone.

Councillor Hunter, seconded by Councillor Campbell, moved that this application be refused on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

By way of Amendment, Councillor Douglas, seconded by Councillor Cavana, moved that, in the absence of the applicant, this application be continued to a future meeting of this Panel to allow the applicant to attend.

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

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.

- (v) The Panel heard from the applicant, Thomas James Mathieson, in relation to his application.

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

6. 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 items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

7. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

Reference was made to the Minutes of 28th May 2015 (Page 4, paragraph 6) when it had been decided to continue consideration of Timothy Graham's application to this meeting to await the outcome of his trial and for him to provide a medical report and the Team Leader (Licensing) advised that Mr. Graham's GP had provided the medical report requested.

The Panel then heard from Police Scotland in relation to the trial and from the applicant in response and adjourned for consideration of this application.

Decided: upon reconvening, that this application be refused on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

(b) Private Hire Driver.

The Panel considered the letter from the GP of the licence holder, Pavle Belic, requesting that he be exempt from heavy lifting and heard from Mr. Belic in relation to this matter.

Councillor Hunter, seconded by Councillor Cavana, moved that the licence holder be granted exemption from heavy lifting for a period of one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Galbraith, moved that the licence holder be granted exemption from heavy lifting for the remaining term of his licence.

On a vote being taken by a show of hands, four Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried.

Decided: to grant Pavle Belic exemption from heavy lifting for the remaining term of his licence.

The meeting ended at 10.50 a.m.