

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
22nd January 2015 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith and William J. Grant.
- Apologies: Councillors Sandra Goldie and Hugh Hunter.
- Attending: M. Douglas, Team Leader (Licensing); R. Hannah, Acting Fleet Supervisor; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.
- In Attendance: Inspector A. Kelly, 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 meetings.

The minutes of 4th December 2014 (issued) ([link attached](#)) and 17th December 2014 (Special) (issued) ([link attached](#)) were submitted and approved.

3. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer

- (1) reported on the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2014, compared to the final quarter of 2013, as follows:-

For Taxi Vehicles

From 01/10/14 to 31/12/14 39 taxi vehicle tests were carried out and 7 vehicles failed (a failure rate of 18%) compared to 39 taxi tests being carried out and 12 failing for the same period in 2013, a failure rate of 31%, which was an improvement this year;

For Private Hire Vehicles

From 01/10/14 to 31/12/14 – 42 Private Hire Vehicle tests were carried out and 12 failed which was a failure rate of 29% compared to 38 tests and 5 fails during the same period in 2013, a failure rate of 13% showing a significant increase in private hire vehicles failing the vehicle test this year which was a concern;

- (2) advised that, compared with 2013 the percentage of Taxi Vehicles failing the test overall had decreased by 4% and Private Hire had increased by 10%.

Following questions from Panel Members, the Licensing Monitoring Officer advised that the method of inspecting the vehicles had not changed and that there were various reasons for vehicles failing the test.

Decided:

- (a) to thank the Licensing Monitoring Officer for her update; and
- (b) to request that the Licensing Monitoring Officer provide a fuller explanation on reasons for vehicles failing the test to a future meeting of this Panel.

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 from the applicant, George Sharp, in response.

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

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

Decided:

- (A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them and to grant delegated powers to the Legal and Licensing Manager to reinstate these licences once proof of completion of the training course had been exhibited:-

Kenneth Haire;
James Gilmour;
Scott O'Donnell;
Steven James Hose;
Marc McKenzie;
Findlay Donald;
George Love;
Dariusz Jedrysko; and
Michael Jennings; and

- (B) having heard from Robert Andrew Thomson, to suspend the licence held by him for its unexpired portion as he had failed to undertake the training as per the licence issued to him and to grant delegated powers to the Legal and Licensing Manager to reinstate his licence once proof of completion of the training course had been exhibited.

(b) Taxi Vehicles.

- (i) The Panel heard from the Licensing Monitoring Officer and the Acting Fleet Supervisor in relation to the proposed suspension of the operator's licence currently held by Neil Falconer and heard from the licence holder and his mechanic, Thomas Brown, in response.

Decided: not to suspend the licence held by Neil Falconer but that his vehicles should be tested on a four monthly cycle.

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

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

(c) Private Hire Car Drivers.

The Panel considered the proposed suspension of the licence held by Anthony Kyle.

Decided: having heard from the licence holder, to agree to suspend the licence held by Anthony Kyle for its unexpired portion as he had failed to undertake training as per the licence issued to him and to grant delegated powers to the Legal and Licensing Manager to reinstate his licence once proof of completion of the training course had been exhibited.

(d) Private Hire Vehicle.

The Panel considered the application from Kindertons and Shaun Ellison.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(e) Street Trader.

Ryszard Laska for sale of Candy Floss, Balloons, Wiggly Worms and Magic Whistles at High Street, Mill Street, Newmarket Street and Carrick Street, Ayr.

Decided: having heard from the applicant's son, to approve this application for three years, subject to standard conditions.

(f) Private Hire Car Drivers.

The Panel heard an observation from Police Scotland and from the applicant, William Galloway, in response.

Decided: to approve this application for three years, 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 following 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.**

The Panel heard an observation from Police Scotland and from the applicant, Derek Dunn, in response.

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

(b) **Private Hire Car Drivers.**

The Panel considered the proposed suspension of the licence held by Kenneth Williamson.

Decided: having heard the licence holder advise that he had completed three of the four sessions of the course, to continue consideration of this matter to a future meeting of this Panel to allow Mr. Williamson to complete the final session of the course.

The meeting ended at 11.15 a.m.