

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
24th August 2017 at 10.00 a.m.

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

Attending: M. Douglas, Team Leader (Licensing); K. Briggs, Legal and Licensing Manager; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Lead Officer; and Inspector J. Hamilton and Sergeant A. Jackson, Police Scotland.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct,

- (a) Councillor Connolly declared an interest in item 5(a)(vi) of this Minute as the applicant was known to him and advised that he would leave the meeting during consideration of this application; and
- (b) Councillor Cavana declared an interest in item 5(a)(iv) of this Minute as the applicant was known to him and advised that he would leave the meeting during consideration of this application.

2. Minutes of previous meeting.

The minutes of 15th June 2017 (issued) were submitted and approved.

3. Review of Metered Taxi and Private Hire Fares.

There was submitted a report (issued) of 9th August 2017 by the Executive Director – Resources, Governance and Organisation seeking approval to review metered fares for taxis.

Decided:

- (i) to approve the proposed maximum fares as follows:-

<u>Unit</u>	
• Distance not exceeding 1180 yards or for a time not exceeding 4 minutes 40 seconds	£ 2.90
• Each additional 80 yards or 24 seconds	£ 0.10
• Night-time charge (midnight to 6 a.m.) per hire	£ 1.00
• Each completed period of 48 seconds	£ 0.20
• Fouling charge	£60.00

Unit

- Christmas and New Year (from 9.00 p.m. on 24th December to 6.00 a.m. on 27th December and from 9.00 p.m. on 31st December to 6.00 a.m. on 3rd January) X 1.5 metered fare
 - 6/7/8 seater vehicles where 6, 7 or 8 passengers are carried an enhanced charge X 1.5 metered fare
 - Fares for the shared hire of metered vehicles and all other charges in connection with the shared hire of metered vehicles, or with the arrangements for their shared hire, shall not be greater than those above; and
- (ii) to advertise the proposed fare structure in the local press to allow interested parties to make representation in terms of Section 17 of the Civic Government (Scotland) Act 1982 and to request a further report to a future meeting of this Panel following publication of the proposed fares.

4. Licensing Monitoring Officer Update.

The Licensing Monitoring Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the second quarter of 2017 compared to the same period in 2016 were as follows:-
 - (a) 30% failure rate for Taxi Vehicles as opposed to 10% last year;
 - (b) a 19% failure rate for Private Hire Vehicles as opposed to 4% last year;
- (2) that this was a significant rise in failure rates which was very concerning; and
- (3) that she would continue to monitor the operators of these vehicles.

Following questions from Panel Members and having heard the Licensing Monitoring Officer then outline some of the reasons for vehicles failing and the process following failure of the test, the Panel, having expressed its concerns at the failure rates, thanked the Licensing Monitoring Officer for her report.

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

- (i) The Panel considered the request from Robert Little for exemption from carrying wheelchair using passengers.

Decided: to approve the request from Robert Little for exemption from wheelchair work for the remaining term of his licence.

- (ii) The Panel considered the request from Hugh Cowan for exemption from carrying wheelchair using passengers.

Decided: to approve the request from Hugh Cowan for exemption from wheelchair work for the remaining term of his licence.

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

Decided: to approve the request from James Caddis for exemption from wheelchair work for the remaining term of his licence.

Councillor Cavana, having previously declared an interest in the following application, left the meeting at this point.

- (iv) The Panel heard from the licence holder Lorimer Shaw and considered his request for exemption from carrying wheelchair using passengers.

Decided: to approve the request from Lorimer Shaw for exemption from wheelchair work for one year.

Councillor Cavana re-joined the meeting at this point.

- (v) The Panel heard an observation from Police Scotland and from the applicant, George Mossie in response.

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

Councillor Connolly, having previously declared an interest in the following application left the meeting at this point. Councillor Mackay then took the Chair.

- (vi) The Panel heard an observation from Police Scotland and from the applicant, Nevin McNeill in response.

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

Councillor Connolly re-joined the meeting at this point and resumed the Chair.

- (vii) The Panel heard from the applicant, Scott Vance in relation to his application.

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

(viii) The Panel considered the application from Michael McCreath.

Decided: in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel, scheduled to be held on Thursday, 21st September 2017, to allow the applicant to attend.

(ix) The Panel heard from the applicant, Ronnie McCutcheon in relation to his application.

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

(x) The Panel heard an observation from Police Scotland and from the applicant, Brian Walker in relation to his application.

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

(xi) The Panel heard an observation from Police Scotland; from the Licensing Monitoring Officer; from the applicant, Jonathan Haughey, in response and adjourned for consideration of this application.

Decided: not to suspend the licence held by Jonathan Haughey and to take no further action.

(xii) 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:-

Campbell Ingram;
Robert Henry;
Steven Clelland;
Paul Thomson;
Thomas Drohan;
Craig McQueen;
Allan Millar;
Neil Holliday;
Sandra Shankland;
Sonya Levene;
Michael Crowe;
Mark Rowe;
Craig McCullagh;
Stewart McCormack;
Alexander Aitken;
David Mitchell; and
Thomas Connor;

- (B) having heard Sandeep Singh advise that he was booked on a training course, to suspend his licence 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; and
- (C) having heard Robbie Carson advise that he no longer required his licence, to request that he return his ID badge to the Licensing Section.

(b) Taxi Vehicle Licence.

The Panel considered the proposed suspension of the licences held by John Grigor (16/00798/HCVL, 16/00799/HCVL and 16/00800/HCVL).

Decided: in the absence of the applicant, to continue consideration of this matter to the next meeting of this Panel, scheduled to be held on Thursday, 21st September 2017, to allow the applicant to attend

(c) Private Hire Drivers.

The Panel considered the proposed suspension of two licences.

Decided:

- (1) to agree to suspend the licence held by Craig McCullagh 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 this licence once proof of completion of the training course had been exhibited; and
- (2) having heard David Rodger advise that he was booked on a training course, to suspend his licence 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.

(d) Private Hire Vehicle Licence.

- (i) The Panel heard an observation from Police Scotland and from the applicant, Edward Munro in response.

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

- (ii) The Panel considered the proposed suspension of the licences held by Darren Davidson (16/00597/PHVL, 16/00599/PHVL and 16/00600/PHVL).

Decided: to suspend the three licences held by Darren Davidson as he had not presented these cars for annual inspection in terms of Condition 3 of the Private Hire Vehicle Licence.

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

Councillor Connolly, seconded by Councillor Kilpatrick, moved that the application be approved for one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Mackay, 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 six for the Motion which was accordingly declared carried.

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

(e) **Public Entertainment Licence.**

Cameron Codona, for Funfair at Tarmac Area Between Tesco and Ayr Racecourse, 2-6 Whitletts Road, Ayr, KA8 0JE.

The Panel heard from the objector, from Police Scotland and from the applicant and his wife and adjourned for consideration of this application.

Decided: upon reconvening, to approve this application from 14th to 17th September 2017 only, subject to standard conditions as previously agreed and subject to the following conditions-

- (1) that clearly identifiable marshals be provided during the event to ensure the safety and control of spectators and persons attending the event;
- (2) that emergency exits be clearly marked and signs erected;
- (3) that public safety announcements are capable of being made during the event to inform spectators of the emergency exits and to ensure crowd safety;
- (4) that the applicant has adequate public liability insurance;
- (5) that no alcohol be permitted within the proposed event area unless an Occasional Licence has been granted by the Licensing Board in accordance with provisions of the Licensing Scotland Act 2005;
- (6) that a minimum of two SIA approved stewards should provide security on weekdays and four SIA approved stewards on weekends for the area when in operation; and
- (7) that the licence holder shall meet the expenditure incurred by the employment of two Police Officers during the event between the hours of noon and 9.00 p.m.

The meeting ended at 11.40 a.m.