

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
15th February 2018 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); D. Scobie, Civic Government Licensing Standards Officer; and J. McClure, Committee Services Lead Officer; and Inspector J. Hamilton and D. Hastings, Police Scotland.

**1. Declarations of Interest.**

Councillor Campbell declared an interest in item 4(a)(ii) 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 18th January 2018 (issued) were submitted and approved.

**3. Update by Civic Government Licensing Standards Officer.**

The Civic Government Licensing Standards Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2017 compared to the same period in 2016 were as follows:-
  - (a) 8% failure rate for Taxi Vehicles as opposed to 3% last year which was concerning;
  - (b) a 13% failure rate for Private Hire Vehicles as opposed to 3% last year which was very worrying;
- (2) that from 2016 to 2017, the annual failure rates for Taxi Vehicles had increased from 6% to 15% and for Private Hire Vehicles had increased from 3% to 18%;
- (3) that she would continue to monitor vehicle operators;
- (4) that, following a decision at this Panel in November 2017, a warning letter was now issued to licence holders following one test failure;
- (5) that all Private Hire Vehicles required door stickers on the two front doors showing the plate number and "Pre-Booked Only" which this Authority provided, however, it had been brought to her attention that some licence holders were using magnetic plates with the Council logo which was worrying as the stickers were to reassure the public that the vehicle was licensed and magnetic plates could be easily removed and moved to an unlicensed vehicle;
- (6) that she had recently carried out an inspection in conjunction with Police Scotland when it was found that 2 out of 5 vehicles had magnetic stickers when inspected;

- (7) that she had advised the Council's inspecting garage that any vehicle with a magnetic sticker should fail the Council's test;
- (8) that, along with colleagues from Fleet Management, she had commenced a rolling programme of visual inspections of all private hire cars with the first 19 cars called in for checks in the last week and two vehicles found to have magnetic door stickers which had been confiscated and a further two vehicles had defects which were rectified the same day; and
- (9) that further days of action were being planned and she would report back to Panel on the outcome of these days.

**Decided:** following questions and having expressed concerns regarding the failure rates and use of magnetic stickers, to thank the Civic Government Licensing Standards Officer for her update.

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

**(a) Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland in relation to the application from David Murray.

**Decided:** in the absence of the applicant, to refuse this application 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

**Having previously declared an interest in this application, Councillor Andy Campbell left the room during consideration of this item.**

- (ii) The Panel heard an observation from Police Scotland and from the applicant, James Skilling Gough Harris, in response.

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

**Councillor Andy Campbell re-joined the meeting at this point.**

**5. 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.

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

### (a) Taxi Vehicle Licences and Private Hire Vehicle Licences.

The Panel considered the proposed suspension of the licences held by Catherine Marie Wilkie, namely Taxi Vehicle Licences (16/00771/HCVL, 16/00979/HCVL, 16/01123/HCVL and 17/00403/HCVL) and the Private Hire Vehicle Licences (16/00768/PHVL, 16/00976/PHVL, 16/00977/PHVL, 16/01182/PHVL, 17/00217/PHVL, 17/00892/PHVL, 17/00940/PHVL, 17/00941/PHVL, 17/00945/PHVL and 17/01074/PHVL).

**Decided:** at the request of the licence holder's representative, to continue consideration of this matter to a future meeting of this Panel.

### (c) Public Entertainment Licence.

#### **Charles Horne for a Funfair at Ground Beside Ayr Racecourse, 2-6 Whitletts Road, Ayr, KA8 0JE.**

The Panel heard from Police Scotland and considered a letter from an objector and heard from the applicant.

**Decided:** to approve this application from 16th to 25th March 2018 inclusive, the hours being Monday to Friday 6.00 p.m. to 9.30 p.m. and Saturdays and Sundays noon to 9.30 p.m., subject to standard conditions as previously agreed and subject to the following conditions-

- (1) that an adequate number of staff/volunteers/stewards should have knowledge of first aid procedures;
- (2) that appropriate steps must be taken to ensure that the number of patrons within the public area does not exceed the agreed capacity of the premises or venue;
- (3) that appropriate Stewarding should be in place to provide adequate control of the premises;
- (4) that the applicant should comply with all reasonable/lawful requests made by authorised officers of the Local Authority and/or Police Officers;
- (5) that the licence holder should meet the expenditure incurred by the employment of two Police Officers during the event between the hours of 6.00 p.m. and 9.00 p.m. on Friday 16th, Saturday 17th, Friday 23rd and Saturday 24th March 2018.

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

(a) **Taxi Driver.**

The Panel heard from the Team Leader (Licensing) and from the licence holder, Rodney Harris in relation to the proposed suspension of the licence held by Mr. Harris.

**Decided:** to suspend the licence held by Rodney Harris until 17th November 2018, at which time a further medical would be carried out to ascertain his fitness with delegated powers granted to the Legal Manager to reinstate Mr. Harris' licence if he met Group 2 medical standards.

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

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

(a) **Taxi Driver.**

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

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

The meeting ended at 11.00 a.m.