

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
21st June 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); R. Hannah, Acting Fleet Supervisor, Fleet Management; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan and Constable A. Kerr, 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 24th May 2018 (issued) were submitted and approved.

**3. Update from Civic Licensing Standards Officer.**

The Team Leader (Licensing) advised

- (1) that the Civic Licensing Standards Officer had continued to inspect Private Hire Vehicles with colleagues from Fleet Management, in addition to the normal statutory testing of vehicles which was now carried out by Arnold Clark on behalf of the Council;
- (2) that she had inspected a further fifty four vehicles since the April Regulatory Panel, had removed plates from five vehicles and issued three notices requiring items to be attended to immediately and a further thirteen advisory notices regarding work to be carried out in the near future; and outlined the reasons for the notices being issued;
- (3) of the number of inspections carried out overall, the notices issued and the reasons for these notices;
- (4) that drivers had been written to and advised in advance of these visual inspections which could be carried out by drivers on a daily basis and all drivers had been advised of their obligation to carry out visual checks before the start of each shift, however, it was clear from the fact that 15% of the 54 cars needed further work that these basic checks were not being carried out; and
- (5) that this worthwhile piece of work had highlighted the need to continue these inspections on a rolling basis with a similar exercise for all taxi vehicles commencing in August 2018.

**Decided:** having expressed concerns regarding the safety of these vehicles, to request that the Team Leader (Licensing) investigate the requirement for a condition being placed on licences that drivers should carry out a safety check prior to commencing work to ensure that their vehicle was roadworthy.

#### 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 a representation from Police Scotland and from the applicant, John Dawson McNish in response.

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

- (ii) The Panel heard a representation from Police Scotland and from the applicant, Lee Burns in response.

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

- (iii) Reference was made to the Minutes of 18th March 2018 (Page 3, paragraph 8(a)) when the Panel had decided to suspend Peter George Hunter's licence 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, subject to the licence holder supplying a medical report outlining his fitness to undertake his duties.

The Panel heard from the Team Leader (Licensing), considered a letter from the applicant's GP and heard from the applicant, Peter George Hunter and thereafter, adjourned for consideration of this application.

**Decided:** upon reconvening and having noted that the applicant had now completed the appropriate training course, to continue the suspension of the licence previously held by Peter George Hunter until confirmation received that the licence holder met Group 2 of medical standards.

- (iv) 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 Service Lead - Legal and Licensing to reinstate these licences once proof of completion of the training course had been exhibited:-

Michael Handling;  
Christopher John Mathieson; and  
Tracy McNally; and

- (B) having heard the Team Leader (Licensing) advise that David Rodger had now completed the training course, to take no further action in relation to this licence holder.

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

The Panel considered the proposed suspension of various licences.

**Decided:** to agree to suspend the licence held by Anne Fletcher Wiseman for its unexpired portion as she had failed to undertake training as per the licence issued to her and to grant delegated powers to the Service Lead - Legal and Licensing to reinstate this licence once proof of completion of the training course had been exhibited.

**(c) Taxi Drivers.**

- (i) Having heard from the Team Leader (Licensing) regarding the application from James Ferguson Mitchell, Police Scotland subsequently withdrew the contents of their holding letter.

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

- (ii) The Panel heard a representation from Police Scotland and from the applicant, Ahmad Masoud Farooqi in response.

**Decided:** to approve this application until 5th January 2020, 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 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.

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

**Taxi Driver.**

The Panel heard from the Team Leader (Licensing) and from the applicant, Thomas Lindores, in response.

Councillor Convery, seconded by Councillor Kilpatrick, moved that this application be approved for one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Fitzsimmons, moved that the application be refused.

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

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

The meeting ended at 11.10 a.m.