

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
26th April 2018 at 10.00 a.m.

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

Apology: Councillor Craig Mackay.

Attending: M. Douglas, Team Leader (Licensing); K. Briggs, Legal and Licensing Manager; D. Scobie, Civic Government Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan and Constable E. McArthur, 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 15th March 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 first quarter of 2018 compared to the same period in 2017 were as follows:-
  - (a) 8% failure rate for Taxi Vehicles compared to 22% last year which was an improvement; and
  - (b) an 18% failure rate for Private Hire Vehicles compared to 10% last year which was a significant increase;
- (2) that she would continue to monitor vehicle operators;
- (3) that she had been carrying out ongoing visual inspections of Private Hire Vehicles with colleagues from Fleet Management with forty nine vehicles inspected since the March Panel and twenty four notices issued for non-compliance with the prescribed standards; the plates removed from two vehicles which would have failed an MOT; and several Advisory Notices issued for brake pads being close to the limit;
- (4) that it was apparent that regular visual checks were not being carried out by licence holders which was not acceptable;

- (5) that the formal Taxi and Private Hire Vehicle testing had been carried out on behalf of the Council by T.O.M. in Ayr as part of a larger contract which included all of the Council's fleet but, as the company had recently gone into liquidation, the Council had to make alternative arrangements. Testing was now being carried out on a short-term basis by Arnold Clark Vauxhall in Ayr, however, Fleet and Procurement were currently working on a new specification for the tendering process for the whole contract;
- (6) that she was a part-time officer with a remit for all Civic Government Licensing, however, presently she was spending almost all of her time dealing with Taxi and Private Hire issues with colleagues from Fleet Management assisting with visual inspections; and that she hoped to complete the inspections of all Private Hire Vehicles prior to the Regulatory Panel in June; and
- (7) that, on completion of the visual inspection of Private Hire Vehicles, all Taxi Vehicles would then be inspected and, additionally, days of action were planned in liaison with colleagues from Police Scotland which she would report to Panel on.

Panel Members expressed concerns at the failure rates of all of the inspections and questions were raised and responded to by the Civic Government Licensing Standards Officer in relation to reasons for failure; whether drivers were advised in advance of the inspections; and the timescales for remedying the problems.

**Decided:** to request the Civic Government Licensing Standards Officer to continue to inspect vehicles; and that the Chair express the Panel's concerns regarding the statistics to the Members of the Taxi Forum and ask that they communicate these concerns to their colleagues advising of the Panel's dissatisfaction at the failure rates.

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

##### **(a) Taxi Drivers.**

- (i) The Panel considered the application from Steven Scott Oliver.

**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 24th May 2018.

- (ii) The Panel heard a representation from Police Scotland and considered the application from Anthony Mwang'Ombe Mwaighonda.

**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.

- (iii) The Panel heard a representation from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions was then circulated and the Panel heard from Police Scotland in relation to this and from the applicant, Anthony Hamilton White, in response.

Councillor Convery, seconded by Councillor Kilpatrick, moved that the licence be approved for one year.

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

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

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

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

**Decided:** to approve the request from Alan MacDougall for exemption from wheelchair work for the remaining term of his licence.

- (v) The Panel heard a representation from Police Scotland and from the applicant, Richard James Wilson, in response.

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

- (vi) The Panel heard a representation from Police Scotland and from the applicant, James Gerrard Henderson, in response.

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

- (vii) The Panel heard from David John O'Dell in relation to his application.

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

- (viii) The Panel heard from William Cook Milligan in relation to his application.

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

- (ix) The Panel considered the request from Gordon McMillan for exemption from carrying wheelchair using passengers.

**Decided:** in the absence of the licence holder, to approve the request from Gordon McMillan for exemption from wheelchair work for the remaining term of his licence.

- (x) The Panel heard a representation from Police Scotland and from the applicant, David William Ganson, in response.

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

- (xi) The Panel considered the proposed suspension of the licence held by Hamilton Anderson.

**Decided:** to suspend the licence currently held by Hamilton Anderson as he did not meet Group 2 Medical Standards.

- (xii) The Panel considered the application from Steven James McLaughlin.

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

**(b) Private Hire Driver.**

The Panel considered the application from Warren Mitchell Vann.

**Decided:** to note that, following receipt of a letter from Police Scotland, this licence had now been approved under delegated powers.

The meeting ended at 11.05 a.m.