

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
17 January 2019 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 Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan and E. Blackwood, Police Scotland.

1. Chair's Remarks.

The Chair outlined the procedures for the hearing process pertaining to the applications on the agenda.

2. 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.

3. Minutes of previous meeting.

The minutes of the previous meetings of 23 November 2018 (Special), 29 November 2018 and 4 December 2018 (Special) were submitted and approved.

4. Update by Civic Licensing Standards Officer.

The Civic Licensing Standards Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the final quarter of 2018 compared to the same period in 2017 (1 October to 31 December) were as follows:-
 - (a) 9% failure rate for the thirty five Taxi Vehicles tested and three vehicles which failed; as opposed to 8% last year when thirty nine Taxi Vehicles were tested and three failed; and
 - (b) a 9% failure rate for the forty four Private Hire Vehicles tested and four failures as opposed to 13% last year when thirty nine vehicles were tested and three failed;
- (2) that she was pleased to report the significant decrease in Private Hire Vehicles failing the test;
- (3) that the annual statistics for 2018 compared with 2017 showed that the percentage of Taxi Vehicles failing the test had decreased from 15% to 7% and Private Hire Vehicles had decreased from 18% to 8% which was very encouraging; and
- (4) that all operators whose vehicle failed the test would continue to be monitored.

A question was raised by a Member of the Panel in relation to the types of defects found during vehicle checks and the Civic Licensing Standards Officer provided this information. The Panel thanked the Civic Licensing Standards Officer for her update.

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 Driver Training.

The Panel considered the proposed suspension of four licences.

Decided:

- (i) 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:-

Mohammed Khosrouw Habib; and
Pashton Mohi Agha.

- (ii) having considered a letter submitted by Colin David Elgey, to suspend the licence held by him 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 Service Lead - Legal and Licensing to reinstate this licence once proof of completion of the training course had been exhibited; and
- (iii) having heard from Steven James McLaughlin, to suspend the licence held by him 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 Service Lead - Legal and Licensing to reinstate this licence once proof of completion of the training course had been exhibited.

(b) Taxi Vehicle.

The Panel considered the proposed suspension of the licence held by Robert McCubbin.

Decided: to suspend the licence currently held by Robert McCubbin with immediate effect as he had failed to present his car for annual inspection in terms of Condition 3 of the Taxi Vehicle Licence (inspection due by 30 November 2018).

(c) **Private Hire Driver Training.**

The Panel considered the proposed suspension of four licences.

Decided:

- (i) 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:-

Elaine Limond;
Kevin Lawler; and
Jaqueline Elizabeth Standing; and

- (ii) having heard from Andrea Sarah Galloway, to suspend the licence held by her 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

(d) **Second Hand Car Dealer.**

Stephen Hunter, Roodland Farm, Ayr, KA6 6EP.

The Panel heard from Police Scotland and from the applicant in response.

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

7. **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.

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

Taxi Driver.

Reference was made to the Minutes of the Special Meeting of 4 December 2018 (Page 1, paragraph 2) when it had been decided to suspend the Taxi Driver Licence held by Ahmad Masoud Farooqi with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier.

The Panel then heard from Police Scotland in relation to this matter.

Decided: to suspend the licence previously held by Ahmad Masoud Farooqi with immediate effect for its unexpired duration under paragraph 11(2) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that; the carrying on of the licensed activity is likely to cause a threat to public safety.

The meeting ended at 10.25 a.m.