

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
25 April 2019 at 10.00 a.m.

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

Apology: Councillor Andy Campbell.

Attending: M. Douglas, Team Leader (Licensing); C. Carroll, Private Sector and Landlord Registration Officer; D. Scobie, Civic Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan, and V. Thomson, 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 meeting of 14 March 2019 (issued) were submitted and approved.

4. Update from Civic Licensing Standards Officer.

The Civic Licensing Standards Officer advised

- (1) that the failure statistics for Taxis and Private Hire Vehicles for the first quarter of 2019 compared to the same period in 2018 were as follows:-
 - (a) 20% failure rate for the forty one Taxi Vehicles tested and eight vehicles which failed; as opposed to 8% last year when thirty nine Taxi Vehicles were tested and three failed; and
 - (b) a 7% failure rate for the forty two Private Hire Vehicles tested and three failures as opposed to 18% last year when forty vehicles were tested and seven failed;
- (2) that there had been a significant increase in taxis failing the test and a decrease in private hire vehicles failing the vehicle test over the last quarter;
- (3) that all operators whose vehicle had failed the test would continue to be monitored and, if their vehicles failed further inspections, a report would be submitted to this Panel to consider suspension.

Panel Members expressed concerns at the failure rates of the Taxi Vehicle inspections and questions were raised and responded to by the Civic Government Licensing Standards Officer in relation to reasons for failure.

Decided: to request that Officers further investigate the prospect of resources being made available to fund further inspections.

5. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Driver.

The Panel considered the application from Joe Francis Westlake which had been continued from the meeting of 14 March 2019 to allow the applicant to attend.

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.

(b) Private Hire Drivers.

(i) The Panel heard a representation from Police Scotland and from the applicant, Steven John Lyle, 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, Robert Arnott, in response.

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

6. 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.

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

(a) Second Hand Car Dealers.

(i) G and R Cars Limited for premises at 26 Garry Place, Troon, KA10 7JD.

The Panel considered the application from G&R Cars Ltd. which had been continued from the meeting of 13 March 2019 to allow the applicant to attend.

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, a Director of the Company was not a fit and proper person to be the holder of the licence.

(ii) **Cameron McClymont for premises at 15C York Street, Ayr.**

Having heard from the applicant, the Panel considered the above application,

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

8. **Landlord Registration.**

There was submitted a report (issued to Panel Members only) dated 5 April 2019 requesting that the Panel consider the Landlord Registration application for Nicola Goodwin and whether she should be approved or refused admittance onto the register.

The Panel heard from Police Scotland, the Private Sector and Landlord Registration Officer and the applicant in relation to this application.

Decided: to approve the Landlord Registration application from Nicola Goodwin and to admit her onto the Landlord Register.

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

(a) **Taxi Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer and the licence holder in response and having viewed a video of the vehicle's inspection, considered the proposed suspension of the licence currently held by Hugh Colville.

Decided: not to suspend the licence currently held by Hugh Colville, however, the vehicle is to have an additional test by the end of August 2019 and, if satisfactory, the plates to be issued for a further six months and thereafter to revert to annual testing.

Councillor Mackay joined the meeting during consideration of the above item.

(b) **Private Hire Vehicle Licence.**

The Panel heard from the Civic Licensing Standards Officer and the licence holder and her representative and, having viewed a video of the vehicle's inspection, considered the proposed suspension of the licence currently held by Lavinia Anne Wilson.

Decided: not to suspend the licence currently held by Lavinia Anne Wilson, however, the vehicle is to have an additional test by the end of August 2019 and, if satisfactory, the plates to be issued for a further six months and thereafter to revert to annual testing.

The meeting ended at 11.10 a.m.