

## Minute of Meeting

### Regulatory Functions Board

Date	Time	Venue
Thursday, 02 February 2023	10:00	Remotely by MS Teams,

**Present:** Councillor Audrey Doig, Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Janis McDonald, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Sam Mullin, Councillor Emma Rodden, Councillor Andy Steel

#### Chair

Councillor McNaughtan, Convener, presided.

#### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing) (for items 1 to 3 only), R Graham, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, D Cunningham and J Barron, both Assistant Committee Services Officers, A Easdon, Team Leader (Licensing) and R McCallum, Administrative Assistant (all Finance & Resources).

#### Recording of Meeting

Prior to the commencement of the meeting, the Convener intimated that this meeting would be recorded for subsequent broadcast via the Council's internet site.

#### Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

## **1 Temporary Change of Policy in relation to Age of Licensed Vehicles, Proposals for Further Consultation on Vehicle Specification and Cessation Policy**

There was submitted a report by the Director of Finance & Resources requesting that officers be instructed to reconsult in relation to previous proposals to review the Council's policies on vehicle specification and age for taxis and private hire cars, given the period of time which had elapsed since earlier consultation in 2019, the impact of the coronavirus pandemic and the cost of living crisis.

The report also sought agreement of a temporary policy in relation to the age of these vehicles with immediate effect to allow them to operate for an additional two years, subject to a regulatory scheme as set out at Appendix 1 to the report and requested that the Board consider removing the 'cessation' policy agreed by the Council's Emergencies Board on 9 April 2020 which allowed operators of taxis and private hire cars to reduce their level of insurance cover for their vehicles during periods when they were not in use.

### **DECIDED:**

(a) That a temporary policy allowing existing taxis and private hire cars to be licensed for an additional two years, subject to the requirements of the proposed regulatory scheme set out at Appendix 1 to this report be agreed;

(b) That officers be instructed to reconsult on the proposed conditions for taxi and private hire car licences set out at Appendices 2 and 3 respectively and the revised consultation questions, as attached at Appendix 4, following upon the previous consultation agreed by the Board on 5 September 2019, the consultation to include (i) all taxi and private hire car licence holders in Renfrewshire, (ii) representatives of those licence holders, (iii) Renfrewshire Access Panel, (iv) relevant Council Services and (v) such other persons or groups as officers consider appropriate; and to report the responses to the consultation to the Board thereafter;

(c) That officers be instructed to reconsult further on whether wheelchair accessible MPVs to be licensed as taxis or private hire cars, which are suitable for the carriage of eight passengers, may be licensed to carry a maximum of eight passengers;

(d) That the Board agree that the 'cessation' policy agreed by the Emergencies Board on 9 April 2020 be removed; and

(e) That otherwise the terms of the report be noted.

## **2 Civic Government (Scotland) Act 1982: Review of Taxi Fares within Renfrewshire**

There was submitted a report by the Director of Finance & Resources relative to a review of taxi fares within Renfrewshire.

The report advised that the Council, as Licensing Authority, was obliged to fix scales for the fares and other charges in its area in connection with the hire of a taxi. The Civic Government (Scotland) Act 1982 provided that fares should be fixed within 18 months beginning with the date on which scales last came into effect, this date being 21 March 2022.

The report indicated that the Council consulted with persons or organisations representative of the operators of taxis within its area on the current taxi fare scale, by email on 10 October 2022. The consultation also included individual taxi operators who were informed of the consultation by text alert. It was noted that three responses to the consultation had been received, as detailed in the report. The review of the taxi fares had also been discussed at a meeting with representatives of taxi operators on 13 September 2022.

The report intimated that the existing scales required to be reviewed and new scales proposed by the Board. Thereafter, formal notification of the proposed new scales would be given via a newspaper advertisement in the local press in order that representations may be made on the agreed proposal by a specified date at least one month from the date of the newspaper advertisement. Following the consultation period, a further report would be submitted to the Board to allow members to consider any representations and fix a new fare scale, to come into effect on a date decided by the Board.

The current and proposed taxi fare scales were detailed in Appendix 1 to the report; Appendix 2 to the report detailed the taxi fare scales in neighbouring authorities; Appendix 3 to the report detailed the current fares tariff and proposed fares; and the Vector Transport Consultancy report on the review of taxi tariff in Renfrewshire formed Appendix 4 to the report.

Councillor McNaughtan, seconded by Councillor Montgomery, proposed that proposal 1 be proposed as a new taxi fares scale for Renfrewshire and included in a newspaper advertisement. This was agreed unanimously.

**DECIDED:**

(a) That following review of the existing fares scale, as detailed in Appendix 1 to the report, it was agreed that proposal 1 be proposed as a new taxi fares scale for Renfrewshire and be included in a newspaper advertisement;

(b) That it be agreed that the revised fares scale come into effect on a proposed date of Monday 10 July 2023;

(c) That it be noted that the proposal would be advertised in the local press; and

(d) That it be agreed that the last day for lodging representations following on the proposed fare scale being advertised shall be one calendar month after the date of publication of that advertisement.

### **3 Review of Public Entertainment Licensing Resolution: Final Procedure**

Under reference to item 1 of the Minute of the meeting of this Board held on 10 November 2022, there was submitted a report by Director of Finance & Resources relative to a review of the Council's public entertainment licensing policies and practices.

The report intimated that at the meeting of this Board held on 10 November 2022, various recommendations had been made in relation to this review and that the Board had agreed, as suitable for advertising, a proposed new public entertainment licensing resolution, which would, if introduced, vary the Council's current resolution by removing certain classes of public entertainment from licensing.

The report advised that the proposed new resolution had been advertised and that no responses had been received following expiry of the 28 day period for responses and recommended that the proposed new resolution, which formed Appendix 1 to the report, be made.

#### **DECIDED:**

(a) That the Board resolve that, from 1 March 2023, the activities provided for in the proposed varied resolution, set out at Appendix 1 to the report, shall require to be licensed in accordance with the provisions of the Civic Government (Scotland) Act 1982 relating to public entertainment licensing;

(b) That officers be instructed to publish the terms of said resolution in a newspaper circulating in the Council's area, together with a notice under Section 9(8)(b) of that Act, all as set out at Appendix 1; and

(c) That otherwise the terms of the report be noted.

#### **Sederunt**

Councillor Mullin joined the meeting prior to consideration of the following item of business.

### **4 Grant of Late Hours Catering Licence - Personal Appearance**

There was submitted the undernoted application for grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the first time:-

Applicant: JE Restaurants Limited

Premises: McDonald's Restaurant, Unit K, Braehead Retail Park, Kings Inch Road, Glasgow

Activity: on and off sales fast food

Operating hours: Monday to Sunday - 11.00 pm to 5.00 am (both restaurant and drive-thru)

Mr McLean, on behalf of JE Restaurants Limited, and his Solicitors, Mr Flannigan and Ms Johnstone all joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year and that the applicant be an exception to the Board's policy on trading hours. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year and that the applicant be an exception to the Board's policy on trading hours.

## **5 Renewal of Late Hours Catering Licence**

There was submitted the undernoted application for renewal of a Late Hours Catering Licence:—

Applicant: Boots UK Limited t/a Boots the Chemist  
Premises: Unit Z4-P2, First Floor, Terminal Building, Glasgow Airport  
Activity: health and beauty retailer  
Operating hours: Monday to Sunday – 4.00 am to 5.00 am  
Licence No.: LHC-029

The Convener proposed that the application be granted for a period of two years and that the applicant continue to be an exception to the Board's policy on trading hours. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of two years and that the applicant continue to be an exception to the Board's policy on trading hours.

## **Declaration of Interest**

At this point in the meeting, Councillor Hughes declared an interest in item 10(a) by reason that the applicant was known to her. Councillor Hughes indicated that as she had declared an interest, she would leave the online meeting during any discussion and voting on the item.

## **6 Renewal of Private Hire Car Operator's Licence - Personal Appearance**

There was submitted the undernoted application for renewal of a Private Hire Car Operator's Licence. The applicant had been asked to appear personally for the first time:-

Applicant: Mumtaz Yousafzai  
Licence No.: PH0931

There was no appearance by or on behalf of Mr Yousafzai, the applicant. The Convener proposed that the application be considered in Mr Yousafzai's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued.

## **Sederunt**

Councillor Rodden left the meeting prior to consideration of the following item of business.

### **7 Surrender and Re-issue of Taxi Operators' Licences**

There were submitted the undernoted applications for the surrender and re-issue of Taxi Operators' Licences:-

(a) Present Operator: Ian Fraser  
Proposed Operator: Gordon Campbell  
Licence No.: TX207

The Convener proposed that the application be granted. This was agreed unanimously.

**DECIDED:** That the application be granted.

(b) Present Operator: Thomas Baggley  
Proposed Operator: Muhammad Shahzad Hussain  
Licence No.: TX101

The Convener proposed that the application be granted. This was agreed unanimously.

**DECIDED:** That the application be granted.

## **EXCLUSION OF PRESS AND PUBLIC**

The Board resolved that the press and public be excluded from the meeting during consideration of items 8(b) and (c), 9, 10, 11 and 12 as it was likely, in view of the nature of the business to be transacted that if members of the press and public were present there would be disclosure to them of exempt information as defined in paragraph 3 of part I of schedule 7A of the Local Government (Scotland) Act 1973.

### **8 Surrender and Re-issue of Taxi Operators' Licences - Personal Appearances**

There were submitted the undernoted applications for the surrender and re-issue of Taxi Operators' Licences. The applicants had been asked to appear personally for the first time:-

(a) Present Operator: The Partnership of J&T Taxis  
Proposed Operator: Sarabjit Singh  
Licence No.: TX096

Mr Singh, one of the applicants, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted.

**DECIDED:** That the application be granted.

(b) Present Operator: Paisley Taxis Ltd  
Proposed Operator: Imran Khan  
Licence No.: TX220

The Senior Solicitor (Litigation and Regulatory Services) advised that this application had been withdrawn.

**DECIDED:** That it be noted that this application had been withdrawn.

(c) Present Operator: John Mayberry  
Proposed Operator: David Gray  
Licence No.: TX100

Mr Mayberry and Mr Gray, the applicants, both joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted. This was agreed unanimously.

**DECIDED:** That the application be granted.

## **Adjournment**

The meeting adjourned at 11.00 am and reconvened at 11.35 am.

## **Sederunt**

Councillor Hughes was not in attendance when the meeting reconvened.

## **9 Grant of Private Hire Car Drivers' Licences - Personal Appearances**

There were submitted the undernoted applications for grant of Private Hire Car Drivers' Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted objections to applications (c) and (d) and representations to applications (e), (f) and (g):-

(a) Shahzad Mohammad

The Senior Solicitor (Litigation and Regulatory Services) advised that the application had been granted under delegated authority for a period of one year.

**DECIDED:** That it be noted that the application had been granted under delegated authority for period of one year.

(b) Jamal Aliyi

Mr Aliyi, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

### **Sederunt**

Councillor Hughes rejoined the meeting prior to consideration of the following item of business.

(c) Gary Anderson

Mr Anderson, the applicant, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

**DECIDED:** That the application be refused.

(d) Brogan Carslaw

Mr Carslaw, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened and the Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

(e) David Sharp

Mr Sharp, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

### **Sederunt**

Councillors Audrey Doig and Montgomery left the meeting prior to consideration of the following item of business.



(f) Saif Radwan

Mr Radwan, the applicant, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

### **Adjournment**

The meeting adjourned at 12.55 pm and reconvened at 1.30 pm.

### **Sederunt**

Councillor McEwan was not in attendance when the meeting reconvened.

(g) Ibrahim Elnoor

Mr Elnoor, the applicant, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

### **Declaration of Interest**

Councillor Hughes having previously declared an interest in item 10(a), left the meeting and took no part in the discussion or voting thereon.

## **10 Renewal of Private Hire Car Drivers' Licences - Personal Appearances**

There were submitted the undernoted applications for renewal of Private Hire Car Drivers' Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to application (a) and objections to applications (b) and (c):-

(a) Applicant: Avril McKerlie  
Licence No.: P0281

There was no appearance by or on behalf of Ms McKerlie, the applicant. Sergeant Moore-McGrath joined the meeting by video call on behalf of the Chief Constable who had submitted a representation to the application. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

## **Sederunt**

Councillor Hughes rejoined the meeting prior to consideration of the following item of business.

(b) Applicant: Greg Tetley  
Licence No.: P4339

Mr Tetley, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

(c) Applicant: Mahamudul Hassan  
Licence No.: P0292

Mr Hassan, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

## **Adjournment**

The meeting adjourned at 2.20 pm and reconvened at 2.30 pm.

## **11 Grant of Taxi Drivers' Licences - Personal Appearances**

There were submitted the undernoted applications for grant of Taxi Drivers' Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted objections to applications (a) and (b) and an objection and two further letters in connection with that objection to application (c):-

(a) Andrew Irvine

Mr Irvine, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened and the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

(b) Jason Anderson

Mr Anderson, the applicant, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application.

As a preliminary matter, Sergeant Moore-McGrath requested that consideration of this application be continued to a future meeting of the Board. Mr Anderson requested that his application be considered at this meeting. The Convener proposed that the meeting be adjourned to allow members to consider the request by Police Scotland. The meeting was reconvened and the Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

(c) Nqobile Siziba

Mr Siziba, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application and two further letters in connection with that objection, identified as letter 1, letter 2 and letter 3.

The Senior Solicitor (Licensing and Regulatory Services) advised that one of the further letters from Police Scotland, identified as letter 2, had not been circulated to members of the Board. After consideration of the age, nature and seriousness of the matters contained in letter 2, the Convener proposed that the Board admit the letter as the interests of justice so required. This was agreed unanimously.

After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

**DECIDED:** That the application be refused.

(d) Hafiz Muhammad Adil Amin

Mr Amin, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year.

## 12 **Application for Exemption from Driver's Duties under Section 166 of the Equality Act 2010 - Personal Appearance**

There was submitted the undernoted application for exemption from drivers' duties to provide mobility assistance under the Equality Act 2010. The applicant had been asked to appear personally for the first time:-

Applicant: Iain Urquhart  
Licence No.: T2489

Mr Urquhart, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of Mr Urquhart's current Taxi Driver's Licence. This was agreed unanimously.

**DECIDED:** That the application be granted for the duration of Mr Urquhart's current Taxi Driver's Licence.