

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 15 January 2020	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present

Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell Assistant Managing Solicitor (Licensing), P Shiach, Committee Services Officer, G McIntosh, Civic Government Enforcement Officer and N Barr, Administration Assistant (all Finance & Resources).

Apology

Councillor Montgomery.

Declarations of Interest

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

1 Application for the Renewal of Late Hours Catering Licences

There were submitted the undernoted applications for renewal of Late Hours Catering Licences:-

(a) Applicant: Select Services Partner UK Limited
Premises: James Martin Kitchen, Glasgow Airport Airside
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am

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

(b) Applicant: Select Services Partner UK Limited
Premises: Panopolis, Glasgow Airport Airside
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am

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

2 Applications for Variation to Private Hire Operators Licences - Personal Appearance

There were submitted the undernoted applications for variation of Private Hire Operators' Licences: -

(a) Applicant: John Sutherland
Licence No.: PH1123
Variation: To carry eight passengers

Mr Sutherland, the applicant, together with Mr Kidd, his business partner, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Sutherland's Private Hire Car Licence and that the vehicle be licensed to carry 8 passengers. This was agreed.

DECIDED: That the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Sutherland's Private Hire Car Operator's Licence and that the vehicle be licensed to carry 8 passengers.

(b) Applicant: John Sutherland
Licence No.: PH1292
Variation: To carry eight passengers

Mr Sutherland, the applicant, together with Mr Kidd, his business partner, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Mr Sutherland’s Private Hire Car Licence and that the vehicle be licensed to carry 8 passengers. This was agreed.

DECIDED: That the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Mr Sutherland’s Private Hire Car Operator’s Licence and that the vehicle be licensed to carry 8 passengers.

RECORDING OF DISSENT

Councillor Steel, being the mover of a motion, which failed to obtain a seconder, requested that his dissent be recorded in terms of Standing Order 24.

3 Application for the Surrender and Re-issue of a Taxi Operator's Licence - TX212d – Personal Appearance

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator’s Licence. The applicant had been asked to appear personally for the first time:-

(a) Present Operator: Skydale Limited
Proposed Operator: Mohamed Youssef
Licence No.: TX212d

Mr Allan on behalf of Skydale Limited and Mr Youssef were invited into the meeting.

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.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of the following items of business 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.

Declaration of Interest

Councillor Rodden declared an interest in the following item of business as the applicant was known to her. Councillor Rodden left the meeting and took no part in the discussion or voting thereon.

4 Applications for Exemption Certificates – Personal Appearances

There were submitted the undernoted applications for Exemption Certificates. The applicants had been asked to appear personally for the first time:-

(a) John Anthony Steel

Mr Steel, the applicant, was invited into the meeting. 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 the duration of Mr Steel's current Taxi Driver's Licence. This was agreed unanimously.

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

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Councillor Rodden returned to the meeting.

(b) James Robertson

Mr Robertson, the applicant, was invited into the meeting. 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 the duration of Mr Robertson's current Taxi Driver's Licence. This was agreed unanimously.

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

5 Applications for Grant of a 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 an objection to application (a): -

(a) Mohammed Waqar Aslam

Mr Aslam, the applicant, and his wife were invited into the meeting together with Sergeant Brookes, 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 reconvened.

Councillor McNaughtan, seconded by Councillor Devine, moved that the application be granted for a period of one year.

Councillor Steel, seconded by Councillor McEwan moved, as an amendment, that the application be refused.

In terms of Standing Order 30 the Convener intimated that the vote would be by a show of hands.

On the vote being taken, six members voted for the motion and three members voted for the amendment. The motion was accordingly declared carried.

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

(b) Henry English

Mr English, the applicant, was invited into the meeting and advised that he wanted to withdraw his application.

DECIDED: That it be noted that the applicant had withdrawn his application.

(c) Hemedawai Faris

Mr Faris, the applicant, was invited into the meeting together with his sister, Wafaa Faris.

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.

(d) Milan Sedlak

Mr Sedlak, the applicant, was invited into the meeting. 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.

6 Application for Grant of a Private Hire Car Operator's Licence - Personal Appearance

Under reference to item 14 of the Minute of the meeting of this Board held on 30 October 2019, there was submitted the undernoted application for grant of a Private Hire Car Operator's Licence. The applicant had been asked to appear personally for the second time: -

Moloy Sarker

Mr Sarker, the applicant was invited into the meeting. 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 Board adjourned at 12.05 pm and reconvened at 12.15pm

Declaration of Interest

Councillor Devine declared an interest in the following item of business as the applicant was known to him. Councillor Devine left the meeting and took no part in the discussion or voting thereon.

7 Hearing into the Possible Suspension or Revocation of Private Hire Car Driver's Licence – P0285 – Personal Appearance

Under reference to item 3 of the Minute of the meeting of this Board held on 7 August, the Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The Licence holder had been asked to appear personally for the second time together with Police Scotland: -

Colin Rae

There was no appearance by or on behalf of Mr Rae. Sergeant Brookes, on behalf of the Chief Constable was invited into the meeting.

The Assistant Managing Solicitor (Licensing) advised the Board that Mr Rae had surrendered his Private Hire Car Driver's Licence.

DECIDED: That it be noted that Mr Rae had surrendered his Private Hire Car Driver's Licence.

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Councillor Devine returned to the meeting.

8 Application for Renewal of a Private Hire Car Driver's Licence – P4493 – Personal Appearance

There was submitted the undernoted application for renewal of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted an objection to the application: -

Gerald Burns

Mr Burns, the applicant was invited into the meeting together with Sergeant Brookes on behalf of the Chief Constable who had submitted an objection to the application.

Mr Burns requested that consideration of the application be continued to a future meeting of the Board to allow him to obtain legal representation. This was agreed unanimously.

DECIDED: That consideration of the application be continued to a future meeting of the Board.

9 Hearing into Possible Suspension or Revocation of a Private Hire Car Driver's Licence – P3954 - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The Licence holder had been asked to appear personally for the first time together with Police Scotland: -

Michael Brophy

Mr Brophy, the licence holder, and Mr Brady, Solicitor were invited into the meeting together with Sergeant Brookes representing the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr Brophy if he wished to address the Board on any period of suspension/revocation the Board might impose on his licence prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Brophy's solicitor, Mr Brady then addressed the Board.

Following consideration of Mr Brady's submissions, the Board adjourned to allow members to consider this matter. The meeting reconvened and the Convener proposed that Mr Brophy's Private Hire Car Driver's Licence be not suspended at this time. This was agreed unanimously.

DECIDED: That Mr Brophy's Private Hire Car Driver's Licence be not suspended at this time.