

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 01 June 2023	10:00	Remotely by MS Teams,

Present: Councillor Audrey Doig, Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Janis McDonald, Councillor John McNaughtan, Councillor Kevin Montgomery

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), E Timmins, Senior Solicitor (Litigation & Advice), C Gregory, Solicitor (Litigation & Advice), E Currie, Senior Committee Services Officer, D Cunningham, Assistant Committee Services Officer, 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.

Apologies

Councillors Mullin, McEwan, Rodden and Steel.

Declarations of Interest

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

1 **Registration of Private Landlords: Applications refused under Delegated Authority**

Under reference to item 1 of the Minute of the meeting of this Board held on 26 October 2022, there was submitted a report by the Director of Finance & Resources providing an update in relation to applications for landlord registration refused under powers delegated to officers following a decision of this Board on 18 August 2021.

The report intimated that on 18 August 2021, the Board recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the Antisocial Behaviour etc. (Scotland) Act 2004 were not met and that regular reports be submitted to this Board detailing the applications refused.

The report intimated that, since the last update to Board, only one application for landlord registration (renewal) required to be refused by officers due to failure to confirm full compliance with landlords' legal responsibilities. The report noted that there had been a sustained improvement in relation to declared compliance by applicants for landlord registration and that, given this improvement, the Board consider that updates now be provided to the Board annually.

The Convener proposed that the report be noted and that further update reports be provided annually. This was agreed unanimously.

DECIDED: That the report be noted and that further update reports be provided annually.

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

2 **Surrender and Re-issue of Taxi Operator's Licence - Personal Appearance**

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

Present Operator: Neil Doherty

Proposed Operator: Mohammad Imran Khan

Licence. No.: TX120

Mr Doherty and Mr Khan, 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.

3 **Variation of Taxi Operator's Licence - Personal Appearance**

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

Applicant: TOA Cabs Limited

Variation: exception to policy to allow advertising on both doors

Licence No.: TX231

Ms Donnachie, on behalf of the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened and due to technical issues Ms Donnachie was unable to re-join the meeting. The Convener proposed that consideration of this application be continued until later in the meeting to allow Ms Donnachie to join the meeting. This was agreed unanimously.

DECIDED: That consideration of the application be continued to later in the meeting to allow Ms Donnachie to re-join the meeting.

4(a) **Variation of Private Hire Car Operator's Licence - Personal Appearance**

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

Applicant: Gerard Milligan

Variation: exception to policy and standard condition 1

Licence No.: PH0729

4(b) **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: Gerard Milligan

Licence No.: PH0729

Mr Milligan, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that (i) Mr Milligan's application for variation of his Private Hire Car Operator's Licence be granted and that standard condition 1 of his licence be amended to enable Mr Milligan to continue to operate his present vehicle, registration number SO16 XDD for a period of six months from 16 March 2023 as an exception to the Board's policy on vehicle age; and that (ii) Mr Milligan's application for grant of his Private Hire Car Operator's Licence be granted for a period of two years. This was agreed unanimously.

DECIDED:

(a) That Mr Milligan's application for variation of his Private Hire Car Operator's Licence be granted and that standard condition 1 of his licence be amended to enable Mr Milligan to continue to operate his present vehicle, registration number SO16 XDD for a period of six months from 16 March 2023 as an exception to the Board's policy on vehicle age; and

(b) That Mr Milligan's application for renewal of his Private Hire Car Operator's Licence be granted for a period of two years.

5 Variation of Taxi Operator's Licence - Personal Appearance

Under reference to item 3 of this Minute, the Board resumed consideration of the undernoted application for variation of a Taxi Operator's Licence. The applicant had been asked to appear personally for the first time:-

Applicant: TOA Cabs Limited

Variation: exception to policy to allow advertising on double doors

Licence No.: TX231

Ms Donnachie, on behalf of the applicant, re-joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that the application be granted and that the applicant company be allowed to be an exception to the Board's policy in relation to advertising. This was agreed unanimously.

DECIDED: That the application be granted and that the applicant company be allowed to be an exception to the Board's policy in relation to advertising.

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.

6 Grant of Private Hire Car Operators' Licences - Personal Appearances

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

(a) Abdul Hamid Khalid

Mr Khalid, the applicant, joined the meeting by telephone 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.

(b) 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.

(c) Wael Mohammad

Mr Mohammad, 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.

Adjournment

The meeting adjourned at 11.15 am and reconvened at 11.30 am.

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Councillor Montgomery was not in attendance when the meeting reconvened.

7 Grant of Taxi Driver's Licence - Personal Appearance

There was submitted the undernoted application for grant of a Taxi Driver's Licence. The applicant had been asked to appear personally for the first time:-

Mirza Asif Latif

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

DECIDED: That the application be refused.

8 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 a representation to application (d):-

(a) Mohammad Bashiran Nawaz

There was no appearance by or on behalf of Mr Nawaz. The Convener proposed that the application be considered in Mr Nawaz's absence. This was agreed unanimously. 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.

(b) Wajid Mahmood Yousaf Begum

There was no appearance by or on behalf of Mr Begum. 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) Hazem A Mohammed Abdalghader

Mr Abdalghader, 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.

(d) Mhd Eid Albashash

Mr Albashash, 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 six months. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months.

9 **Renewal of Private Hire Car Driver's Licence - 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 a representation received outwith the statutory timescale to the application:-

Applicant: Mehmet Dost
Licence No.: P0767

There was no appearance by or on behalf of Mr Dost. The Convener proposed that consideration of the application be continued to later in the meeting to allow the applicant time to join the meeting. This was agreed unanimously.

DECIDED: That consideration of the application be continued to later in the meeting to allow the applicant time to join the meeting.

Adjournment

The meeting adjourned at 12 noon and reconvened at 1.30 pm.

10 Renewal of Private Hire Car Driver's Licence - Personal Appearance

Under reference to item 9 of this Minute, the Board resumed consideration of 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 a representation received outwith the statutory timescale to the application:-

Applicant: Mehmet Dost
Licence No.: P0767

Mr Dost, the applicant, joined the meeting by telephone call together with Sergeant Robertson, who joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application.

After consideration of matters before the Board, the Board adjourned to allow Sergeant Robertson to clarify his instructions regarding the reason for the representation not being submitted timeously. The meeting was reconvened and on hearing the reasons for the lateness of the representation, the Convener proposed that the representation be taken into account when the application was being considered. This was agreed unanimously.

After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of two years. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years.

11 Hearing into Possible Suspension or Revocation of Private Hire Car Driver's Licence - 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:-

Licence holder: Sean Grana
Licence No.: P0702

The Assistant Managing Solicitor (Licensing) advised that Mr Grana, the licence holder, had intimated that he would not be joining the meeting and had also intimated that he was content that the matter be considered and determined in his absence. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable. The Convener proposed that the matter be considered in Mr Grana's absence. This was agreed unanimously.

After consideration of all matters before the Board, the Convener proposed that Mr Grana's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr Grana's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.