

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 28 March 2019	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 John McNaughtan, Councillor Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), E Currie, Senior Committee Services Officer, G McIntosh, Civic Government Enforcement Officer (for item 1 only), E Graham, Administrative Assistant and N Barr, Administrative Assistant (all Finance & Resources).

Declarations of Interest

Councillors Devine and Montgomery declared non-financial interests in item 3(d) of the agenda as the applicant was known to them and indicated their intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

Order of Business

In terms of Standing Order 16, the Convener intimated that he proposed to alter the order of business to facilitate the conduct of the meeting by considering item 7 of the agenda before item 6 of the agenda.

1 Taxi and Private Hire Car Drivers' Licences: Consultation on Medical Evidence and Further Procedure

Under reference to item 1 of the Minute of the meeting of this Board held on 29 March 2018, there was submitted a report by the Director of Finance & Resources relative to a review of the Council's current practice requiring certain applicants for, and holders of, taxi and private hire car drivers' licences to produce medical evidence confirming their fitness to drive.

The report intimated that at the meeting held on 29 March 2018, the Board had agreed a proposal for the purposes of consultation as set out in paragraph 3.2 of the report and authorised officers to consult on the proposal with all taxi and private hire car drivers, representatives of the medical profession and the Council's occupational health advisers.

The responses received were detailed in the report and the report requested that the Board agree new policies and practices in relation to the production of medical evidence by taxi and private hire car drivers.

Councillor McNaughtan, seconded by Councillor Steel, moved that it be agreed (i) that the current requirement that drivers of taxis and private hire cars provide a medical certificate at age 65 and annually thereafter be removed; (ii) that taxi and private hire car drivers who declared a medical condition, and who were called upon to produce a medical certificate, be asked to do so in the terms set out in the appendix to the report; (iii) that the following condition be attached to taxi and private hire car drivers' licences "Should your DVLA driving licence fall to be renewed during the period of this licence, you require to exhibit evidence to the Council, within 14 days of expiry of your DVLA licence renewal date, that you have obtained a new driving licence from DVLA to cover the duration of your (taxi/private hire car) driver's licence"; (iv) that condition 21 of the existing conditions of taxi drivers' licences, and condition 19 of the existing private hire car drivers' licence be amended as follows "21. The holder of a taxi driver's licence shall be 21 years of age or older when first licensed. All drivers with a medical condition capable of affecting their ability to drive shall immediately disclose this condition to the Council and may be called upon to produce a medical certificate to confirm whether their doctor is aware of any medical condition which could render them unfit to drive a taxi." "19. You must be at least 21 to get a licence. All drivers with a medical condition capable of affecting their ability to drive shall immediately disclose this condition to the Council and may be called upon to produce a medical certificate to confirm whether their doctor is aware of any medical condition which could render them unfit to drive a private hire car."; (v) that the new conditions be applied to all licence applications falling to be granted or renewed on or after 1 April 2019; and (vi) that otherwise the terms of the report be noted.

Councillor Mackay, seconded by Councillor Devine, moved as an amendment that it be agreed that the current requirement that drivers of taxis and private hire cars provide a medical certificate at age 65 and annually thereafter be maintained.

On a vote being taken, 3 members voted for the amendment and 6 members voted for the motion. The motion was accordingly declared carried.

DECIDED:

(a) That the current requirement that drivers of taxis and private hire cars provide a medical certificate at age 65 and annually thereafter be removed;

(b) That taxi and private hire car drivers who declared a medical condition, and who were called upon to produce a medical certificate, be asked to do so in the terms set out in the appendix to the report;

(c) That the following condition be attached to taxi and private hire car drivers' licences:

"Should your DVLA driving licence fall to be renewed during the period of this licence, you require to exhibit evidence to the Council, within 14 days of expiry of your DVLA licence renewal date, that you have obtained a new driving licence from DVLA to cover the duration of your (taxi/private hire car) driver's licence";

(d) That condition 21 of the existing conditions of taxi drivers' licences, and condition 19 of the existing private hire car drivers' licence be amended as follows:

"21. The holder of a taxi driver's licence shall be 21 years of age or older when first licensed. All drivers with a medical condition capable of affecting their ability to drive shall immediately disclose this condition to the Council and may be called upon to produce a medical certificate to confirm whether their doctor is aware of any medical condition which could render them unfit to drive a taxi."

"19. You must be at least 21 to get a licence. All drivers with a medical condition capable of affecting their ability to drive shall immediately disclose this condition to the Council and may be called upon to produce a medical certificate to confirm whether their doctor is aware of any medical condition which could render them unfit to drive a private hire car.";

(e) That the new conditions be applied to all licence applications falling to be granted or renewed on or after 1 April 2019; and

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

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.

2 Exemptions from Drivers' Duties under Section 165 of the Equality Act 2010 - Personal Appearances

There were submitted the undernoted applications for exemption from drivers' duties under Section 165 of the Equality Act 2010. The applicants had been asked to appear personally for the first time:-

(a) Michael Skinnider T1743

Mr Skinnider, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Skinnider's application be

granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

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

(b) Colin Wardrop T1490

Mr Wardrop, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Wardrop's application be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

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

(c) David McDonald T054

Mr McDonald, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr McDonald's application be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

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

(d) John Sandells – T1796

There was no appearance by or on behalf of Mr Sandells. The Convener proposed that consideration of the application be continued and that Mr Sandells be invited to a future meeting of the Board. This was agreed unanimously.

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

3 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 (a) and (b); an objection received outwith the statutory timescale to application (c); an objection and a further letter to application (d); and a representation to application (e):-

(a) James Hepburn

Mr Hepburn, the applicant, and Mrs Hepburn, his wife, were invited into the meeting together with Sergeant Brooks and Mr McLellan, 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.

(b) Peter Ritchie

There was no appearance by or on behalf of Mr Ritchie. Sergeant Brooks and Mr McLellan, on behalf of the Chief Constable who had submitted an objection to the application were invited into the meeting.

Councillor McNaughtan, seconded by Councillor Steel, moved that consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

Councillor Devine, seconded by Councillor Mackay, moved as an amendment that the application be considered in Mr Ritchie's absence.

On a vote being taken, 4 members voted for the amendment and 5 members voted for the motion. The motion was accordingly declared carried.

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

(c) Danish Zafar

There was no appearance by or on behalf of Mr Zafar. Sergeant Brooks and Mr McLellan, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application were invited into the meeting. 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.

DECLARATIONS OF INTEREST

Councillors Devine and Montgomery, having declared non-financial interests in the following item of business, left the meeting and took no part in the discussion or voting thereon.

(d) Barry Purawec

There was no appearance by or on behalf of Mr Purawec. Sergeant Brooks and Mr McLellan, on behalf of the Chief Constable who had submitted an objection and a further letter to the application were invited into the meeting. 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

Councillors Devine and Montgomery re-entered the meeting prior to consideration of the following item of business.

(e) Mohammad Nazir

There was no appearance by or on behalf of Mr Nazir. Sergeant Brooks and Mr McLellan, on behalf of the Chief Constable who had submitted a representation to the application were invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Nazir had intimated that he would not be attending the meeting and had requested that his application be considered in his absence.

The Convener proposed that the application be considered in Mr Nazir's absence and 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.

4 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 together with Police Scotland who had submitted a representation to the application:-

Grant McStay

The Assistant Managing Solicitor (Licensing) advised that Mr McStay's application had been granted for a period of two years under delegated authority.

DECIDED: That it be noted that Mr McStay's application had been granted for a period of two years under delegated authority.

5 Grant of Taxi Driver's Licence - Personal Appearance

There was submitted the undernoted application for grant of a Taxi Driver's Licence. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to the application:-

Roderick Scott

Mr Scott, the applicant, was invited into the meeting together with Sergeant Brooks and Mr McLellan, 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.

6 Grant of Landlord Registration - Personal Appearance

There was submitted the undernoted application for grant of Landlord Registration. The applicant had been asked to appear personally for the first time together with Police Scotland:-

Robert McConnell

There was no appearance by or on behalf of Mr McConnell. Sergeant Brooks and Mr McLellan, on behalf of the Chief Constable were invited into the meeting. The Convener proposed that the application be considered in Mr McConnell'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.

7 Grant of Private Hire Car Operator's Licence - Personal Appearance

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 first time:-

Rana Sajjad

Mr Sajjad, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that, on receipt of satisfactory insurance documents, authority be delegated to the Head of Corporate Governance to grant Mr Sajjad's application for a period of one year. This was agreed unanimously.

DECIDED: That, on receipt of satisfactory insurance documents, authority be delegated to the Head of Corporate Governance to grant Mr Sajjad's application for a period of one year.

8 Hearings into Possible Removal from the Register of Private Landlords - Personal Appearances

The Board considered the possible removal of the undernoted landlords from the Register of Private Landlords. The landlords had been asked to appear personally for the first time:-

Mohamed Ishfaq, Mohammed Younis and Mohamed Razaq

Mr Younis, one of the landlords, and his representative, Mrs Archer, were invited into the meeting. Mrs Archer advised that she would also represent Mohamed Ishfaq and Mohamed Razaq, joint owners of the property. The Convener proposed that one submission be made but that three separate decisions would be taken in relation to each registration. This was agreed unanimously and also by Mr Younis and Mrs Archer.

After consideration of all matters before the Board, the Board adjourned to allow members to consider matters. The meeting was reconvened.

The Convener proposed that Mr Younis be removed from the Register of Private Landlords. This was agreed unanimously.

The Convener proposed that Mr Ishfaq be removed from the Register of Private Landlords. This was agreed unanimously.

The Convener proposed that Mr Razaq be removed from the Register of Private Landlords. This was agreed unanimously.

DECIDED:

- (a) That Mr Younis be removed from the Register of Private Landlords;
- (b) That Mr Ishfaq be removed from the Register of Private Landlords; and
- (c) That Mr Razaq be removed from the Register of Private Landlords.