

Notice of Meeting and Agenda Regulatory Functions Board

Date	Time	Venue
Wednesday, 26 October 2022	10:00	Remotely by MS Teams,

MARK CONAGHAN
Head of Corporate Governance

Membership

Councillor John McNaughtan (Convener): Councillor Cathy McEwan (Depute Convener):

Councillor Audrey Doig: Councillor Neill Graham: Councillor John Hood: Councillor Lisa-Marie Hughes: Councillor Kevin Montgomery: Councillor Sam Mullin: Councillor Emma Rodden: Councillor Andy Steel:

Recording of Meeting

This meeting will be recorded for subsequent broadcast via the Council's internet site. If you have any queries regarding this please contact Committee Services on 0141 618 7111.

To find the recording please follow the link which will be attached to this agenda once the meeting has concluded.

<https://youtu.be/RG4wQJT6c4c>

<https://youtu.be/-EsiRnwfcxA>

<https://youtu.be/6hr1jthsKTg>

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

1 **Registration of Private Landlords: Applications Refused under Delegated Authority** 6 - 8

Report by Director of Finance & Resources.

2 **Variation of Private Hire Car Operators' Licences - Personal Appearances**

Submit the undernoted applications for variation of Private Hire Car Operators' Licences. The applicants have been asked to appear personally for the first time:-

(a) Applicant: John Omand

Variation: exception to policy and standard condition 1
Licence No.: PH1310

(b) Applicant: Shahriar Al-Ahmed

Variation: exception to policy and standard condition 1
Licence No.: PH1285

(c) Applicant: Andrew Campbell

Variation: exception to policy and standard condition 1
Licence No.: PH1208

(d) Applicant: Aaisha Farooq

Variation: exception to policy and standard condition 1
Licence No.: PH1176

3 **Variation of Taxi Operators' Licences – Personal Appearances**

Submit the undernoted applications for variation of Taxi Operators' Licences. The applicants have been asked to appear personally for the first time:-

(a) Applicant: Robert Logan

Variation: exception to policy and standard condition 22

Licence No.: TX128

(b) Applicant: Robert McCue

Variation: exception to policy and standard condition 22

Licence No.: TX075

(c) Applicant: Paisley Taxis Ltd

Variation: exception to policy and standard condition 22

Licence No.: TX224 - 2 applications

(d) Applicant: William Mottram

Variation: exception to policy and standard condition 22

Licence No.: TX028

(e) Applicant: Stuart Irving

Variation: exception to policy and standard condition 22

Licence No.: TX208

(f) Applicant: Archie McLellan

Variation: exception to policy and standard condition 22

Licence No.: TX052

(g) Applicant: Malcolm Mearns

Variation: exception to policy and standard condition 22

Licence No.: TX194

(h) Applicant: James Liddell

Variation: exception to policy and standard condition 22

Licence No.: TX134

(i) Applicant: Shahzad Malik

Variation: exception to policy and standard condition 22

Licence No.: TX079

EXCLUSION OF PRESS AND PUBLIC

The Board may by resolution exclude the press and public from the meeting during consideration of the following items of business as it is likely, in view of the nature of the business to be transacted, that if members of the press and public are present, there could 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.

4 Grant of Private Hire Car Drivers' Licences – Personal Appearances

Under reference to item 12 of the Minute of the meeting of this Board held on 1 September 2022 resume consideration of applications (a), (b) and (c) and submit application (d) for grant of Private Hire Car Drivers' Licences. Applicants (a), (b) and (c) have been asked to appear personally for the second time and applicant (d) has been asked to

appear personally for the first together with Police Scotland who has submitted an objection to application (b) and representations to applications (c) and (d):-

(a) Mahabubul Hoque

Adjournment

The meeting will adjourn following consideration of item 4(a) and resume at 1.30 pm.

(b) Hafiz Saleem

(c) Lennyederson De Jesus Barbosa

(d) Stephen Whitelaw

5 Renewal of Private Hire Car Driver's Licence – Personal

Appearance

Under reference to Items 12 and 10 of the Minutes of the meetings of this Board held on 16 March 2022 and 17 August 2022 respectively resume consideration of application for renewal of Private Hire Car Driver's Licence. The applicant has been asked to appear personally for the third time together with Police Scotland who has submitted a letter of objection and a further letter received outwith the statutory timescale in relation to this application:-

Applicant: Ian Anderson

Licence No.: P6285

6 Applications for Exemption from Drivers' Duties under

Section 165 of the Equality Act 2010 – Personal

Appearances

Submit the undernoted applications for exemption from drivers' duties under the Equality Act 2010. The applicants have been asked to appear personally for the first time:-

(a) Applicant: Andrew Barr

Licence No.: T2450

(b) Applicant: Andrew McCallum

Licence No.: T2516

(c) Applicant: James Tiffoney

Licence No.: T0171

(d) Applicant: Stuart McCullagh

Licence No.: T0020

**7 Application for Landlord Registration - Personal
Appearance**

Submit the undernoted application for Landlord Registration. The applicant has been asked to appear personally for the first time:-

Helen Symington
Registration No.: 45241/350/01470



To: Regulatory Functions Board

On: 26 October 2022

Report by: Director of Finance and Resources

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

1. Summary

- 1.1 The purpose of this report is to provide a further update to the Board in relation to applications for landlord registration refused under powers delegated to officers following the meeting of the Board on 18th August 2021. Previous updates were given to the Board at its meetings on 3rd February and 8th June, both 2022.
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2. Recommendations

- 2.1 It is recommended that the Board note the contents of the report.
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3. Background

- 3.1 On 18th August 2021, the Board considered a report by the Director of Finance and Resources relative to outstanding applications for private landlord registration where landlords had not confirmed their compliance with regulatory requirements set out in regulations made under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004 ("the 2004 Act"). The report set out options to facilitate determination of these applications.

- 3.2 The Board agreed that it be 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 2004 Act, and detailed at Paragraph 3.3 of the report considered at the above meeting, are not met, subject to regular reports being submitted to the Board detailing the applications refused. This delegation subsequently came into effect after the meeting of Council on 30th September 2021, when the Minute of the Board's meeting of 18th August 2021 was approved.
- 3.3 In the report of 18th August 2021, officers indicated that it was anticipated that any power delegated to officers would not be used until two communications had been issued to applicants allowing them an opportunity to demonstrate their compliance. Accordingly, the practice adopted by officers has been to issue two separate letters to non-compliant landlords, allowing them periods of 28 days and, thereafter, a further 14 days to confirm their compliance.
- 3.4 Similar to the position at the time of the previous reports, the majority of landlords written to were able to confirm compliance within the above periods, allowing their applications for landlord registration to be granted. However, a number of landlords failed to respond positively to the correspondence. As a result, their applications were considered for refusal.
- 3.5 A further 59 applications for landlord registration were refused by officers in the period from 14th May to 4th October, both 2022, due to landlords' failure to confirm full compliance with their legal responsibilities. Fourteen of these applications were by landlords seeking registration for the first time, with the remainder applying to "renew" a previous landlord registration. The Board may wish to note that, since refusal, 23 of the above landlords have addressed their previous outstanding compliance issues and have reapplied for registration. A further landlord has confirmed that they no longer require landlord registration.
- 3.6 The backlog in landlord registration applications previously reported to the Board has now been cleared, with the exception of a very small number of applications with particular issues which would be more appropriately considered at the Board. The outstanding applications which relate to non-compliance with the regulations referred to above are otherwise applications received very recently, with levels of compliance having improved in the period since the regulatory requirements were introduced.

- 3.7 Given the backlog of applications has now been cleared, it is suggested that further update reports on the number of applications refused by officers will be provided annually.

Implications of the Report

1. **Financial – Nil**
2. **HR & Organisational Development – Nil**
3. **Community Planning – Nil**
4. **Legal – as detailed in the report**
5. **Property/Assets – Nil**
6. **Information Technology – Nil**
7. **Equality & Human Rights -**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as the report only provides the Board with an update on refused applications for landlord registration as previously requested by the Board.

8. **Health & Safety - Nil**
9. **Procurement – Nil**
10. **Risk - Nil**
11. **Privacy Impact - Nil**
12. **Cosla Policy Position – Nil**
13. **Climate Emergency – Nil**

List of Background Papers- None.

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