

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 08 March 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 Sam Mullin, Councillor Andy Steel

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

F Wilson (Serious Organised Crime & Trading Standards Manager) (Items 1 to 6(c) and 7(i) only) and R Wilson (Fair Trading Officer) (both Communities & Housing) and R Graham, Senior Solicitor (Litigation and Regulatory Services), P Shiach, Senior Committee Services Officer, D Cunningham, Assistant Committee Services Officer, A Easdon, Team Leader (Licensing), R McCallum, Administrative Assistant and D Pole, End User Technician (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.

### Apology

Councillor Montgomery.

### Transparency Statement

Councillor Mullin indicated that he had a connection to item 3 of the agenda by reason that the applicant Mr Wright was known to him. However, he indicated that he had applied the objective test and did not consider he had an interest and intimated that it was his intention to remain in the meeting and 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 items 6(c) and 7(i) of the agenda together, as they related to the same applicant, and that both applications be considered prior to item 7(a) of the agenda.

### 1 **Renewal of Private Hire Car Operators' Licences – Personal Appearances**

There were submitted the undernoted applications for renewal of Private Hire Car Operators' Licences. Applicant (a) had been asked to appear personally for the second time and applicant (b) had been asked to appear personally for the first time:-

(a) Applicant: Mumtaz Yousafzai  
Licence No.: PH0931

Mr Yousafzai, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Yousafzai's application be granted and that standard condition 1 of his licence be amended to enable Mr Yousafzai to continue to operate his present vehicle, registration number RJ65 FKA, for a period of six months from 8 March 2022, subject to the vehicle being tested at three-monthly intervals, with the first inspection being carried out within 28 days of 8 March 2023. This was agreed unanimously.

**DECIDED:** Mr Yousafzai's application be granted and that standard condition 1 of his licence be amended to enable Mr Yousafzai to continue to operate his present vehicle, registration number RJ65 FKA, for a period of six months from 8 March 2022, subject to the vehicle being tested at three-monthly intervals, with the first inspection being carried out within 28 days of 8 March 2023.

### **EXCLUSION OF PRESS AND PUBLIC**

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

(b) Applicant: Fraidon Abdul Aziz  
Licence No.: PH1231

Mr Aziz, 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 two years. This was agreed unanimously.

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

## **Admission of the Press and Public**

The press and public were invited back into the meeting prior to consideration of the following item of business.

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

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator's Licence:-

Present Operator: Partnership of J & T Taxis

Proposed Operator: Harwinder Johal

Licence No.: TX078

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

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

### **3 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: Ian Wright

Proposed Operator: Willian Donohoe

Licence No.: TX050

Mr Wright and Mr Donohoe, the applicants, both joined the meeting by telephone 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.

## **EXCLUSION OF PRESS AND PUBLIC**

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#### 4 **Variation of Taxi Operators' Licences - Personal Appearance**

There were submitted the undernoted applications for variation of Taxi Operators' Licences. The applicant had been asked to appear personally for the first time:-

Applicant: Graeme Anderson 2 applications

Variation: Exception to policy and condition 22 to operate saloon cars

Licences: TX137 and TX098

Mr Anderson, the applicant, joined the meeting by video call. The Convener proposed that both applications be considered together but that separate decisions be made. This was agreed unanimously. Mr Anderson also agreed to this. After consideration of all matters before the Board, the Board adjourned to allow members to consider the applications. The meeting was reconvened and the Convener proposed that (i) Mr Anderson's application for variation of Taxi Operator's Licence TX098 be refused; and (ii) That Mr Anderson's application for variation of Taxi Operator's Licence TX137 be refused. This was agreed unanimously.

#### **DECIDED:**

(a) That Mr Anderson's application for variation of Taxi Operator's Licence TX098 be refused; and

(b) That Mr Anderson's application for variation of Taxi Operator's Licence TX137 be refused.

#### **Adjournment**

The Board adjourned at 10.46am and reconvened at 11.00am.

#### 5 **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 second time together with Police Scotland who had submitted an objection received outwith the statutory timescale to the application: -

Jason Anderson

Mr Anderson, 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 an objection received outwith the statutory timescale to the application.

On hearing the reasons for the objection being received and after consideration of the age, nature and seriousness of the matters contained in the letter, 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.

## **Adjournment**

The Board adjourned at 12.04 pm and reconvened at 12.15 pm.

### **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:-

(a) Shohel Miah

Mr Miah, 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.

(b) Kabongo Ammon Tubayo

Mr Tubayo, 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.

### **7 Grant of Private Hire Car Operator's Licence and Grant of Private Hire Car Driver's Licence - Personal Appearance**

There were submitted the undernoted applications for grant of a Private Hire Car Operator's Licence and grant of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the first time: -

Abdul Fahim Rahimi

Mr Rahimi, the applicant, joined the meeting by video call. The Convener proposed that both applications be considered together but that separate decisions be made. This was agreed unanimously. Mr Rahimi also agreed to this. After consideration of all matters before the Board, the Convener proposed that (i) Mr Rahimi's application for grant of a Private Hire Car Operator's Licence be granted for a period of one year; and (ii) that Mr Rahimi's application for grant of a Private Hire Car Driver's Licence be granted for a period of one year. This was agreed unanimously.

**DECIDED:**

(a) Mr Rahimi's application for grant of a Private Hire Car Operator's Licence be granted for a period of one year; and

(b) That Mr Rahimi's application for grant of a Private Hire Car Driver's Licence be granted for a period of one year.

**Adjournment**

The Board adjourned at 12.45pm and reconvened at 13.30pm.

**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:-

(a) Syed Faisal Imam

The Senior Solicitor advised that Mr Imam had withdrawn his application.

**DECIDED:** That it be noted that Mr Imam had withdrawn his application.

(b) Fahid Ijaz

Mr Ijaz, 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.

(c) Mohammad Nasir

Mr Nasir, 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.

(d) Mohammed Jamal

Mr Jamal, 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.

(e) Mohammed Ikram

Mr Ikram, 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.

(f) Omar Adil Ibrahim Mohammed

Mr Mohammed, 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.

(g) Zulfiqar Ali Khan

Mr Khan, 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.

(h) Oru Umeh

Mr Umeh, 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.

## 9 **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: Gary Hutton  
Licence No.: P0237

Mr Hutton, the licence holder, joined the meeting by telephone call, together with Inspector Henderson, who joined the meeting by video call, on behalf of the Chief Constable. After consideration of all matters before the Board, the Senior Solicitor asked Mr Hutton if he wished to address the Board on any action the Board might impose prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Hutton then addressed the Board.

Following consideration of Mr Hutton's submission, the Board adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed that Mr Hutton'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 Hutton's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.