

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 27 August 2020	10:00	Remotely by MS teams,

Present

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

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

M Conaghan, Legal & Democratic Services Manager, D Campbell, Assistant Managing Solicitor (Licensing), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Committee Services Officer, N Barr, Administrative Assistant, C Lamb, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (all Finance & Resources).

Recording of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting of the Board would be recorded and that the recording would be available to watch on the Council's website.

Apology

Councillor Rodden.

Declarations of Interest

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

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.

1 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 an objection to the application:-

Mark Kennedy

Mr Kennedy, the applicant, joined the meeting by telephone call together with Sergeant Robertson, Police Scotland, on behalf of the Chief Constable who had submitted an objection to the application, who also joined by telephone call. 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 a period of one year from 27 August 2020. This was agreed unanimously

DECIDED: That the application be granted for a period of one year from 27 August 2020.

2 Grant of Private Hire Car Driver's Licence - Personal Appearance

There was submitted the undernoted application for grant 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 and a further letter containing additional information:-

Harris Mohammed

Mr Mohammed, the applicant, joined the meeting by telephone call together with Sergeant Robertson, Police Scotland, on behalf of the Chief Constable who had submitted an objection to the application and a further letter of objection containing additional information, who also joined by telephone call.

The Assistant Managing Solicitor (Licensing) advised that the objection and further letter of objection from Police Scotland was in the form of two letters, one of which had not been circulated to members of the Board. Mr Mohammed agreed that the Board should consider the matters contained in the second letter of objection.

After consideration of the age, nature and seriousness of the matters contained in the second letter of objection, the Convener proposed that the Board consider these matters 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.

3 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:-

Allan Denholm P0533

The Assistant Managing Solicitor (Licensing) advised that Police Scotland had withdrawn the letter of complaint therefore the hearing into the possible suspension or revocation of the licence would not be heard.

DECIDED: That it be noted that Police Scotland had withdrawn the letter of complaint therefore the hearing into the possible suspension or revocation of the licence would not be heard.

Adjournment

The meeting adjourned at 11.45 am and reconvened at 12.30 pm.

Sederunt

Councillors Mackay, Steel and Strang were not in attendance when the meeting reconvened.

4 Hearing into Possible Suspension or Revocation of Taxi Driver's Licence and Taxi Operator's Licence - Personal Appearance

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

Gordon Muir T0596 and TX148

Mr Muir, the licence holder, joined the meeting by telephone call together with Sergeant Robertson, Police Scotland, on behalf of the Chief Constable, who also joined by telephone call. The Convener proposed that both matters be considered together but that separate decisions be made. This was agreed unanimously. Mr Muir also agreed to this.

After consideration of all matters before the Board, the Convener asked Mr Muir if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Taxi Driver's Licence and Taxi Operator's Licence. Mr Muir then addressed the Board.

Following consideration of Mr Muir's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed (i) that Mr Muir's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect and (ii) that Mr Muir's Taxi Operator's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED:

- (a) That Mr Muir's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect; and
- (b) That Mr Muir's Taxi Operator's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.