

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 07 September 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 Kevin Montgomery, Councillor Sam Mullin, Councillor Andy Steel

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Managing Solicitor (Licensing), E Currie, Senior Committee Services Officer, D Cunningham and A Easdon, both Committee Services & Licensing Officers, R McCallum, Licensing & Committee Assistant, and J McLean, ICT End User Support Officer (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 Mullin (for lateness).

Declarations of Interest and Transparency Statements

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

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 reconsidering item 3 of the agenda after item 5 of the agenda; considering item 5 of the agenda prior to item 4 of the agenda and reconsidering item 6(a) of the agenda after item 6(c) of the agenda.

1 Grant of Late Hours Catering Licence - Personal Appearance

There was submitted the undernoted application for grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the first time:-

Applicant: PTLL Limited
Premises: Tesco Rockfield, 125 Renfrew Road, Paisley
Activity: supermarket
Operating hours: Monday to Sunday - 11.00 pm to 5.00 am

Ms Purewal, on behalf of 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 and that the applicant be an exception to the Board's policy on trading hours.

DECIDED: That the application be granted for a period of one year and that the applicant be an exception to the Board's policy on trading hours.

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: Malcolm Mearns
Proposed operator: Calum Anderson
Licence no.: TX071

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

DECIDED: That the application be granted.

3 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: Paul Hepburn
Licence no.: PH0617

Mr Hepburn, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued until later in the meeting to allow submitted documentation to be verified and that, if in order, the applicant need not attend. This was agreed unanimously.

DECIDED: That consideration of the application be continued until later in the meeting to allow submitted documentation to be verified and that, if in order, the applicant need not attend.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of items 4 and 5 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.

4 Surrender and Re-issue of Taxi Operator's Licence - Personal Appearances

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: John Heron
Proposed operator: James Smith
Licence no.: TX165

Mr Heron and Mr Smith, 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.

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

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

John Sutherland – 2 applications

Mr Sutherland, the applicant, joined the meeting by telephone call. The Convener proposed that both applications be considered together but that separate decisions be made. This was agreed unanimously. Mr Sutherland also agreed to this. After consideration of all matters before the Board, the Convener proposed (i) that Mr Sutherland's application for grant of a Private Hire Car Operator's Licence to operate vehicle GJ15 DDN be granted and that standard condition 1 of his licence be amended to enable Mr Sutherland to operate this vehicle as an exception to the Board's policy on vehicle age, all for a period of one year; and (ii) that Mr Sutherland's application for

grant of a Private Hire Car Operator's Licence to operate vehicle PJ15 MVR be granted and that standard condition 1 of his licence be amended to enable Mr Sutherland to operate this vehicle as an exception to the Board's policy on vehicle age, all for a period of one year. This was agreed unanimously.

DECIDED:

(a) That the application for grant of a Private Hire Car Operator's Licence to operate vehicle GJ15 DDN be granted and that standard condition 1 of his licence be amended to enable Mr Sutherland to operate this vehicle as an exception to the Board's policy on vehicle age, all for a period of one year; and

(b) That the application for grant of a Private Hire Car Operator's Licence to operate vehicle PJ15 MVR be granted and that standard condition 1 of his licence be amended to enable Mr Sutherland to operate this vehicle as an exception to the Board's policy on vehicle age, all for a period of one year.

Admission of Press and Public

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

6 Renewal of Private Hire car Operator's Licence - Personal Appearance

Under reference to item 3 of this Minute, consideration was resumed of the undernoted application for renewal of a Private Hire Car Operator's Licence:-

Applicant: Paul Hepburn
Licence no.: PH0617

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.

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.

7 Grant of Private Hire Car Drivers' Licences - Personal Appearances

There were submitted applications (a), (b), (c), (d), (e), (f) and (g) for grant of Private Hire Car Drivers' Licences and under reference to item 8(b) of the Minute of the meeting of this Board held on 23 August 2023, consideration was resumed of application (h) for grant of a Private Hire Car Driver's Licence. Applicants (a), (b), (c), (d), (e), (f) and (g)

had been asked to appear personally for the first time and applicant (h) had been asked to appear personally for the second time together with Police Scotland who had submitted objections to applications (f) and (g) and an objection to application (h) together with a supplementary letter which was received outwith the statutory timescale to the application:-

(a) Alaa Alkawaldeh

There was no appearance by or on behalf of Mr Alkawaldeh, the applicant. 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.

(b) Matiullah Wafa

Mr Wafa, 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) Abdulhakim Isa

Mr Isa, 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) Alaa Alkawaldeh

Under reference to item 7(a) above, consideration was resumed of Mr Alkawaldeh's application. Mr Alkawaldeh, 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.

Adjournment

The meeting adjourned at 11.00 am and reconvened at 11.35 am.

(e) Chaltu Aliyi

There was no appearance by or on behalf of the Mr Aliyi, the applicant. The Convener proposed that the application be considered Mr Aliyi'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.

(f) Abdul Wajid Mian

Mr Mian, the applicant, joined the meeting by telephone call together with Inspector Henderson, who also joined the meeting by telephone call, 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.

(g) Anas Khawaldah

Mr Khawaldah, the applicant, joined the meeting by telephone call together with Inspector Henderson, who also joined the meeting by telephone call, 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 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.

(h) Mohammed Akram

There was no appearance by or on behalf of Mr Akram, the applicant. Inspector Henderson joined the meeting by telephone call, on behalf of the Chief Constable who had submitted an objection to the application and a supplementary letter received outwith the statutory timescale to the application.

The Managing Solicitor (Licensing) advised that Mr Akram's Solicitor had requested that consideration of the matter be continued to allow time for Police Scotland to clarify their position in relation to this application.

The Convener proposed (i) that consideration of the application be continued and that the applicant be invited to a future meeting of the Board; and (ii) that, if required, an application be made to the Sheriff for an extension of the statutory period allowed for reaching a decision on the application. This was agreed unanimously.

DECIDED:

(i) That consideration of the application be continued and that the applicant be invited to a future meeting of the Board; and

(ii) That, if required, an application be made to the Sheriff for an extension of the statutory period allowed for reaching a decision on the application.

Adjournment

The meeting adjourned at 1.00 pm and reconvened at 1.30 pm.

Sederunt

Councillors Audrey Doig and Montgomery were not in attendance when the meeting reconvened.

8 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 received outwith the statutory timescale to the application:-

Mohammed Adail

Mr Adail, the applicant, joined the meeting by telephone call together with Inspector Henderson, 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 lateness of the objection, the Convener proposed that the objection be taken into account when the application was being considered. 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 granted for a period of one year. This was agreed unanimously.

DECIDED: That the application be granted for a period of one year.

Sederunt

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

9 Renewal of Private Hire Car Drivers' Licences - Personal Appearances

There were submitted the undernoted applications for renewal 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 (a), an objection to application (b) and an objection and a supplementary objection to application (c), both received outwith the statutory timescale to the application :-

(a) Applicant: Michelle Fulton
Licence no.: P0772

Ms Fulton, the applicant, joined the meeting by telephone call together with Inspector Henderson, 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 two years. This was agreed unanimously.

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

(b) Applicant: Atif Akram
Licence no.: P0777

Mr Akram, the applicant, and his Solicitor, Mr Banks, both 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 an objection to the application. 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.

(c) Applicant: Hamid Mahmood
Licence no.: P0069

Mr Mahmood, the applicant, accompanied by his son, Mr Hamid, 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 an objection and a supplementary objection both received outwith the statutory timescale to the application.

On hearing the reasons for the lateness of the objection and the supplementary objection, the Convener proposed that both the objection and, subsequently, separately the supplementary objection, be taken into account when the application was being considered. 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.

(d) Applicant: Usman Nazir
Licence no.: P0058

There was no appearance by or on behalf of Mr Nasir, the applicant. The Convener proposed that the application be considered in Mr Nasir'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 to 8 December 2024. This was agreed unanimously.

DECIDED: That the application be granted for a period to 8 December 2024.

10 **Exemption from Drivers' Duties under Section 166 of the Equality Act 2010 - Personal Appearance**

There was submitted the undernoted application for exemption from driver's duties to provide mobility assistance under the Equality Act 2010. The applicant had been asked to appear personally for the first time:-

Applicant: James Liddell
Licence no.: T0481

Mr Liddell, 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 the duration of Mr Liddell's current Taxi Driver's Licence. This was agreed unanimously.

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

Sederunt

Councillor Steel left the meeting prior to consideration of the following item of business.

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 licence. The licence holder had been asked to appear personally for the first time together with Police Scotland:-

Licence holder: Adam Bryson
Licence no.: P0709

Mr Bryson, the licence holder, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined the meeting by video call, on behalf of the Chief Constable. Mr Bryson advised that his Solicitor was unable to attend the meeting to represent him and requested that consideration of this matter be continued to a future meeting of the Board to allow his Solicitor to represent him. Sergeant Moore-McGrath addressed the Board. The Convener then proposed that consideration of this matter be continued and that the licence holder be invited to a future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of this matter be continued and that the licence holder be invited to a future meeting of the Board.