

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 23 August 2023	10:00	Remotely by MS Teams,

**Present:** Councillor Audrey Doig, Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Janis McDonald, Councillor John McNaughtan, Councillor Andy Steel

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

C Young, Fair Trading & Licensing Officer (Communities & Housing); and D Campbell, Managing Solicitor (Licensing), R Graham, Senior Solicitor (Litigation & Regulatory Services), C Gregory, Solicitor (Litigation & Advice), P Shiach, Senior Committee Services Officer, D Cunningham and A Easdon, both Committee Services & Licensing Officers, R McCallum, Licensing & Committee Assistant, D Pole, ICT End User Technician and L Sandell and J Skinner, both ICT End User Support Officers (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.

### Apologies

Councillors McEwan, Montgomery and Mullin.

### 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 considering item 10 of the agenda prior to item 2 of the agenda.

## Exclusion of Press and Public

The Board resolved that the press and public be excluded from the meeting during consideration of items 1 and 2 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 Late Hours Catering Licence

There was submitted the undernoted application for renewal of a Late Hours Catering Licence:-

Applicant: McDonalds Restaurants Limited

Premises: Phoenix Retail Park, Linwood

Activity: burgers, fries, coffees, soft drinks etc

Operating hours: Monday to Sunday - 11.00 pm to 5.00 am for both restaurant and drive-thru

Licence No.: LHC016

The Convener proposed that the application be granted for a period of two years and that the applicant continue to be an exception to the Board's policy on trading hours. This was agreed unanimously.

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

### 2 Grant of Taxi Operator's Licence - Personal Appearance

There was submitted the undernoted application for grant of a Taxi Operator's Licence. The applicant had been asked to appear personally for the first time:-

Graeme Anderson

Mr Anderson, the applicant, and his Solicitor, Mr Banks, both 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 and that Mr Anderson continue to be exempt from operating a wheelchair accessible vehicle. This was agreed unanimously.

**DECIDED:** That the application be granted for a period of one year and that Mr Anderson continue to be exempt from operating a wheelchair accessible vehicle.

## **Admission of Press and Public**

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

### **3 Grant of Private Hire Car Drivers' Licences - Personal Appearances**

Under reference to item 2 of the Minute of the meeting of this Board held on 17 May 2023, consideration was resumed of application (a) for grant of a Private Hire Car Driver's Licence and there was submitted application (b) for grant of a Private Hire Car Driver's Licence. 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) Parvaz Akhtar

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

(b) Ryan McLeese

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

### **4 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 first time: -

Steven McGowan

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

## **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.

### **5 Grant of Taxi Drivers' Licences - Personal Appearances**

Under reference to item 10 of the Minute of the meeting of this Board held on 17 May 2023, consideration was resumed of application (b) for grant of a Taxi Driver's Licence and there was submitted application (a) for grant of a Taxi Driver's Licence. Applicant (a) had been asked to appear personally for the first time and applicant (b) had been asked to appear personally for the second time:-

(a) Mate Lengyel

The Managing Solicitor (Licensing) advised that this application had been granted under delegated authority for a period of one year.

**DECIDED:** That it be noted that the application had been granted under delegated authority for a period of one year.

(b) Patrycja Singh

Ms Singh, 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.

## **Adjournment**

The meeting adjourned at 10.45 am and resumed at 11.00 am.

### **6 Grant of Private Hire Car Drivers' Licences - Personal Appearances**

Under reference to item 8(b) of the Minute of the meeting of this Board held on 1 June 2023 and item 6(e) of the Minute of the meeting of this Board held on 17 May 2023, consideration was resumed of applications (d) and (f), respectively, for grant of Private Hire Car Drivers' Licences and there were submitted applications (a), (b), (c), (e), (g) and (h) for grant of Private Hire Car Drivers' Licences. Applicants (a), (b), (c), (e), (g) and (h) had been asked to appear personally for the first time and applicants (d) and (f) had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to application (f) together with an objection received outwith the statutory timescale to the application and an objection received outwith the statutory timescale to application (h) together with a further letter in connection with that objection also received outwith the statutory timescale to the

application:-

(a) Mohammed Bakhit

Mr Bakhit, 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) Ali Shah

Mr Shah, 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) Natnael Esayas

Mr Esayas, 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.

(d) Wajid Mahmood Yousaf Begum

Mr Begum, 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) Saqib Ali

Mr Ali, 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) David Walker

Mr Walker, the applicant, joined the meeting by video call together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application and 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.

(g) Salman Khan

Mr Khan, 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.

(h) Keith Rainnie

There was no appearance by or on behalf of Mr Rainnie, the applicant. Sergeant McGrath-Moore joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale and a further letter in connection with that objection also received outwith the statutory timescale to the application. 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.

## **Adjournment**

The meeting adjourned at 12.30 pm and reconvened at 1.30 pm.

## **7 Hearings into Possible Suspension or Revocation of Private Hire Car Drivers' Licences - Personal Appearances**

The Board considered the possible suspension or revocation of the Private Hire Car Driver's Licence held by licence holder (a) and under reference to item 3(b) of the Minute of the meeting of this Board held on 7 August 2019, consideration was resumed of the possible suspension or revocation of the Private Hire Car Driver's Licence held by licence holder (b). Licence holder (a) had been asked to appear personally for the first time and licence holder (b) had been asked to appear personally for the second time together with Police Scotland:-

(a) Licence holder: Daniel Gillies  
Licence No.: P0722

Mr Gillies, 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. After consideration of all matters before the Board, the Managing Solicitor (Licensing) asked Mr Gillies 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 Gillies then addressed the Board.

Following consideration of Mr Gillies' submission, the Board adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed that no action be taken. This was agreed unanimously.

**DECIDED:** That no action be taken.

(b) Licence holder: Alisdair Connell  
Licence No.: P4755

Mr Connell, the licence holder, joined the meeting by video call, together with Sergeant Moore-McGrath, who also joined the meeting by video call, on behalf of the Chief Constable. After consideration of all matters before the Board, the Managing Solicitor (Licensing) asked Mr Connell 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 Connell then addressed the Board.

Following consideration of Mr Connell's submission, the Board adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed that Mr Connell's Private Hire Car Driver's Licence be suspended for a period of six weeks with effect from 21 September 2023. This was agreed unanimously.

**DECIDED:** That Mr Connell's Private Hire Car Driver's Licence be suspended for a period of six weeks with effect from 21 September 2023.

## **Adjournment**

The meeting adjourned at 3.05 pm and reconvened at 3.15 pm.

## **8 Grant of Private Hire Car Drivers' Licences - Personal Appearances**

Under reference to item 6(d) of the Minute of the meeting of this Board held on 17 May 2023, consideration was resumed of application (b) for grant of a Private Hire Car Driver's Licence and there was submitted application (a) for grant of a Private Hire Car Driver's Licence. Applicant (a) had been asked to appear personally for the first time and applicant (b) had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to application (a) and an objection to application (b):-

(a) Abdulgader Yahya

Mr Yahya, the applicant, 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 a representation to the application. After consideration of all matters before the Board, 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.

(b) Mohammad Akram

Mr Akram, the applicant, 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 and following upon Mr Akram confirming that he waived his entitlement to the statutory 14-day notice period to allow his application to be considered at the next meeting of the Board to be held on 7 September 2023, the Convener proposed that consideration of the application be continued and that the applicant be invited to the next meeting of the Board to be held on 7 September 2023. This was agreed unanimously.

**DECIDED:**

(i) That consideration of the application be continued and that the applicant be invited to the next meeting of the Board to be held on 7 September 2023; and

(ii) That it be noted that Mr Akram confirmed to the Board that he waived his entitlement to the statutory 14-day notice period in respect of that meeting.

**Declaration of Interest**

At this point in the meeting, Councillor Hughes declared an interest in respect of item 9(a) for the reason that the applicant was known to her. Councillor Hughes indicated that as she had declared an interest, she would leave the meeting during any discussion and voting on the item.

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

Under reference to item 10(a) of the Minute of the meeting of this Board held on 2 February 2023, consideration was resumed of application (a) for renewal of a Private Hire Car Driver's Licence and under reference to item 7(b) of the Minute of the meeting of this Board held on 17 May 2023, consideration was resumed of application (b) for renewal of a Private Hire Car Driver's Licence. The applicants had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to application (a) together with an objection received outwith the statutory timescale to the application and an objection to application (b):-

(a) Applicant: Avril McKerlie  
Licence No.: P0281

There was no appearance by or on behalf of Ms McKerlie, the applicant. Sergeant Moore-McGrath, joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application together with 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 Convener proposed that the application be refused. This was agreed unanimously.



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

### **Sederunt**

Councillor Hughes rejoined the meeting prior to consideration of the following item of business.

(b) Applicant: Mahamudul Hassan  
Licence No.: P0292

Mr Hassan, the applicant, 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 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 two years. This was agreed unanimously.

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

## **10 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:-

Ibrahim Elnoor

Mr Elnoor, 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.