

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 17 August 2022	10:00	Remotely by MS Teams ,

Present: Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Emma Rodden, Councillor Andy Steel

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

R Graham, Senior Solicitor (Litigation and Regulatory Services), D Cunningham, Assistant Committee Services Officer, E Gray, Senior Committee Services Officer, D Pole, End User Technician, A Easdon, Team Leader (Licensing), G McIntosh, Civic Licensing Standards Officer and R McCallum, Administrative Assistant (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 N Graham, Hood, Montgomery and Mullin.

Declarations of Interest

There were no declarations of interest 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 8(b) of the agenda before item 7(e) of the agenda.

1 Renfrewshire's Local Air Quality Management Update - 2021 and 2022 Air Quality Annual Progress Reports

There was submitted a report by the Director of Communities & Housing Services providing an update in relation to air quality within Renfrewshire and detailing the findings of Renfrewshire's 2021 and 2022 annual progress reports.

The report summarised the key findings of the 2021 and 2022 Renfrewshire air quality annual progress reports and highlighted the positive trend in compliance with air quality monitoring standards across Renfrewshire.

The report advised that there had now been two consecutive years of compliance with statutory objective levels throughout all of Renfrewshire and, in particular, seven years of compliance within Paisley and the Paisley Town Centre Air Quality Management area. It was noted that the overall picture in relation to air quality across Renfrewshire was positive and would continue to be monitored with the current monitoring programme throughout 2022.

DECIDED: That the outcome of Renfrewshire's 2021 and 2022 air quality annual progress reports be noted and that it be noted that there were no exceedances of any air quality objectives identified with Renfrewshire during both 2020 and 2021.

2 Grant of Late Hours Catering Licences - Personal Appearances

There were submitted the undernoted applications for grant of Late Hours Catering Licence. Applicant (a) had been asked to appear personally for the third time and applicant (b) had been asked to appear personally for the second time:-

(a) Applicant: Exotic Kitchen Limited
Premises: 23 Causeyside Street, Paisley
Activity: takeaway
Operating hours: Monday to Sunday – 11.00 pm to 2.00 am

There was no appearance by or on behalf of Exotic Kitchen Limited. The Convener proposed that the application be considered in the applicant's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that the application for hours additional to the Board's policy on trading hours be refused and that the application be granted for a period of one year with operating hours in accordance with the Board's policy on trading hours. This was agreed unanimously.

DECIDED:

(i) That the application for hours additional to the Board's policy on trading hours be refused; and

(ii) That the application be granted for a period of one year with operating hours in accordance with the Board's policy on trading hours.

(b) Applicant: Select Service Partner UK Limited

Premises: Café Bar, Central Pier 18-22 Terminal Building, Glasgow Airport, Paisley

Activity: cafe

Operating hours: 7 days per week – 11.00 pm to 5.00 am

Mr Kelly, on behalf of the applicant, and Ms McGuire, his Solicitor, 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 the applicant 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 one year and that the applicant be an exception to the Board's policy on trading hours.

3 **Renewal of Late Hours Catering Licences**

There were submitted the undernoted applications for renewal of Late Hours Catering Licences:-

(a) Applicant: Wm Morrison Supermarkets Limited

Premises: Petrol Filling Station, 30 Napier Street, Johnstone

Activity: petrol filling station

Operating hours: Monday to Sunday – 11.00 pm to 5.00 am

Licence No.: LHC 099

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.

(b) Applicant: Wm Morrison Supermarkets Limited

Premises: Petrol Filling Station, 16 Thread Street, Paisley

Activity: petrol filling station

Operating hours: Monday to Sunday – 11.00 pm to 5.00 am

Licence No.: LHC 101

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.

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

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

(a) Applicant: Craig Halliday

Variation: exception to policy and standard condition 1

Licence No.: PH1608

There was no appearance by or on behalf of Mr Halliday, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Halliday's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Halliday to operate his present vehicle, registration number GL14 HJD, for a period of one year from 1 May 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr Halliday's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Halliday to operate his present vehicle, registration number GL14 HJD, for a period of one year from 01 May 2022, subject to the vehicle being tested at three-monthly intervals.

(b) Applicant: Thomas McGarrell

Variation: exception to policy and standard condition 1

Licence No.: PH1448

There was no appearance by or on behalf of Mr McGarrell, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr McGarrell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr McGarrell to operate his present vehicle, registration number PX15 XSF, for a period of one year from 29 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022. This was agreed unanimously.

DECIDED: That Mr McGarrell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr McGarrell to operate his present vehicle, registration number PX15 XSF, for a period of one year from 29 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022.

(c) Applicant: John Sutherland

Variation: exception to policy and standard condition 1

Licence No.: PH1150

There was no appearance by or on behalf of Mr Sutherland, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Sutherland's application for variation be granted and that standard

condition 1 of his licence be amended to enable Mr Sutherland to operate his present vehicle, registration number GJ15 DDN, for a period of one year from 20 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022. This was agreed unanimously.

DECIDED: That Mr Sutherland's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Sutherland to operate his present vehicle, registration number GJ15 DDN, for a period of one year from 20 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022.

(d) Applicant: Stuart Crichton

Variation: exception to policy and standard condition 1

Licence No.: PH1430

There was no appearance by or on behalf of Mr Crichton, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Crichton's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Crichton to operate his present vehicle, registration number FJ15 YBV, for a period of one year from 13 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022. This was agreed unanimously.

DECIDED: That Mr Crichton's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Crichton to operate his present vehicle, registration number FJ15 YBV, for a period of one year from 13 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022.

(e) Applicant: Robert Kerr

Variation: exception to policy and standard condition 1

Licence No.: PH1369

There was no appearance by or on behalf of Mr Kerr. The Convener proposed that the application be considered in Mr Kerr's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Kerr's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Kerr to operate his present vehicle, registration number GK15 TKN, for a period of one year from 6 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 25 October 2022. This was agreed unanimously.

DECIDED: That Mr Kerr's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Kerr to operate his present vehicle, registration number GK15 TKN, for a period of one year from 6 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 25 October 2022.

5 Variation of Taxi Operators' Licences - Personal Appearances

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

(a) Applicant: Gordon Chapman

Variation: exception to policy and standard condition 22

Licence No.: TX014

There was no appearance by or on behalf of Mr Chapman. The Convener proposed that the application be considered in Mr Chapman's absence. This was agreed unanimously. The Convener proposed that Mr Chapman's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Chapman to operate his present vehicle, registration number SF14 AKO, for a period of one year from 3 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 24 September 2022. This was agreed unanimously.

DECIDED: That Mr Chapman's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Chapman to operate his present vehicle, registration number SF14 AKO, for a period of one year from 3 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 24 September 2022.

(b) Applicant: John Stewart Reid

Variation: exception to policy and standard condition 22

Licence No.: TX235

Mr Reid, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Reid's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Reid to operate his present vehicle, registration number SN14 ACV, for a period of one year from 15 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022. This was agreed unanimously.

DECIDED: That Mr Reid's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Reid to operate his present vehicle, registration number SN14 ACV, for a period of one year from 15 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 17 August 2022.

(c) Applicant: John McIntyre

Variation: exception to policy and standard condition 22

Licence No.: TX047

Mr McIntyre, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr McIntyre's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McIntyre to operate his present vehicle, registration number SN14 ADZ, for a period of one year from 19 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 19 October 2022. This was

agreed unanimously.

DECIDED: That Mr McIntyre's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Reid to operate his present vehicle, registration number SN14 ACV, for a period of one year from 15 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 19 October 2022.

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.

Adjournment

The meeting adjourned at 11.00am and resumed at 11.15am.

6 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 together with Police Scotland who had submitted a representation to the application:-

Paul Lafferty

Mr Lafferty, 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. 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 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) Arshad Mehmood Bibi

Mr Bibi, the applicant, joined the meeting by video call, together with Mr Edwards who communicated on his behalf. 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) Janat Gul Ahmadzai

Mr Ahmadzai, 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) Esmail Raufi

Mr Raufi, 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) Salah Abukhabta

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

Sederunt

Councillors Hughes and McEwan left the meeting prior to consideration of the following item of business.

Adjournment

The meeting adjourned at 12.14pm and reconvened at 1.30pm.

8 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 a representation received outwith the statutory timescale to the application:-

Robert Houston P6326

Mr Houston, 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 received outwith the statutory timescale to the application.

On hearing the reasons for the lateness of the representation, it was decided that the representation would be taken into account when the application was being considered.

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.

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

There were submitted the undernoted applications for grant of Private Hire Car Drivers' Licences. Applicant (a) had been asked to appear personally for the third time and applicants (b) and (c) had been asked to appear personally for the first time together with Police Scotland who submitted an objection and a further letter in relation to that objection to application (a):-

(a) Barry Wood

Mr Wood, 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 an objection and a further letter in relation to that objection to the application.

The Senior Solicitor (Litigation & Regulatory Services) advised that the further letter from Police Scotland had not been circulated to members of the Board. 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, Councillor McNaughton, seconded by Councillor Steel, moved that the application be granted for a period of one year.

Councillor Audrey Doig, seconded by Councillor Rodden, moved as an amendment that the application be refused.

On the roll being called, the following members voted for the amendment: Councillors Audrey Doig and Rodden.

The following members voted for the motion: Councillors McNaughton and Steel.

There being an equality of votes, the Convener used his second and casting vote in favour of the motion. The motion was accordingly declared carried.

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

(b) Lukasz Kaznowski

The Senior Solicitor (Litigation & Regulatory Services) advised that this application had been granted under delegated authority for a period of one year.

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

(c) Obaidullahkhan Mohammadsulton

There was no appearance by or on behalf of Mr Mohammadsulton. 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.

Declaration of Interest

At this point in the meeting, Councillor Steel declared an interest in the following item of business for the reason that the applicant was known to him. Councillor Steel indicated that as he had declared an interest, he would leave the online meeting during any discussion and voting on the item.

10 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:-

Ian Anderson P6285

Mr Anderson, 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 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.

Sederunt

Councillor Steel re-joined the meeting prior to consideration of the following item of business.

11 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:-

Rahmatullah Naqibullah

There was no appearance by or on behalf of Mr Naqibullah. The Convener proposed that the application be considered in Mr Naqibullah's absence. This was agreed unanimously. After consideration of all matters before the Board, the Board adjourned to allow members to consider the application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

Sederunt

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

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

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Drivers' Licences. The licence holders had been asked to appear personally for the first time together with the Council's Civic Licensing Standards Officer who had submitted a report in relation to (a) and Police Scotland who had submitted a letter in relation to (b):-

(a) Gordon Rooney P0171

Mr Rooney, the licence holder, joined the meeting by video call, together with Ms McIntosh, the Civic Licensing Standards Officer who also joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that consideration of this matter be continued and that the licence holder be invited to a future meeting of this 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 this Board.

(b) Adam Pollock P0561

Mr Pollock, 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 Convener proposed that consideration of this matter be continued and that the licence holder be invited to a future meeting of this 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 this Board.