

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 01 November 2023	10:00	Remotely by MS Teams,

Present: Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Janis McDonald, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Andy Steel

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Managing Solicitor (Licensing), P Shiach, Senior Committee Services Officer, D Cunningham, Committee Services & Licensing Officer, R McCallum, Licensing & Committee Assistant (all Finance & Resources); and C Young, Fair Trading & Licensing Officer (Environment, Housing & Infrastructure).

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 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.

1 **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: Lawrence Olaley
Licence no.: PH1380

Mr Olaley, 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.

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: Ian Roulston
Proposed operator: Thomas McGarrell
Licence no.: TX228

Mr Roulston, the applicant, joined the meeting by telephone call. There was no appearance by or on behalf of Mr McGarrell. The Convener proposed that the application be considered in Mr McGarrell's absence. This was agreed unanimously. 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.

3 **Renewal of Taxi Operator's Licence – Personal Appearance**

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

Applicant: Moloy Sarker
Licence no.: TX226

Mr Sarker, 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 subject to the applicant submitting a valid MOT certificate within four weeks from 1 November 2023. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years subject to the applicant submitting a valid MOT certificate within four weeks from 1 November 2023.

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.

4 Renewal of Taxi Operators' Licences – Personal Appearances

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

(a) Applicant: Stephen Heron
Licence no.: TX205

Mr Heron, 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 and that Mr Heron continue to be exempt from operating a wheelchair accessible vehicle.

DECIDED: That the application be granted for a period of two years and that Mr Heron continue to be exempt from operating a wheelchair accessible vehicle.

(b) Applicant: Vincent Dobbins
Licence no.: TX045

Mr Dobbins, the applicant, accompanied by his son, Mr Dobbins Jnr, 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 and that Mr Dobbins continue to be exempt from operating a wheelchair accessible vehicle.

DECIDED: That the application be granted for a period of two years and that Mr Dobbins continue to be exempt from operating a wheelchair accessible vehicle.

Adjournment

The meeting adjourned at 10.40 am and reconvened at 10.50 am.

5 Grant of Private Hire Car Drivers' Licences – Personal Appearances

There were submitted applications (a), (b), (c), (d), (e), (g) and (h) for grant of Private Hire Car Drivers' Licences and under reference to item 8(a) of the Minute of the meeting of this Board held on 23 August 2023, consideration was resumed of application (f) for grant of a Private Hire Car Driver's Licence. Applicants (a), (b), (c), (d), (e), (g) and (h) had been asked to appear personally for the first time and applicant (f) had been asked to appear personally for the second time together with Police Scotland who had submitted representations to applications (f), (g) and (h):-

(a) Aqil Nawabi

Mr Nawabi, 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.

(b) Aliyyi Abdurahman

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

(c) Abdul Ghaffar

Mr Ghaffar, 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 11.10 am and reconvened at 11.20 am.

(d) Tarig Musa

Mr Musa, 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 six months. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months.

(e) Fardein Rahimi

Mr Rahimi, 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.

(f) Abdulgader Yahya

There was no appearance by or on behalf of Mr Yahya, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Yahya'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.

(g) Mohannad Haj Omar

Mr Omar, the applicant, joined the meeting by video call, together with Sergeant Robertson, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. Sergeant Robertson advised that the Chief Constable wished to withdraw the representation. 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) Daniel Gostek

Mr Gostek, the applicant, joined the meeting by video call together with Sergeant Robertson, 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.

Adjournment

The meeting adjourned at 12.15 pm and reconvened at 1.30 pm.

Sederunt

Councillor N Graham joined the meeting prior to consideration of the following items of business.

6 Grant of Private Hire Car Drivers' Licences – Personal Appearances

There were submitted applications (a), (b) and (c) for grant of Private Hire Car Drivers' Licences and under reference to item 6(h) of the Minute of the meeting of this Board held on 23 August 2023 item 7(g) of the Minute of the meeting of this Board held on 7 September 2023, consideration was resumed of applications (d) and (e) respectively. Applicants (a), (b) and (c) had been asked to appear personally for the first time, applicants (d) and (e) had been asked to appear personally for the second time together with Police Scotland who had submitted representations to applications (a), (b) and (c), an objection received outwith the statutory timescale to application (d) together with a further letter, in connection with that objection also received outwith the statutory timescale to the application, and an objection to application (e):-

(a) Zoheir Jadalla

There was no appearance by or on behalf of Mr Jadalla, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Jadalla'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.

(b) Ali Alwadi

There was no appearance by or on behalf of Mr Alwadi, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Alwadi'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.

(c) Mohammad Al Mohammad

There was no appearance by or on behalf of Mr Mohammad, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Mohammad'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.

Adjournment

The meeting adjourned at 1.45 pm and reconvened at 2.15 pm.

(d) Keith Rainnie

Mr Rainnie, 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 and further letter, both received outwith the statutory timescale to the application.

On hearing the reasons for the objection and further letter being received outwith the statutory timescale, it was agreed that sufficient reason was shown why the correspondence from Police Scotland had not been submitted timeously and it was decided that the objection be taken into account when the application was being considered.

The Managing Solicitor (Licensing) advised that the further letter, submitted along with the objection, contained details of matters which could only be considered if the interests of justice so required.

On hearing further from Police Scotland and from the applicant in response, the Convener proposed that the interests of justice required that this further letter also be admitted. 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 meeting adjourned at 3.05 pm and reconvened at 3.10 pm.

(e) Anas Khawaldah

Mr Khawaldah, 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 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.

7 Grant of Taxi Drivers' Licences – Personal Appearances

There were submitted the undernoted applications for grant of Taxi 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):-

(a) Muhammad Afzal

There was no appearance by or on behalf of Mr Afzal, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Afzal'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 six months. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months.

(b) Nayef Alnayef

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