

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 03 February 2022	10:00	Remotely by MS Teams ,

**Present:** Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), R Graham, Senior Solicitor (Litigation & Advice), E Currie and P Shiach, both Senior Committee Services Officers, D Cunningham, Assistant Committee Services Officer, A Easdon, Team Leader (Licensing), K Marriott, Administrative Assistant, R McCallum, 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 would be recorded for subsequent broadcast via the Council's internet site.

### Apology

Councillor McEwan.

### Declarations of Interest

There were no declarations of interest intimated prior to 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 4 of the agenda before item 3 of the agenda; item 5 of the agenda after item 7 of the agenda; item 9 of the agenda before item 8 of the agenda; and item 11 of the agenda before item 10 of the agenda.

### **1 Registration of Private Landlords: Applications Refused under Delegated Authority**

Under reference to item 3 of the Minute of the meeting of this Board held on 18 August 2021, there was submitted a report by the Acting Director of Finance & Resources providing an update in relation to applications for landlord registration refused by officers under delegated powers.

The report intimated that on 18 August 2021, the Board recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the Antisocial Behaviour etc. (Scotland) Act 2004 were not met and that regular reports be submitted to this Board detailing the applications refused.

The report advised that 14 applications for landlord registration had been refused by officers due to landlords' failure to confirm full compliance with their legal responsibilities. It was noted that eight of these applications were by landlords seeking registration for the first time with the remainder applying to renew a previous landlord registration. Further, that since refusal, some landlords had addressed their previous outstanding compliance issues and had now reapplied for registration.

**DECIDED:** That the report be noted.

### **2 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: Mervyn Epsworth  
Variation: exception to policy and standard condition 1  
Licence No.: PH0638

There was no appearance by or on behalf of Mr Epsworth, 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 Epsworth's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Epsworth to continue to operate his present vehicle, registration number SJ15 KRG, for a period of one year from 2 March 2022, subject to the vehicle being tested at three-monthly intervals with the first

inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Epsworth's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Epsworth to continue to operate his present vehicle, registration number SJ15 KRG, for a period of one year from 2 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

(b) Applicant: David Myles

Variation: exception to policy and standard condition 1

Licence No.: PH0612

There was no appearance by or on behalf of Mr Myles, 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 Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle, registration number SG64 WDZ, for a period of one year from 8 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle, registration number SG64 WDZ, for a period of one year from 8 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

(c) Applicant: Alan Stewart

Variation: exception to policy and standard condition 1

Licence No.: PH0578

There was no appearance by or on behalf of Mr Stewart, 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 Stewart's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Stewart to operate his present vehicle, registration number SL64 0SN, for a period of one year from 24 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Stewart's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Stewart to operate his present vehicle, registration number SL64 0SN, for a period of one year from 24 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

(d) Applicant: Paul Johnstone

Variation: exception to policy and standard condition 1

Licence No.: PH1300

There was no appearance by or on behalf of Mr Johnstone, 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 Johnstone's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Johnstone to operate his present vehicle, registration number GL64 MZY, for a period of one year from 1 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Johnstone's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Johnstone to operate his present vehicle, registration number GL64 MZY, for a period of one year from 1 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

(e) Applicant: Andrzej Wolszczak

Variation: exception to policy and standard condition 1

Licence No.: PH0722

There was no appearance by or on behalf of Mr Wolszczak, 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 Wolszczak's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Wolszczak to operate his present vehicle, registration number GM14 UAE, for a period of one year from 1 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months from the last inspection which had been carried out on 11 January 2022. This was agreed unanimously.

**DECIDED:** That Mr Wolszczak's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Wolszczak to operate his present vehicle, registration number GM14 UAE, for a period of one year from 1 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months from the last inspection which had been carried out on 11 January 2022.

(f) Applicant: Charles Duffin

Variation: exception to policy and standard condition 1

Licence No.: PH1151

There was no appearance by or on behalf of Mr Duffin, 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 Duffin's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Duffin to operate his present vehicle, registration number FP64 XMS, for a period of one year from 30 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Duffin's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Duffin to operate his present vehicle, registration number FP64 XMS, for a period of one year from 30 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

(g) Applicant: Simon Reid

Variation: exception to policy and standard condition 1

Licence No.: PH1381

There was no appearance by or on behalf of Mr Reid, 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 Reid's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Duffin to operate his present vehicle, registration number VE64 BFK, for a period of one year from 19 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Reid's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Reid to operate his present vehicle, registration number VE64 BFK, for a period of one year from 19 December 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022.

### 3 **Renewal of Late Hours Catering Licence**

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

Applicant: Shell UK Oil Products Limited

Premises: Shell Hillington, Hillington Industrial Estate, Glasgow

Activity: convenience store located on petrol forecourt

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

Licence No.: LHC025

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 Taxi Operator's Licence - Personal Appearance**

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

Applicant: Dermot Curran

Variation: exception to policy and standard condition 22

Licence No.: TX063

Mr Curran, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Curran's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Curran to operate his present vehicle, registration number SD63 FTT, for a period of one year from 30 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 2022. This was agreed unanimously.

**DECIDED:** That Mr Curran's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stewart to operate his present vehicle, registration number SD63 FTT, for a period of one year from 30 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 February 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.

## **5      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) Binoy Paul

Mr Paul, 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) Kandiah Jeyavinthan

Mr Jeyavinthan, 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 11.15 am and reconvened at 11.25 am.

## 6 **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 to the application:-

Gerald Burns P4493

Mr Burns, the applicant, joined the meeting by telephone call, together with Inspector Christie, 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.

## **Sederunt**

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

## 7 **Notification of Public Procession - Personal Appearance**

There was submitted the undernoted notification of a Public Procession. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted a report in relation to the notification and the Council's Senior Events Officer who had submitted information in relation to the notification:-

Applicant: All Under One Banner

Public procession route: Ferguslie Gardens, Ferguslie Walk, Broomlands Street, Wellmeadow Street, High Street, Gauze Street, Glasgow Road and Barshaw Park, Paisley

Reason for procession: Scottish Independence

Date and time: 5 March 2022 at 12.30 pm

Mr Celini joined the meeting by video call and confirmed that he wished to withdraw this notification of a Public Procession, as his notification for a Public Procession for an alternative route had not been prohibited.

**DECIDED:** That it be noted that this notification of a Public Procession had been withdrawn and that the applicants' notification of a Public Procession, for an alternative route, had not been prohibited.

## 8 **Application for Exemption from Drivers' Duties under Section 165 of the Equality Act 2010 - Personal Appearance**

There was submitted the undernoted application for exemption from drivers' duties under Section 165 of the Equality Act 2010. The applicant had been asked to appear personally for the first time:-

Sajid Mahmood T0145

Mr Mahmood, the applicant, joined the meeting by video 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 the duration of Mr Mahmood's current Taxi Driver's Licence. This was agreed unanimously.

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

## 9 **Renewal of Taxi Driver's Licence - Personal Appearance**

There was submitted the undernoted application for renewal 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 an objection to the application:-

Charles McMahon T1567

Mr McMahon, the applicant, joined the meeting by video call, together with Inspector Christie, who also 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 meeting was adjourned to allow members to consider this application. The meeting was reconvened.

Councillor McNaughtan, seconded by Councillor Devine, moved that the application be granted for a period of two years.

Councillor Hughes, seconded by Councillor Rodden, moved as amendment that the application be refused.

On the roll being called, the following members voted for the amendment: Councillors Hughes, Montgomery, Rodden and Steel.

The following members voted for the motion: Councillors Devine, Mackay, McNaughtan and Strang.

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 two years.

## **Adjournment**

The meeting adjourned at 1.50 pm and reconvened at 2.30 pm.

## 10 **Grant of Landlord Registration - Personal Appearance**

There was submitted the undernoted application for grant of Landlord Registration. The applicant had been asked to appear personally for the first time together with Police Scotland:-

Scott McGaw

Mr McGaw, the applicant, joined the meeting by video call, together with Inspector Christie, who also joined the meeting by video call, on behalf of the Chief Constable. 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.

**11 Grant of Taxi Operators' Licences - Personal Appearances**

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

(a) Solaiman Chowdhury

Mr Chowdhury, 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) Moloy Sarkar

Mr Sarkar, 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.

**12 Grant of House in Multiple Occupation Licence - Personal Appearance**

Under reference to item 9 of the Minute of the meeting of this Board held on 19 January 2022, consideration was resumed of the undernoted application for grant of a House in Multiple Occupation Licence. The applicant had been asked to appear personally for the second time together with the Director of Communities & Housing, Renfrewshire Council:-

Applicant: Baggypocket Limited

Property: Flat 2/2, 2 Walker Street, Paisley

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

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