

Minute of Special Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 25 November 2021	10:00	Remotely by MS teams,

Present: Councillor Eddie Devine, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor John McNaughtan, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), E Currie and R Devine, both Senior Committee Services Officers, A Easdon, Team Leader (Licensing), G McIntosh, Civic Government Enforcement 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 of the Board would be recorded and that the recording would be available to watch on the Council's website.

Apologies

Councillors Audrey Doig, Montgomery, McEwan and Rodden.

Declarations of Interest

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

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.

1 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 together with Police Scotland who had submitted an objection to application (b):-

(a) Ismail 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.

(b) Abdul Aslam

Mr Aslam, the applicant, joined the meeting by video call, together with Sergeant Robertson, who also joined by video call on behalf of the Chief Constable who had submitted an objection to the application and a further letter of objection containing additional information.

The Assistant Managing Solicitor (Licensing) advised that the objection and further letter of objection from Police Scotland was in the form of two letters, one of which had not been circulated to members of the Board. After consideration of the age, nature and seriousness of the matters contained in the second letter of objection, the Convener proposed that the Board admit the second letter as the interests of justice so required. This was agreed unanimously. Mr Aslam agreed that the Board should consider the matters contained in the second letter of objection.

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.

(c) Mohammed Bakkar

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

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

2 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:-

Imran Ali

Mr Ali, 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.

3 Hearings into Possible Suspension or Revocation of Taxi Drivers' Licences - Personal Appearances

The Board considered the possible suspension or revocation of the undernoted Taxi Drivers' Licences. The licence holders had been asked to appear personally for the first time together with Police Scotland:-

(a) Charles McMahon T1567

Mr McMahon, the licence holder, joined the meeting by telephone call together with Sergeant Robertson who also joined by video call, on behalf of the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr McMahon if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Taxi Driver's Licence. Mr McMahon then addressed the Board.

Following consideration of Mr McMahon's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened.

Councillor McNaughtan, seconded by Councillor Mackay, moved that the grounds for suspension or revocation of Mr McMahon's Taxi Driver's Licence had not been established and that no action be taken.

Councillor Hughes, seconded by Councillor Steel, moved as an amendment that Mr McMahon's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

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

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

2 members having voted for the amendment and 4 members having voted for the motion, the motion was accordingly declared carried.

DECIDED: That the grounds for suspension or revocation of Mr McMahon's Taxi Driver's Licence had not been established and that no action be taken.

(b) Thomas Docherty T0054

Mr Docherty, the licence holder, joined the meeting by telephone call together with Sergeant Robertson, who joined by video call, on behalf of the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr Docherty if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Taxi Driver's Licence. Mr Docherty then addressed the Board.

Following consideration of Mr Docherty's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed that Mr Docherty's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr Docherty's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.