

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 12 November 2020	10:00	Remotely by MS Teams ,

Present

Councillor Eddie Devine, Councillor Audrey Doig, Councillor Alistair Mackay, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Committee Services Officer, J Barron, Assistant Committee Services Officer, A Easdon, Team Leader (Licensing) (for items 1 to 8(b) only), N Barr, Administrative Assistant (for items 1 to 7 only), G McIntosh, Civic Government Enforcement Officer (for items 1 to 7 only), K Marriott, Administrative Assistant and E Graham, 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

Councillor Hughes and Councillor Rodden.

Declarations of Interest

Councillor Devine declared a non-financial interest in item 8(b) of the agenda as the applicant was known to him and indicated his intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

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 3 of the agenda before item 2 of the agenda; item 4(c) of the agenda after item 4(a) of the agenda; and items 8(c) and 8(d) of the agenda after item 8(a) of the agenda.

1 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:-

Evangelos Chasouras

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

2 Management of Offenders (Scotland) Act 2019

There was submitted a report the by Director of Finance & Resources relative to the Management of Offenders (Scotland) Act 2019.

The report intimated that the provisions contained in Part 2 of the Management of Offenders (Scotland) Act 2019 would come into force on 30 November 2020. These provisions altered the current rules in relation to when convictions no longer required to be disclosed as set out in the Rehabilitation of Offenders Act 1974.

The Policy Memorandum published when the new legislation was introduced set out that the consequences of a person having to disclose convictions for long periods of time could have an ongoing impact on matters such as their employment. The Act sought to achieve a balance between the interests of people not having to disclose their previous offending and the rights of the public to be protected.

The report detailed the impact upon the various type of application that came before the Board, the main change being that many convictions would become spent at an earlier date and would no longer require to be disclosed to the Board. A table detailing the new disclosure period was appended to the report.

It was noted that the special rules contained in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 for taxi and private hire car drivers and landlords would remain in place. The Board would continue to have the power to consider spent/protected convictions in appropriate cases.

DECIDED: That the terms of the report be noted.

3 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:-

Rajeev Kumar PH0784

Mr Kumar, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed (i) that Mr Kumar's application be granted for a period of two years and that standard condition 1 of his licence be amended to enable Mr Kumar to operate his present vehicle for a further six months, until 12 May 2021; and (ii) that standard condition 1 be further amended in that Mr Kumar's present vehicle be subject to three-monthly inspections from the date it would be seven years old from first registration. This was agreed unanimously.

DECIDED:

(a) That Mr Kumar's application be granted for a period of two years and that standard condition 1 of his licence be amended to enable Mr Kumar to operate his present vehicle for a further six months, until 12 May 2021; and

(b) That standard condition 1 of his licence be further amended in that Mr Kumar's present vehicle be subject to three-monthly inspections from the date it would be seven years old from first registration.

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 Applications for Exemption from Driver's Duties under Section 165 of the Equality Act 2010 - Personal Appearances

There were submitted the undernoted applications for exemption from driver's duties under Section 165 of the Equality Act 2010. The applicants had been asked to appear personally for the first time:

(a) Iain Urquhart T2489

Mr Urquhart, the applicant, was not in attendance, having previously indicated that he wished his application to be determined by way of a written submission. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of Mr Urquhart's current Taxi Driver's Licence. This was agreed unanimously.

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

(b) Christopher McMillan T2209

Mr McMillan, the applicant, was not in attendance, having previously indicated that he wished his application to be determined by way of a written submission. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of Mr McMillan's current Taxi Driver's Licence. This was agreed unanimously.

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

Adjournment

The meeting adjourned at 10.35 am and reconvened at 11.10 am.

(c) James Tiffoney T0171

Mr Tiffoney, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting reconvened and the Convener proposed that the application be granted for the duration of Mr Tiffoney's current Taxi Driver's Licence. This was agreed unanimously.

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

Adjournment

The meeting adjourned at 11.35 am and reconvened at 11.40 am.

5 Renewal of Private Hire Car Driver's Licence - Personal Appearance

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

Gordon Rooney P0171

Mr Rooney, 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 reconvened and the Convener proposed that the application be granted for a period to expire three months from today's date and that a condition be attached that the applicant attend an appointment with the Council's occupational health service within that time. This was agreed unanimously.

DECIDED: That the application be granted for a period to expire three months from today's date and that a condition be attached that the applicant attend an appointment with the Council's occupational health service within that time.

Sederunt

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

Order of Business

In relation to items 6 and 7 below, the Convener proposed that both applications be considered together and that separate decisions be made. This was agreed unanimously.

6 Surrender and Re-issue of Taxi Operator's Licence - Personal Appearance

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator's Licence. The applicants had been asked to appear personally for the first time:

Present Operator: Gordon Muir
Proposed Operator: Robert Ashe
Licence No.: TX148

7 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 together with Police Scotland who had submitted an objection to the application:-

Gordon Muir TX148

Mr Muir, one of the applicants, joined the meeting by telephone call prior to the applications being considered. The Assistant Managing Solicitor (Licensing) advised Mr Muir that neither Mr Ashe nor Police Scotland had joined the meeting at this point and that Mr Ashe would be excluded during certain discussions except with Mr Muir's consent. Mr Muir agreed to Mr Ashe being in attendance throughout consideration of both applications.

Mr Ashe, the other applicant, joined the meeting by telephone call at this point and Sergeant Robertson, on behalf of the Chief Constable who had submitted an objection to Mr Muir's application for Renewal of Taxi Operator's Licence, joined the meeting by video call.

The Convener advised that both applications would be considered together and that separate decisions would be made. Mr Muir and Mr Ashe agreed to this.

After consideration of all matters before the Board, the Board adjourned to allow members to consider both applications. The meeting reconvened and the Convener proposed (i) that the application for surrender and re-issue of the Taxi Operator's Licence be granted; and (ii) that the application for renewal of the Taxi Operator's Licence be granted for a period of two years and issued to Mr Ashe in terms of the approved application for surrender and re-issue. This was agreed unanimously.

DECIDED:

(a) That the application for surrender and re-issue of the Taxi Operator's Licence be granted; and

(b) That the application for renewal of the Taxi Operator's Licence be granted for a period of two years and issued to Mr Ashe in terms of the approved application for surrender and re-issue.

Adjournment

The meeting adjourned at 12 noon and reconvened at 1.30 pm.

Sederunt

Councillor Audrey Doig was not in attendance when the meeting reconvened.

8 Applications for Landlord Registration - Personal Appearances

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

(a) Darren Quigley

Mr Quigley, the applicant, joined the meeting by video call together with Sergeant Robertson, Police Scotland, who also 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 reconvened and the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

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

(b) David Wright

Mr Wright, the applicant, joined the meeting by video call together with Sergeant Robertson, Police Scotland, who also 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 reconvened and the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

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

Adjournment

The meeting adjourned at 14.40 pm and reconvened at 14.45 pm.

(c) Ylli Pashko

Mr Pashko, the applicant, was not in attendance, having previously indicated that he wished his application to be determined by way of a written submission. Sergeant Robertson, Police Scotland, 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 reconvened and the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

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

Declaration of Interest

Councillor Devine having declared a non-financial interest in the following item of business, left the meeting and took no part in the discussion or voting thereon.

Sederunt

Councillor Steel left the meeting during consideration of the following item of business.

(d) Robbie McCutcheon

Mr McCutcheon, the applicant, joined the meeting by telephone call together with Sergeant Robertson, Police Scotland, who joined the meeting by video call. After consideration of all matters before the Board, the Board adjourned to all members to consider this application. The meeting reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.