

Minute of Meeting Regulatory Functions Board

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

Present: Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Sam Mullin, Councillor Andy Steel

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing); E Currie, Senior Committee Services Officer; D Cunningham, Assistant Committee Services Officer; D Pole, End User Technician; A Easdon, Team Leader (Licensing); 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 Audrey Doig and Rodden.

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 7(a) of the agenda after item 5(b) of the agenda; item 6(d) of the agenda before item 6 (c) of the agenda; item 6(g) of the agenda before item 6(f) of the agenda; and item 6(i) of the agenda after 6(g) of the agenda.

1 Review of Public Entertainment Licensing Resolution: community events and other issues

There was submitted a report by the Director of Finance & Resources recommending a relaxation of the Council's existing licensing resolution, which came into effect on 3 June 2013, by removing certain classes of entertainment from licensing.

The resolution setting out the current public entertainment licensing policy formed Appendix 1 to the report and the proposed new resolution, which sought to vary the existing one by removing certain activities which might be considered to be relatively low risk formed Appendix 2 to the report.

The report provided detail on further changes proposed to the Council's public entertainment licensing policies and procedures and these were set out in section 5 of the report.

DECIDED:

(a) That the terms of the proposed resolution and notice at Appendix 2 of the report, which sought to vary the Council's current public entertainment licensing resolution at Appendix 1 of the report, be agreed as suitable for advertising;

(b) That officers be instructed to arrange publication of the proposed resolution and notice attached at Appendix 2 of the report in a newspaper circulating in Renfrewshire;

(c) That officers be instructed meantime to exercise discretion in relation to the enforcement of public entertainment licensing activities which were proposed to be removed from the current resolution;

(d) That it be agreed that public entertainment licence applications which, in terms of existing Council policies, required to be advertised should be advertised on the Council's website, rather than in a newspaper;

(e) That it be agreed that the licence application fee, currently £955, for a temporary or new licence for outdoor events, other than large commercial events, involving amplified music, circuses and funfairs be replaced with the existing fee for public entertainment licences which do not require to be advertised, currently £196, to reflect the removal of the previous requirement to advertise in a newspaper;

(f) That it be agreed that public entertainment licences issued for funfairs where licensed days, dates or periods of operation were clearly defined on a recurring basis be capable of renewal, a fee of £390 requiring to accompany the renewal application;

and

(g) That otherwise the terms of the report be noted.

2 **Surrender and Re-issue of Taxi Operators' Licences**

There were submitted the undernoted applications for the surrender and re-issue of Taxi Operators' Licences:-

(a) Present Operator: Partnership of J&T Taxis
Proposed Operator: Jagjit Singh
Licence No.: TX150

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

Exclusion of Press and Public

The Board resolved that the press and public be excluded from the meeting during consideration of item 2 (b) 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.

(b) Present Operator: The Executor of Glen Gordon
Proposed Operator: Raymond Markie
Licence No.: TX041

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

(c) Present Operator: William Guthrie
Proposed Operator: Craig Guthrie
Licence No.: TX198

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

(d) Present Operator: Philip McGuire
Proposed Operator: David Stewart
Licence No.: TX067

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

3 **Variation of Private Hire Car Operator's Licence - Personal Appearance**

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

Applicant: Gerard Shannon

Variation: exception to policy and standard condition 1

Licence No.: PH0613

Mr Shannon, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Shannon's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Shannon to continue to operate his present vehicle, registration number SD65 DZB for a period of one year from 14 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 17 January 2023. This was agreed unanimously.

DECIDED: That Mr Shannon's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Shannon to continue to operate his present vehicle, registration number SD65 DZB for a period of one year from 14 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out before 17 January 2023.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of the following item 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 **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:-

Bartosz Batkowski

Mr Batkowski, 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.

5 **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 (b):-

(a) Shahid Faqir

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

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

(b) Mustansar Latif

Mr Latif, the applicant, joined the meeting by video call together with Ms Anderson, his Solicitor, who also joined by video call and Sergeant Moore-McGrath, who also joined 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 six months from 10 November 2022. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months from 10 November 2022.

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:-

Applicant: Mustansar Latif
Licence No.: P0671

Mr Latif, the applicant, Ms Anderson, his Solicitor, and Sergeant Moore-McGrath, on behalf of the Chief Constable who had submitted a representation to the application, remained in the meeting by video call following consideration of the preceding item of business. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of six months from 10 November 2022. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months from 10 November 2022.

7 **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 an objection and a further letter in connection with that

objection to the application:-

James McQuillan

Mr McQuillan, the applicant, joined the meeting by video call. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, on behalf of the Chief Constable who had submitted an objection and a further letter in connection with that objection to the application.

The Assistant Managing Solicitor (Licensing) 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, 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.

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

Under reference to item 9(c) of the Minute of the meeting of this Board held on 17 August 2022, the Board resumed consideration of application (a) for grant of a Private Hire Car Driver's Licence and there were submitted applications (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) for grant of Private Hire Car Drivers' Licences. Applicant (a) had been asked to appear personally for the second time and all other applicants had been asked to appear personally for the first time together with Police Scotland who had submitted representations to applications (a), (b), (c) and (d); an objection to application (e); an objection and further letter in connection with that objection to application (f); an objection, further letter in connection with that objection and another further letter in connection with that objection received outwith the statutory timescale to application (h); and an objection and further letter in connection with that objection to application (i):-

(a) Obaidullahkhan Mohammadsultan

There was no appearance by or behalf of Mr Mohammadsultan. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, on behalf of the Chief Constable who had submitted a representation to the application. The Convener proposed that the application be considered in Mr Mohammadsultan's absence. 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.

(b) Hussein Afzal

Mr Afzal, the applicant, joined the meeting by telephone call. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, 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.

(c) Naseer Hamayun

Mr Hamayan, the applicant, joined the meeting by telephone call. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, 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.

(d) Imtiaz Ahmed Tarar Bano

Mr Bano, the applicant, joined the meeting by video call. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, on behalf of the Chief Constable who had submitted a representation to the application. Mr Bano gave an undertaking to the Board that he would provide the licensing section with notification of the booking office he would work from within a period of four weeks.

After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year subject to the undertaking given by Mr Bano that he would provide the licensing section with notification of the booking office he would work from within a period of four weeks. This was agreed unanimously.

DECIDED: That the application be granted for a period of one year subject to the undertaking given by Mr Bano that he would provide the licensing section with notification of the booking office he would work from within a period of four weeks.

(e) Mohammed Ameen Baig

The Assistant Managing Solicitor (Licensing) advised that the applicant had withdrawn his application.

DECIDED: That it be noted that the applicant had withdrawn his application.

Adjournment

The meeting adjourned at 12.40 and reconvened at 1.30 pm.

Sederunt

Councillor Montgomery was not in attendance when the meeting reconvened.

(f) Peter Ritchie

Mr Ritchie, the applicant, joined the meeting by video call together with Mr Brady, his Solicitor, who also joined by video call, and Sergeant Moore-McGrath, who also joined by video call, on behalf of the Chief Constable who had submitted an objection and a further letter in connection with that objection to the application.

The Assistant Managing Solicitor (Licensing) 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, 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.

(g) Mian Muhammad

Mr Muhammad, 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.

Sederunt

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

(h) Faruk Bozdog

Mr Bozdog, the applicant, joined the meeting by telephone call together with Sergeant Moore-McGrath, who joined by video call, on behalf of the Chief Constable who had submitted an objection, a further letter in connection with that objection and another further letter in connection with that objection received outwith the statutory timescale to the application.

On hearing the reasons for the lateness of the second further letter in connection with the objection which had been received outwith the statutory timescale to the application, it was decided that the further letter would be taken into account when the application was being considered.

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.

(i) Brian McClure

Mr McClure, the applicant, joined the meeting by telephone call. Sergeant Moore-McGrath, remained in the meeting by video call having not left following consideration of the previous item of business, on behalf of the Chief Constable who had submitted an objection and a further letter in connection with that objection to the application.

The Assistant Managing Solicitor (Licensing) 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, 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.

(j) Slim Abidi

Mr Abidi, the applicant, joined the meeting by telephone call. Mr Abidi advised that he had received an updated document from the Tunisian Embassy and gave an undertaking to the Board that he would provide this to the licensing section. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of one year subject to the undertaking given by Mr Abidi that he would provide the licensing section with his updated document from the Tunisian Embassy. This was agreed unanimously.

DECIDED: That the application be granted for a period of one year subject to the undertaking given by Mr Abidi that he would provide the licensing section with his updated document from the Tunisian Embassy.

(k) Wael Mohammad

Mr Mohammad, the applicant, joined the meeting by video call, accompanied by his son. 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.

9 **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:-

Applicant: Kojo Appiah
Licence No.: P0579

Mr Appiah, 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 meeting adjourned to allow members to consider this application. The meeting was reconvened and 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.

10 **Hearing into Possible Suspension or Revocation of Private Hire Car Driver's Licence - Personal Appearance**

Under reference to item 12(b) of the Minute of the meeting of this Board held on 17 August 2022, the Board resumed consideration of the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the second time together with Police Scotland:-

Adam Pollock P0561

The Assistant Managing Solicitor (Licensing) advised that Mr Pollock had surrendered his licence.

DECIDED: That it be noted that the licence had been surrendered.