

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 16 March 2022	10:00	Remotely by MS Teams ,

Present: Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Emma Rodden, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), E Clements, Senior Solicitor (Litigation & Advice), C Panton, Senior Solicitor (Adult Protection), R Devine (for items 1 to 8 only) and P Shiach (for items 8 to 14 only) (both Senior Committee Services Officer), D Cunningham, Assistant Committee Services Officer, A Easdon, Team Leader (Licensing), R McCallum, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (for items 1 to 8 only) (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 Montgomery.

Declarations of Interest

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

1 **Renewal of Street Trader's Licence**

There was submitted the undernoted application for renewal of a Street Trader's Licence: -

Applicant: Theodorus Bouwmans
Authorised goods: Dutch and Scottish snacks
Trading from: Middleton Road, Linwood
Operating hours: Monday to Saturday – 7.00 am to 5.00 pm
Licence No.: ST171

The Convener proposed that the application be granted for a period of two years and that the applicant continue to be allowed to be an exception to the Board's policy on trading location. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years and that the applicant continue to be allowed to be an exception to the Board's policy on trading location.

2 **Grant of Late Hours Catering Licence - Personal Appearance**

There was submitted the undernoted application for grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the first time:-

Applicant: Exotic Kitchen Limited
Premises: 23 Causeyside Street, Paisley
Activity: takeaway
Operating hours: Monday to Sunday – 11.00 pm to 2.00 am

There was no appearance by or on behalf of Exotic Kitchen Limited.

The Convener proposed that consideration of the application be continued to a future meeting of the Board to allow the applicant to be represented. 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.

3 **Renewal of Late Hours Catering Licences - Personal Appearance**

There were submitted the undernoted applications for renewal of Late Hours Catering Licences. Applicant (d) had been asked to appear personally for the first time:-

(a) Applicant: Shell UK Oil Products Limited
Premises: Shell Erskine, Centreholm Roundabout, Erskine
Activity: convenience store on petrol forecourt
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC028

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.

(b) Applicant: DSR Restaurants t/a McDonalds
Premises: McDonalds, Unit K Braehead Retail Park
Activity: fast food
Operating hours: Monday to Sunday 11.00 pm to 5.00 am
Licence No.: LHC056

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.

(c) Applicant: WH Smith Travel Holdings Limited
Premises: WH Smith, Airside Main, Glasgow Airport
Activity: general retail/consumable items
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC116

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.

(d) Applicant: Abdul Jalal Ibrahim
Premises: 40 High Street, Paisley
Activity: takeaway
Operating hours: Monday to Thursday – 11.00 pm to 12 midnight and Friday and Saturday – 11.00 pm to 3.00 am
Licence No.: LHC110

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

Variation: exception to policy and standard condition 1

Licence No.: PH0997

There was no appearance by or on behalf of Mr Muir, 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 Muir's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Muir to continue to operate his present vehicle, registration number EJ64 Tzs for a period of six months from 16 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 16 March 2022. This was agreed unanimously.

DECIDED: That Mr Muir's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Muir to continue to operate his present vehicle, registration number EJ64 Tzs, for a period of six months from 16 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 16 March 2022.

5 **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:-

David McBurney PH1084

There was no appearance by or on behalf of Mr McBurney, the applicant. The Assistant Managing Solicitor (Licensing) advised that prior to the meeting, the applicant had submitted a vehicle registration document in respect of his licensed vehicle and subsequently his application for renewal of a Private Hire Car Operator's Licence had been granted for a period of two years under delegated authority.

DECIDED: That it be noted that the applicant had submitted a vehicle registration document in respect of his licensed vehicle, and subsequently his application for renewal of a Private Hire Car Operator's Licence had been granted for a period of two years under delegated authority.

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.

6 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:-

William Queen PH0697

There was no appearance by or on behalf of Mr Queen, the applicant. 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.

7 Surrender and Re-issue of Taxi Operators' Licences - Personal Appearances

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

(a) Present Operator: Douglas Goodwin
Proposed Operator: Graeme Anderson
Licence No.: TX137

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

(b) Present Operator: Sheena Scott (David Fleming McDougall's Executor)
Proposed Operator: James Hall Muir
Licence. No.: TX095

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

8 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:-

Jared Gatley

Mr Gatley, 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.

9 Application for Exemption from Driver's 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:-

Stuart McCullagh T0020

Mr McCullagh, 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 the duration of Mr McCullagh's current Taxi Driver's Licence. This was agreed unanimously.

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

10 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) Shamsulrahman Rahimi

Mr Rahimi, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued to allow further enquiries to be made. This was agreed unanimously.

DECIDED: That consideration of the application be continued to allow further enquiries to be made.

(b) Jahanzeb Tufail

Mr Tufail, 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.

Adjournment

The meeting adjourned at 11.15 am and reconvened at 1.30 pm.

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

Barry Wood

Mr Wood, the applicant, joined the meeting by video 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 hearing from Mr Wood, 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.

12 Renewal of Private Hire Car Drivers' Licences - Personal Appearances

There were submitted the undernoted applications for renewal 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 objections to the applications:-

(a) Khyber Safi P0389

Mr Safi, the applicant joined the meeting by video 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 granted for a period of two years. This was agreed unanimously.

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

(b) Ian Anderson P6285

Mr Anderson, 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 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.

13 **Grant of Private Hire Car Operators' Licences - Personal Appearances**

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

(a) Shamshad Hashmini

Mr Hashmini, 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) Pashtoon Barak

Mr Barak, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Barak be allowed to be an exception to its relevant policy, having regard to the explanation provided, and that consideration of the application be continued. The Convener further proposed that authority be delegated to officers to grant the application upon production of the required vehicle documentation. This was agreed unanimously.

DECIDED:

(a) That Mr Barak be allowed to be an exception to the Board's relevant policy, having regard to the explanation provided;

(b) That consideration of the application be continued to allow Mr Barak to produce suitable documentation in relation to his current vehicle; and

(c) That authority be delegated to officers to grant the application upon production of the required vehicle documentation.

14 **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:-

Pawan Arora

Mr Arora, the applicant, joined the meeting by video call together with Sergeant Robertson, who 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 a period of three years. This was agreed unanimously.

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