

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 19 November 2020	10:00	Remotely by MS teams,

Present

Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Cathy McEwan, Councillor John McNaughtan, 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), G McIntosh, Civic Government Enforcement Officer (for items 1 to 3 only), K Marriott, Administrative Assistant and E Graham, Administrative Assistant (all Finance & Resources).

Recording

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 Mackay and Montgomery.

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 items 7(c) and 7(d) of the agenda after item 7(a) of the agenda and item 7(b) of the agenda after item 7(d) of the agenda.

1 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:-

MD Mamun-Ar Rashid PH1626

Mr Rashid, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed (a) that Mr Rashid's application for variation be granted for a period of six months from today's date and that standard condition 1 of his licence be amended to enable Mr Rashid to operate his present vehicle MF63 RZA for a further six months until 18 May 2021; and (b) that standard condition 1 be further amended in that Mr Rashid'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 Rashid's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Rashid to operate his present vehicle MF63 RZA until 18 May 2021; and

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

2 Variation of Late Hours Catering Licences

There were submitted the undernoted applications for variation of Late Hours Catering Licences:-

(a) Applicant: Wm Morrison Supermarkets plc
Premises: Napier Street, Johnstone
Variation: 18 to 23 December 2020 – 11.00 pm to 5.00 am
Licence No.: LHC086

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

DECIDED: That the application be granted.

(b) Applicant: Wm Morrison Supermarkets plc

Premises: Anchor Mill, Paisley

Variation: 18 to 23 December 2020 – 11.00 pm to 5.00 am

Licence No.: LHC087

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

DECIDED: That the application be granted.

3 Travelling Funfairs (Licensing) (Scotland) Bill: Call for Views

There was submitted a report by the Director of Finance & Resources relative to the introduction of a Member's Bill in the Scottish Parliament in relation to the licensing of travelling funfairs and seeking approval of a proposed response to a call for views on the Bill.

The report advised that the Council currently had a policy, similar to all other local authorities in Scotland, which required funfairs in its area to be licensed as a type of public entertainment under the licensing provisions of the Civic Government (Scotland) Act 1982.

On 1 February 2018, the Board considered a report in relation to a consultation on a proposal for a Member's Bill concerning the licensing of travelling funfairs. The Board agreed the terms of a response to that consultation and expressed concerns over some aspects of the proposal, particularly the likely impact on local communities whose ability to object to applications for licences appeared likely to reduce should the Bill proceed and become law.

Following the previous consultation, the Bill received sufficient support and the Travelling Funfairs (Licensing) (Scotland) Bill, was introduced in the Scottish Parliament earlier this year. The Bill aimed to make the licensing of travelling funfairs quicker, simpler, cheaper and more uniform across council areas.

The report indicated that the Local Government and Communities Committee of the Parliament had launched a call for views on the Bill, the closing date for responses was 7 December 2020. The proposed response was appended to the report.

DECIDED:

(a) That the terms of the proposed response to the call for views, as appended to the report, be approved; and

(b) That the contents of the report be otherwise noted.

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.

Adjournment

The meeting adjourned at 10.15 am and reconvened at 10.25 am.

4 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 (a) and a representation to application (b):-

(a) Sahil Malikzai

Mr Malikzai, the applicant, joined the meeting by telephone call together with Inspector Hay, on behalf of the Chief Constable who had submitted an objection to the application, who joined 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

(b) Mark Monteith

There was no appearance by or behalf of Mr Monteith. Inspector Hay, on behalf of the Chief Constable who had submitted a representation to the application, joined the meeting by video call. 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.

Adjournment

The meeting adjourned at 10.55 am and reconvened at 11.15 am.

5 Hearing into Possible Removal from Register of Private Landlords - Personal Appearance

The Board considered the possible removal from the Register of Private Landlords. The landlord had been asked to appear personally for the first time together with Police Scotland:-

Alan Mackin

Mr MacIver, Solicitor, representing Mr Mackin, joined the meeting by video call together with Inspector Hay, Police Scotland, who joined the meeting by telephone call. After consideration of all matters before the Board, the Board adjourned to allow members to consider this matter. The meeting was reconvened and the Convener proposed that no action be taken and that the landlord be not removed from the Register of Private Landlords. This was agreed unanimously.

DECIDED: That no action be taken and that the landlord be not removed from the Register of Private Landlords.

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

6 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) Calum Watt

Mr Watt, the applicant, joined the meeting by telephone call together with Inspector Hay, Police Scotland, who also joined by telephone call. After consideration of all matters before the Board, 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) Kevin McCaig

Mr McCaig, the applicant, joined the meeting by video call together with Inspector Hay, Police Scotland, who joined by telephone 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.

7 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) Muhammed Abbasi

Mr Abbasi, 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.

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

(b) Malik Ijaz

Mr Ijaz, 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.

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

(c) Khairullah Mangal

Mr Mangal, 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.

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

(d) Mohammad Ishfaq

Mr Ishfaq, 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.

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