

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 18 August 2021	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 Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

C Dalrymple, Communities and Regulatory Manager (Communities and Housing Services) (for items 1 to 8 only); M Conaghan, Legal & Democratic Services Manager (for items 1 to 8 only), D Campbell, Assistant Managing Solicitor (Licensing), R Graham, Senior Solicitor (Litigation & Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Senior Committee Services Officer, A Easdon, Team Leader (Licensing), E Graham, Administrative Assistant (for items 1 to 3 only), 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.

## **Declarations of Interest**

Councillor Steel declared a non-financial interest in item 3(d) 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.

Councillor Rodden declared a non-financial interest in item 3(d) of the agenda as the applicant was known to her and indicated her intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

## **Chair**

Due to technical issues the Convener left the meeting and the Depute Convener, Councillor Rodden, assumed the Chair.

### **1 Grant of Private Hire Car Driver's Licence - Personal Appearance**

Under reference to item 6 of the Minute of the meeting of this Board held on 3 June 2021, the Board resumed consideration of the undernoted application for grant of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the second time:-

Annalie Bellshaw

There was no appearance by or on behalf of Ms Bellshaw. The Depute Convener proposed that the application be considered in Ms Bellshaw's absence. This was agreed unanimously. After consideration of all matters before the Board, the Depute Convener proposed that the application be refused. This was agreed unanimously.

**DECIDED:** That the application be refused.

## **Chair**

Councillor McNaughtan returned to the meeting and assumed the Chair.

## **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 2(b) of the agenda after item 11 of the agenda; item 7 of the agenda after item 2(d) of the agenda; and item 12 of the agenda before item 11 of the agenda.

## 2 Variation of Private Hire Car Operators' Licences - Personal Appearances

There were submitted the undernoted applications for variation of Private Hire Car Operators' Licences. Applicants (a) had been asked to appear personally for the first time:-

(a) Applicant: Richard Kilbride

Variation: exception to policy and standard condition 1

Licence No.: PH0858

There was no appearance by or on behalf of Mr Kilbride, 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 Kilbride's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Kilbride to operate his present vehicle, registration number GM14 CXJ, for a period of one year from 13 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr Kilbride's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Kilbride to operate his present vehicle, registration number GM14 CXJ, for a period of one year from 13 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

(b) Applicant: Paul Hepburn

Variation: to carry eight passengers

Licence No.: PH0617

The Convener proposed that the policy which stated that "the MPV shall carry a maximum of seven passengers" be not applied to Mr Hepburn's Private Hire Car Operator's Licence and that the vehicle be licensed to carry eight passengers. This was agreed unanimously.

**DECIDED:** That the policy which stated that "the MPV shall carry a maximum of seven passengers" be not applied to Mr Hepburn's Private Hire Car Operator's Licence and that the vehicle be licensed to carry eight passengers.

(c) Applicant: Paul Hepburn

Variation: to carry eight passengers

Licence No.: PH0621

The Convener proposed that the policy which stated that "the MPV shall carry a maximum of seven passengers" be not applied to Mr Hepburn's Private Hire Car Operator's Licence and that the vehicle be licensed to carry eight passengers. This was agreed unanimously.

**DECIDED:** That the policy which stated that "the MPV shall carry a maximum of seven passengers" be not applied to Mr Hepburn's Private Hire Car Operator's Licence and that the vehicle be licensed to carry eight passengers.

### 3 **Landlord Registration: Proposed Delegated Powers to Officers**

**ND** There was submitted a report by the Director of Finance & Resources relative to current outstanding applications for private landlord registration where landlords had not confirmed their compliance with regulatory requirements set out in regulations made under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004.

The report set out the options considered by officers to facilitate determination of these applications and recommended that authority be delegated to officers to refuse applications where applicants failed to declare their compliance with the prescribed requirements.

Councillor McNaughtan, seconded by Councillor Rodden, moved (i) that it be recommended that the Scheme of Delegated Functions be amended to include a delegation to the Head of Corporate Governance, the Legal & Democratic Services Manager and the Assistant Managing Solicitor (Licensing) to refuse applications for landlord registration where an applicant has failed to declare or confirm that they comply fully with the requirements and responsibilities set out in the Private Landlord Registration (Information) (Scotland) Regulations 2019; (ii) that regular reports be submitted to this Board detailing those applications refused under this delegation; and (iii) that otherwise the terms of the report be noted.

Councillor Devine, seconded by Councillor Strang, moved as an amendment that the delegation be not given to officers.

On the roll being called the following members voted for the amendment: Councillors Devine and Strang.

The following members voted for the motion: Councillors Audrey Doig, Hughes, Mackay, McEwan, Montgomery, Steel, McNaughtan and Rodden.

2 members having voted for the amendment and 8 members having voted for the motion, the motion was accordingly declared carried.

#### **DECIDED:**

(a) That it be recommended that the Scheme of Delegated Functions be amended to include a delegation to the Head of Corporate Governance, the Legal & Democratic Services Manager and the Assistant Managing Solicitor (Licensing) to refuse applications for landlord registration where an applicant has failed to declare or confirm that they comply fully with the requirements and responsibilities set out in the Private Landlord Registration (Information) (Scotland) Regulations 2019;

(b) That regular reports be submitted to this Board detailing those applications refused under this delegation; and

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

#### 4 **Variation of Taxi Operators' Licences - Personal Appearances**

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

(a) Applicant: Ewan Duncan Stevenson

Variation: exception to policy and standard condition 22

Licence No.: TX058

Mr Stevenson, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to operate his present vehicle, registration number SF13 JVW, for a period of one year from 17 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to operate his present vehicle, registration number SF13 JVW, for a period of one year from 17 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

(b) Applicant: Robert McCue

Variation: exception to policy and standard condition 22

Licence No.: TX075

Mrs McCue, on behalf of the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr McCue's application for variation be granted to the extent that standard condition 22 of his licence be amended to enable Mr McCue to operate his present vehicle, registration number SF13 NLA, for a period of one year from 22 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr McCue's application for variation be granted to the extent that standard condition 22 of his licence be amended to enable Mr McCue to operate his present vehicle, registration number SF13 NLA, for a period of one year from 22 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

#### **Declaration of Interest**

Councillor McEwan declared a non-financial interest in the following item of business as the applicant was known to her and indicated her intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

(c) Applicant: Desmond Watters

Variation: exception to policy and standard condition 22

Licence No.: TX201

Mr Watters, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Watters' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Watters to operate his present vehicle, registration number SF13 MZP, for a period of one year from 17 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr Watters' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Watters to operate his present vehicle, registration number SF13 MZP, for a period of one year from 17 July 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

## **Sederunt**

Councillor McEwan rejoined the meeting prior to consideration of the following item of business.

## **Declarations of Interest**

Councillor Steel 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.

Councillor Rodden 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.

(d) Applicant: The Partnership of C & J Ballantyne  
Variation: exception to policy and standard condition 22  
Licence No.: TX116

There was no appearance by or on behalf of Mr Ballantyne, an 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 Ballantyne's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Ballantyne to operate his present vehicle, registration number SF13 NTT, for a period of one year from 8 August 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr Ballantyne's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Ballantyne to operate his present vehicle, registration number SF13 NTT, for a period of one year from 8 August 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

## **Sederunt**

Councillors Rodden and Steel rejoined the meeting prior to consideration of the following item of business.

### **5 Renewal of Late Hours Catering Licence**

There was submitted the undernoted application for renewal of a Late Hours Catering Licence:-

Applicant: Motor Fuel Limited

Premises: Elderslie Service Station, Main Road, Elderslie

Authorised activity: petrol station and retail shop

Operating hours: Monday to Sunday – 11.00 pm to 5.00 am

Licence No.: LHC115

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 hours. 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 hours.

### **6 Renewal of Second Hand Dealer's Licence - Personal Appearance**

There was submitted the undernoted application for renewal of a Second Hand Dealer's Licence. The applicant had been asked to appear personally for the first time:-

Applicant: Ramsdens Financial Limited

Premises: Unit 13, Intu Braehead Shopping Centre, Kings Inch Road, Glasgow

Authorised activity: Jewellery

Operating hours: Monday to Friday – 10.00 am to 9.00 pm; Saturday – 9.00 am to 6.30 pm; and Sunday – 10.00 am to 6.00 pm

Licence No.: SHD116

Mr Kenyon, on behalf of the applicant, was invited into the meeting. After consideration of all matters before the Board, 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.

### **7 Surrender and Re-issue of Taxi Operator's Licence**

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator's Licence:-

Present Operator: Javeed Iqbal  
Proposed Operator: Arshad Mahmood  
Licence No.: TX130

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

**DECIDED:** That the application be granted.

## 8 **The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021**

There was submitted a report by the Director of Communities & Housing Services relative to The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 which come into force on 1 September 2021.

The report intimated that the trade in illegally imported puppies, or puppy farming, was on the rise as the demand for puppies and associated concern for animal welfare increased. The practice of breeding dogs in Scotland was currently governed by the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999 and under these Acts, a licence was required for any individual who either undertook the business of breeding dogs for sale, or who owned or was responsible for breeding bitches which produced a total of five or more litters between them in a 12-month period. The breeding of cats and rabbits was currently unregulated.

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 would replace the Acts regulating the breeding and sale of dogs and further extended the requirements to include licensing of cat and rabbit breeders. Under these regulations, the local authority where the premises were located was considered to be the relevant licensing authority, with one specific exception where Scottish Ministers were the licensing authority. The new licensing regime also regulated animal rehoming activities, animal welfare premises, including animal sanctuaries and rehoming centres, and the selling of animals as pets, which included the sale of animals from pet shops currently regulated under the Pet Animals Act 1951.

The Regulations allowed for fees to be set to cover reasonable costs relating to the processing of applications, inspections and enforcement activities and the proposed schedule of fees was appended to the report. Licences would be issued for either one, two or three years and duration would depend on a number of factors including previous compliance, confidence in management of the activity and whether the licensee was already operating to higher standards than the minimum set. A report would be submitted to a future meeting of this Board once expected resource implications were known.

### **DECIDED:**

(a) That the content of the report be noted and that it be noted that a further report on the full extent of the new regulations would be brought to a future meeting of the Board; and

(b) That the proposed scheme of proposed charges for licence fees, as detailed in the appendix to the report, be approved.

## **Sederunt**

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

### **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.

#### **9 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: Kenneth Barnes  
Proposed Operator: Michael Knight  
Licence No.: TX154

Mr Barnes, an applicant, joined the meeting by telephone call and Mr Knight, an applicant, joined the meeting by video call. 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.

#### **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) 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.

(b) Mahboobullah Mahboob

Mr Mahboob, 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.

(c) Shafiqullah Mohammadi

Mr Mohammadi, 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 12.40 pm and reconvened at 1.30 pm.

## **Sederunt**

Councillor McEwan was not in attendance.

### **11 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:-

Khalid Hussain P0557

Mr Hussain, the applicant, joined the meeting by video call together with Sergeant Robertson, 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.

Councillor McNaughtan, seconded by Councillor Steel, moved that the application be granted for a period of two years.

Councillor Hughes, seconded by Councillor Rodden, moved that the application be refused.

On the roll being called the following members voted for the amendment: Councillors Audrey Doig, Hughes, Mackay, Strang and Rodden.

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

5 members having voted for the amendment and 3 members having voted for the motion, the amendment was accordingly declared carried.

**DECIDED:** That the application be refused.

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

The Board considered 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 first time together with Police Scotland:-

David Stevenson P0225

There was no appearance by or on behalf of Mr Stevenson. Sergeant Robertson, on behalf of the Chief Constable, joined the meeting by video call. The Convener proposed that the matter be considered in Mr Stevenson's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Stevenson's Private Hire Car 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 Stevenson's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

## 13 **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: Paul Connery

Variation: exception to policy and standard condition 1

Licence No.: PH1317

Mr Connery, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Connery's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Connery to operate his present vehicle, registration number SG14 OAH, for a period of one year from 20 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021. This was agreed unanimously.

**DECIDED:** That Mr Connery's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Connery to operate his present vehicle, registration number SG14 OAH, for a period of one year from 20 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 18 August 2021.

14 **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:-

Babar Hameed Qureshi

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

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