

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 26 October 2022	10:00	Remotely by MS Teams,

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

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

C Hunter, Environmental Health Public Health Manager (Communities and Housing Services) item 1 only; and D Campbell, Assistant Managing Solicitor (Licensing), R Graham, Senior Solicitor (Litigation & Regulatory Services), P Shiach, Senior Committee Services Officer, J Barron, Assistant Committee Services Officer, D Pole, End User Technician and E Graham, J Arthur, K Marriott, R McCallum and S Kerr all Administrative Assistants (all Finance and Resources).

Recording of Meeting

Prior to the commencement of the meeting, the Convener intimated that this meeting would be filmed for live or subsequent broadcast via the Council's internet site.

Apologies

Councillors Hood, Montgomery, Mullin and Rodden.

Declarations of Interest

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

1 Registration of Private Landlords: Applications Refused under Delegated Authority

Under reference to item 1 of the Minute of the meeting of this Board held on 8 June 2022, there was submitted a report by the Director of Finance and Resources providing an update in relation to applications for landlord registration refused by officers under delegated powers.

The report intimated that on 18 August 2021, the Board recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the Antisocial Behaviour etc. (Scotland) Act 2004 were not met and that regular reports be submitted to this Board detailing the applications refused.

The report advised that a further 59 applications for landlord registration were refused by officers in the period from 14 May to 4 October, both 2022, due to landlords' failure to confirm full compliance with their legal responsibilities. Further, that the backlog in landlord registration applications previously reported to the Board had now been cleared, with the exception of a very small number of applications with particular issues which would be more appropriately considered at the Board.

DECIDED:

(a) That the report be noted; and

(b) That an update report on the number of applications refused by officers be submitted to the Board on a six-monthly basis.

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

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

(a) Applicant: John Omand

Variation: exception to policy and standard condition 1

Licence No.: PH1310

There was no appearance by or on behalf of Mr Omand. The Convener proposed that the application be considered in Mr Omand's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that the application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Omand to continue to operate his present vehicle, registration number YA15 LXO for a period of one year from 20 July 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mr Omand's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Omand to continue to operate his present vehicle, registration number YA15 L XO for a period of one year from 20 July 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

(b) Applicant: Shahriar Al-Ahmed

Variation: exception to policy and standard condition 1

Licence No.: PH1285

Mr Al-Ahmed, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Al-Ahmed's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Al-Ahmed to continue to operate his present vehicle, registration number LB15 WNN for a period of one year from 28 August 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mr Al-Ahmed's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Al-Ahmed to continue to operate his present vehicle, registration number LB15 WNN for a period of one year from 28 August 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

(c) Applicant: Andrew Campbell

Variation: exception to policy and standard condition 1

Licence No.: PH1208

Mr Campbell, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Campbell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Campbell to continue to operate his present vehicle, registration number SA64 URH for a period of one year from 19 September 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr Campbell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Campbell to continue to operate his present vehicle, registration number SA64 URH for a period of one year from 19 September 2022, subject to the vehicle being tested at three-monthly intervals.

(d) Applicant: Aaisha Farooq

Variation: exception to policy and standard condition 1

Licence No.: PH1176

Mrs Farooq, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mrs Farooq's application for variation be granted and that standard condition 1 of his licence be amended to enable Mrs Farooq to continue to operate her present vehicle, registration number BU65 AEE for a period of one year from 2 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mrs Farooq's application for variation be granted and that standard condition 1 of his licence be amended to enable Mrs Farooq to continue to operate her present vehicle, registration number BU65 AEE for a period of one year from 2 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

3 **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: Robert Logan

Variation: exception to policy and standard condition 22

Licence No.: TX128

Mr Logan, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Logan's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Logan to continue to operate his present vehicle, registration number SF64 DNE for a period of one year from 1 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mr Logan's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Logan to continue to operate his present vehicle, registration number SF64 DNE for a period of one year from 1 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

(b) Applicant: Robert McCue

Variation: exception to policy and standard condition 22

Licence No.: TX075

Mrs McCue, the applicant's spouse, joined the meeting on behalf of Mr McCue by video call. After consideration of all matters before the Board, the Convener proposed that Mr McCue's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McCue to continue to operate his present vehicle, registration number SF13 NLA for a period of one year from 22 July 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr McCue's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McCue to continue to operate his present vehicle, registration number SF13 NLA for a period of one year from 22 July 2022, subject to the vehicle being tested at three-monthly intervals.

(c)(i) Applicant: Paisley Taxis Ltd

Variation: exception to policy and standard condition 22 - extension of operating life of vehicle

Licence No.: TX224

Mr Allan, on behalf of Paisley Taxis Ltd, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that the application by Paisley Taxis Ltd for variation be granted and that standard condition 22 of the licence be amended to enable the applicant to continue to operate the present vehicle, registration number SF14 FSA for a period of one year from 11 August 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That the application by Paisley Taxis Ltd for variation be granted and that standard condition 22 of the licence be amended to enable the applicant to continue to operate the present vehicle, registration number SF14 FSA for a period of one year from 11 August 2022, subject to the vehicle being tested at three-monthly intervals.

(c)(ii) Applicant: Paisley Taxis Ltd

Variation: exception to policy and standard condition 22 - allow vehicle to be a colour other than white

Licence No.: TX224

Mr Allan, on behalf of Paisley Taxis Ltd, the applicant, remained in the meeting by video call following consideration of the preceding item of business. After consideration of all matters before the Board, the Board adjourned to allow members to consider the application. The meeting was reconvened and the Convener proposed that the application for variation be refused. This was agreed.

DECIDED: That the application be refused.

Adjournment

The meeting adjourned at 11.10 am and resumed at 11.20 am.

(d) Applicant: William Mottram

Variation: exception to policy and standard condition 22

Licence No.: TX028

Mr Mottram, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Mottram's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Mottram to continue to operate his present vehicle, registration number SF64 DTX for a period of one year from 1 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mr Mottram's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Mottram to continue to operate his present vehicle, registration number SF64 DTX for a period of one year from 1 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

(e) Applicant: Stuart Irving

Variation: exception to policy and standard condition 22

Licence No.: TX208

Mr Irving, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Irving's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Irving to continue to operate his present vehicle, registration number SJ64 EKA for a period of one year from 11 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022. This was agreed unanimously.

DECIDED: That Mr Irving's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Irving to continue to operate his present vehicle, registration number SJ64 EKA for a period of one year from 11 September 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 26 October 2022.

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(i) of the agenda before item 3(f) of the agenda.

(f) Applicant: Shahzad Malik
Variation: exception to policy and standard condition 22
Licence No.: TX079

Mr Malik, the applicant, joined the meeting by telephone call together with his son. After consideration of all matters before the Board, the Convener proposed that Mr Malik's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Malik to continue to operate his present vehicle, registration number SG14 RYF for a period of one year from 30 September 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr Malik's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Malik to continue to operate his present vehicle, registration number SG14 RYF for a period of one year from 30 September 2022, subject to the vehicle being tested at three-monthly intervals.

(g) Applicant: Archie McLellan
Variation: exception to policy and standard condition 22
Licence No.: TX052

Mr McLellan, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr McLellan's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McLellan to continue to operate his present vehicle, registration number SJ63 BXX for a period of one year from 2 September 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr McLellan's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McLellan to continue to operate his present vehicle, registration number SJ63 BXX for a period of one year from 2 September 2022, subject to the vehicle being tested at three-monthly intervals.

(h) Applicant: Malcolm Mearns

Variation: exception to policy and standard condition 22

Licence No.: TX194

There was no appearance by or on behalf of Mr Mearns, the applicant. The Convener proposed that the application be considered in Mearns' absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Mearns' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Mearns to continue to operate his present vehicle, registration number SD63 DNN for a period of one year from 1 October 2022 subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr Mearns' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Mearns to continue to operate his present vehicle, registration number SD63 DNN for a period of one year from 1 October 2022, subject to the vehicle being tested at three-monthly intervals.

(i) Applicant: James Liddell

Variation: exception to policy and standard condition 22

Licence No.: TX134

Mr Liddell, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Liddell's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Liddell to continue to operate his present vehicle, registration number SN14 AEO for a period of one year from 7 October 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

DECIDED: That Mr Liddell's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Liddell to continue to operate his present vehicle, registration number SN14 AEO for a period of one year from 7 October 2022, subject to the vehicle being tested at three-monthly intervals.

Adjournment

The meeting adjourned at 12.10pm and resumed at 1.30pm.

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 Drivers' Licences – Personal Appearances**

Under reference to items 12(b), 12(d) and 12(e) of the Minute of the meeting of this Board held on 1 September 2022 consideration was resumed of applications (a), (b) and (c) and there was submitted application (d) for grant of Private Hire Car Drivers' Licences. Applicants (a), (b) and (c) had been asked to appear personally for the second time and applicant (d) had been asked to appear personally for the first together with Police Scotland who had submitted an objection to application (b) and representations to applications (c) and (d):-

(a) Mahabubul Hoque

Mr Hoque, 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 the applicant to provide further documentation 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.

(b) Hafiz Saleem

Mr Saleem, the applicant, joined the meeting by video call, together with Sergeant Moore-McGrath, who also 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 the application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

(c) Lennyederson De Jesus Barbosa

Mr Barbosa, the applicant, and Mr Somata joined the meeting by video call, together with Sergeant Moore-McGrath, who also joined the meeting 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 consideration of the application be continued to allow the applicant to provide further documentation 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 the applicant be invited to a future meeting of the Board.

(d) Stephen Whitelaw

Mr Whitelaw, 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 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.

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

Under reference to items 12 and 10 of the Minutes of the meetings of this Board held on 16 March 2022 and 17 August 2022 respectively consideration was resumed of the undernoted application for renewal of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the third time together with Police Scotland who had submitted an objection and a further letter in relation to that objection received outwith the statutory timescale in relation to this application:-

Applicant: Ian Anderson
Licence No.: P6285

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

On hearing the reasons for the lateness of the further letter in relation to the objection it was decided that the 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 granted for a period of two years. This was agreed unanimously.

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

Adjournment

The Board adjourned at 15.10 pm and reconvened at 15.20 pm.

6 **Applications for Exemption from Drivers' Duties under Section 165 of the Equality Act 2010 – Personal Appearances**

There were submitted the undernoted applications for exemption from drivers' duties to provide mobility assistance under the Equality Act 2010. The applicants had been asked to appear personally for the first time:-

(a) Applicant: Andrew Barr
Licence No.: T2450

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

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

(b) Applicant: Andrew McCallum
Licence No.: T2516

There was no appearance for or on behalf of Mr McCallum, the applicant. The Convener proposed that the application be considered in Mr McCallum's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of Mr McCallum's Taxi Driver's Licence. This was agreed unanimously.

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

Declaration of Interest

At this point in the meeting, Councillor Hughes declared a non-financial interest in the following application as the applicant was known to her. Councillor Hughes left the meeting and took no part in any discussion or voting thereon.

(c) Applicant: James Tiffoney
Licence No.: T0171

There was no appearance for or on behalf of Mr Tiffoney, the applicant. The Convener proposed that the application be considered in Mr Tiffoney's absence. This was agreed unanimously. After consideration of all matters before the Board, 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.

(d) Applicant: Stuart McCullagh
Licence No.: T0020

There was no appearance for or on behalf of Mr McCullagh, the applicant. The Convener proposed that the application be considered in Mr McCullagh's absence. This was agreed unanimously. 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.

7 Application for Landlord Registration - Personal Appearance

There was submitted the undernoted application for renewal of Private Landlord Registration. The applicant had been asked to appear personally for the first time: -

Helen Symington
Registration No.: 45241/350/01470

Ms Symington, 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 the applicant to carry out the work required to achieve compliance of the statutory obligations 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 the applicant be invited to a future meeting of the Board.