

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 31 March 2022	10:00	Remotely by MS Teams ,

**Present:** Councillor Eddie Devine, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

R Graham, Senior Solicitor (Litigation & Advice), E Clements, Senior Solicitor, E Currie and P Shiach, both Senior Committee Services Officers, D Cunningham, Assistant Committee Services Officer, A Easdon, Team Leader (Licensing) (for items 1 and 7 only), R McCallum, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (for items 1, 2, 3, 4 and 7 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.

### Apologies

Councillors Audrey Doig, McEwan and Rodden.

### Declarations of Interest

There were no declarations of interest intimated prior to 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 1(h) of the agenda before item 4 of the agenda.

### 1 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: Peter Bell  
Variation: exception to policy and standard condition 1  
Licence No.: PH1158

The Senior Solicitor (Litigation & Advice) intimated that Mr Bell had withdrawn his application.

**DECIDED:** That it be noted that the applicant had withdrawn his application.

(b) Applicant: David Myles  
Variation: exception to policy and standard condition 1  
Licence No.: PH0675

There was no appearance by or on behalf of Mr Myles, 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 Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle, registration number SG64 WHS, for a period of one year from 22 January 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle, registration number SG64 WHS, for a period of one year from 22 January 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(c) Applicant: David Myles  
Variation: exception to policy and standard condition 1  
Licence No.: PH1288

There was no appearance by or on behalf of Mr Myles, 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 Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle,

registration number LL64 SZF, for a period of six months from 12 February 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Myles' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Myles to operate his present vehicle, registration number LL64 SZF, for a period of six months from 12 February 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(d) Applicant: Lukasz Dudek

Variation: exception to policy and standard condition 1

Licence No.: PH0907

Mr Dudek, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Dudek's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Dudek to operate his present vehicle, registration number CX64 XNY, for a period of six months from 31 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Dudek's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Dudek to operate his present vehicle, registration number CX64 XNY, for a period of six months from 31 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(e) Applicant: Khalid Imran

Variation: exception to policy and standard condition 1

Licence No.: PH1241

Mr Imran, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Imran's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Imran to operate his present vehicle, registration number BL64 TXC, for a period of one year from 28 January 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Imran's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Imran to operate his present vehicle, registration number BL64 TXC, for a period of one year from 28 January 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

## **Sederunt**

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

(f) Applicant: Steven Cossar

Variation: exception to policy and standard condition 1

Licence No.: PH1581

There was no appearance by or on behalf of Mr Cossar, 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 Cossar's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Cossar to operate his present vehicle, registration number HV64 LMK, for a period of one year from 20 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Cossar's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Cossar to operate his present vehicle, registration number HV64 LMK, for a period of one year from 20 November 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(g) Applicant: James Clements

Variation: exception to policy and standard condition 1

Licence No.: PH1067

There was no appearance by or on behalf of Mr Clements, 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 Clements' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Clements to operate his present vehicle, registration number BL64 VTA, for a period of one year from 12 February 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Clements' application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Clements to operate his present vehicle, registration number BL64 VTA, for a period of one year from 12 February 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(h) Applicant: Khorsheduz Zaman

Variation: exception to policy and standard condition 1

Licence No.: PH0581

Mr Zaman, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Zaman's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Zaman to operate his present vehicle, registration number SA15 MLK, for a period of one year from 27 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of the previous inspection. This was agreed unanimously.

**DECIDED:** That Mr Zaman's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Zaman to operate his present vehicle, registration number SA15 MLK, for a period of one year from 27 March 2022,

subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of the previous inspection.

(i) Applicant: Angus Campbell  
Variation: exception to policy and standard condition 1  
Licence No.: PH1377

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

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 operate his present vehicle, registration number PE15 CEF, for a period of six months from 2 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. 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 operate his present vehicle, registration number PE15 CEF, for a period of six months from 2 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

## 2 **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: James Liddell  
Variation: exception to policy and standard condition 22  
Licence No.: TX134

There was no appearance by or on behalf of Mr Liddell, 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 Liddell's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Liddell to operate his present vehicle, registration number SN14 AEO, for a period of six months from 7 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 7 April 2022. 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 operate his present vehicle, registration number SN14 AEO, for a period of six months from 7 April 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 7 April 2022.

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

There was no appearance by or on behalf of Mr Malik, 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 Malik's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Malik to operate his present vehicle, registration number SG14 RYF, for a period of six months from 31 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. 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 operate his present vehicle, registration number SG14 RYF, for a period of six months from 31 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

(c) Applicant: Ian Wright

Variation: exception to policy and standard condition 22

Licence No.: TX050

Mr Wright, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Wright's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Wright to operate his present vehicle, registration number YN13 CCY, for a further period of one year from 6 March 2022, and for the vehicle to continue to be subject to inspections carried out at three-monthly intervals. This was agreed unanimously.

**DECIDED:** That Mr Wright's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Wright to operate his present vehicle, registration number YN13 CCY, for a further period of one year from 6 March 2022, and for the vehicle to continue to be subject to inspections carried out at three-monthly intervals.

(d) Applicant: Charles Thomson

Variation: exception to policy and standard condition 22

Licence No.: TX065

There was no appearance by or on behalf of Mr Thomson, 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 Thomson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Thomson to operate his present vehicle, registration number SF14 AVV, for a period of one year from 6 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. This was agreed unanimously.

**DECIDED:** That Mr Thomson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Thomson to operate his present vehicle, registration number SF14 AVV, for a period of one year from 6 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

### 3 **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: Frances McDevitt  
Proposed Operator: Michael Kelly  
Licence No.: TX044

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

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

(b) Present Operator: Frances McDevitt  
Proposed Operator: William Slaven  
Licence. No.: TX121

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 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.

### 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: Richard Kilbride  
Variation: exception to policy and standard condition 1  
Licence No.: PH1045

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 GJ15 DFG, for a period of one year from 20 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022. 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 GJ15 DFG, for a period of one year from 20 March 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 31 March 2022.

5 **Application for Exemption from Drivers' 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:-

Christopher McMillan T2209

There was no appearance by or on behalf of Mr McMillan, 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 the application be granted for the duration of Mr McMillan's current Taxi Driver's Licence. This was agreed unanimously.

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

### **Adjournment**

The meeting adjourned at 11.20 am and reconvened at 11.30 am.

6 **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 a representation received outwith the statutory timescale to application (a) and an objection to application (c):-

(a) Mustafa Alhafri

Mr Alhafri, the applicant, joined the meeting by video call, together with Sergeant Robertson, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application.

On hearing the reasons for the lateness of the representation it was decided that the representation would be taken into account when the application was being considered.

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) Lawrence Olaleye

Mr Olaleye, the applicant, and his Solicitor, Mr Berlow, joined the meeting by telephone call. Mr Berlow sought to have consideration of Mr Olaleye's application continued to allow the applicant more time to submit outstanding documentation. After consideration of all matters before the Board, the Convener proposed that the Board agree to Mr Berlow's request to continue consideration of the application to allow more time for outstanding documentation to be submitted and that, if required, the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued to allow Mr Olaleye to submit the outstanding documentation and that, if required, the applicant be invited to a future meeting of the Board.

(c) Ibraheem Rashid

There was no appearance by or on behalf of Mr Rashid, the applicant. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection to the application. The Convener proposed that the application be considered in Mr Rashid's absence and this was agreed unanimously.

Sergeant Robertson intimated that Police Scotland wished to submit a further letter of objection to Mr Rashid's application. The Convener proposed that this further letter of objection be not taken into account when Mr Rashid's application was being considered. This was agreed unanimously.

After consideration of all matters before the Board, the Convener proposed that the application be refused. This was agreed unanimously.

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

## **Adjournment**

The meeting adjourned at 12.20pm and reconvened at 1.30 pm.

## **Sederunt**

Councillor Strang joined the meeting prior to consideration of the following item of business.

### **7 Hearings into Possible Suspension or Revocation of Private Hire Car Operator's Licence and Private Hire Car Driver's Licence - Personal Appearance**

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Operator's Licence and Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the first time together with Police Scotland:-

John Hyndman PH1117 and P1029

There was no appearance by or on behalf of Mr Hyndman. Sergeant Robertson joined the meeting by video call, on behalf of the Chief Constable. The Convener proposed that the matters be considered in Mr Hyndman's absence. This was agreed unanimously.

After consideration of all matters before the Board, the Convener proposed that no action be taken in relation to Mr Hyndman's Private Hire Car Operator's Licence and that Mr Hyndman'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:**

(a) That no action be taken in relation to Mr Hyndman's Private Hire Car Operator's Licence; and

(b) That Mr Hyndman's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.