

Notice of Meeting and Agenda Regulatory Functions Board

Date	Time	Venue
Wednesday, 01 November 2017	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Membership

Provost Lorraine Cameron: Councillor Eddie Devine: Councillor Lisa-Marie Hughes: Councillor Alistair Mackay: Councillor Cathy McEwan: Councillor Kevin Montgomery: Councillor Andy Steel: Councillor Jane Strang:

Councillor John McNaughtan (Convener): Councillor Emma Rodden (Depute Convener):

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx

For further information, please either email democratic-services@renfrewshire.gov.uk or telephone 0141 618 7112.

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

1 Taxi Licensing: Unmet Demand 5 - 12

Report by the Director of Finance and Resources.

2 Consultation for Civic Government Licences near Control of Major Hazards (COMAH) Establishments 13 - 20

Report by the Director of Finance and Resources.

3 Surrender and Re-issue of Taxi Operator's Licence

Submit the undernoted application for the surrender and re-issue of a Taxi Operator's Licence.

Present Operator: Francis Leggett Palmer, 8 Fisher Avenue, Paisley
Proposed Operator: Arshad Mahmood, 10 Langhaul Court, Glasgow
Licence No.: TX146

EXCLUSION OF PRESS AND PUBLIC

The Board may by resolution exclude the press and public from the meeting during consideration of the following items of business as it is likely, in view of the nature of the business to be transacted, that if members of the press and public are present, there could 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 Hearing into Possible Suspension or Revocation of Taxi Driver's Licence – T1213 Personal Appearance

Consider the possible suspension or revocation of the undernoted Taxi Driver's Licence. The licence holder has been asked to appear personally for the first time together with Police Scotland:-

William Boyle, 1 Lancaster Way, Renfrew

5 Immediate Suspension and Hearing into Possible Suspension or Revocation of Taxi Driver's Licence T2510 – Personal Appearance

Consider the immediate suspension and possible suspension or revocation of the undernoted Taxi Driver's Licence. The licence holder

has been asked to appear personally for the first time together with Police Scotland:-

William McNeill, 26 Stock Avenue, Paisley

6 Renewal of a Second Hand Dealer's Licence – SHD-100 – Personal Appearance

Submit the undernoted application for a Second Hand Dealer's Licence. The applicant has been asked to appear personally for the first time together with Police Scotland who has submitted a representation to the application:-

Jim Brown trading as Thornbrae Car Sales, 27 Thornbrae Johnstone

7 Grant of Landlord Registration – Personal Appearances

Under reference to item 7 of the Minute of the meeting of this Board held on 20 September 2017 resume consideration of undernoted application (a) for the grant of Landlord Registration and submit the undernoted application (b). Applicant (a) has been asked to appear personally for the second time. Applicant (b) has been asked to appear personally for the first time:-

(a) Mohammed Younis, 34 Carmichael Place, Glasgow

(b) Andrea Brownhill, 12 Bay Willow Court, Cambuslang

8 Hearing into Possible Removal from the Register of Private Landlords - Personal Appearances

Under reference to item 8 of the Minute of the meeting of this Board held on 7 September 2017 resume consideration of the possible removal of the undernoted landlords from the register of private landlords. The landlords have been asked to appear personally for the third time:-

(a) Dr Jenny Wong, Flat 9/1 15 Kirkton Avenue, Glasgow

(b) Kai Chi Loi, 416 Rua Cidade de Coimbra, Edf Brilhanismo, 3 Andar y Nape, Macao

9 Grant of Private Hire Car Drivers' Licences - Personal Appearances

Submit the undernoted applications for the grant of a Private Hire Car Drivers' Licences. The applicants have been asked to appear personally for the first time together with Police Scotland who has submitted representations to the applications:-

(a) Joseph Kurt Griffin, 23 Birch Way, Renfrew

(b) Wesley O'Hare, 4 McCracken Avenue, Renfrew

10 Grant of Private Hire Car Operators' Licences - Personal Appearances

Under reference to item 9 of the Minute of the meeting of this Board held on 5 October 2017, resume consideration of the undernoted applications for the grant of Private Hire Car Operators' Licences. The applicants have been asked to appear personally for the second time:-

- (a) William Calvey, Passinglinn Cottage, Kibblestone Road, Kilbarchan
- (b) Anthony Barlow, 64 Dunvegan Avenue, Elderslie



Renfrewshire Council

To: Regulatory Functions Board

On: 1 November 2017

Report by: Director of Finance and Resources

Heading: Taxi Licensing: Unmet Demand

1. Summary

- 1.1 A licensing authority may refuse to grant taxi licences in order to limit the number of taxis licensed in their area. In order to do so, the licensing authority must be satisfied that there is no significant demand for the services of taxis in their area which is unmet.
- 1.2 The Council currently has a policy of limiting the number of taxis within Renfrewshire and keeps the demand for taxis under review. The purpose of this report is to advise the Board of recent observations by the Civic Government Enforcement Officer in relation to demand for taxis.

2. Recommendations

- 2.1 It is recommended that the Board note the contents of this report and continue to keep the numbers limit under review.

3. Background

- 3.1 Section 10(3) of the Civic Government (Scotland) Act 1982 ("the Act") empowers the Council as licensing authority to refuse to grant new taxi licences in order to limit the number of taxis in its area providing it is satisfied that there is no significant demand for taxi services in its area which is unmet.

- 3.2 On 26 May 2016, the Board considered a detailed report, carried out externally by Vector Transport Consultancy, in relation to demand for taxi services in Renfrewshire. The Board agreed at that time to increase the limit in relation to the number of taxis in Renfrewshire to 235. The Board also agreed that the number of taxis in Renfrewshire be reviewed in January 2017.
- 3.3 As at January 2017, officers were aware that the new licences allocated by the Board were not yet operating. A number of the new licences had not been granted until late 2016 and were issued subject to a condition that a suitable taxi be acquired by 1 December 2016. The Council also received intimation in or around December 2016 that drivers were being sought to drive newly licensed vehicles, who would require to apply for taxi driver's licences. Officers thereafter arranged to carry out observations in April 2017.
- 3.4 In April and August 2017, the Civic Government Enforcement Officer carried out rank observations at Gilmour Street, Paisley, and at Glasgow Airport to assess whether there was any significant unmet demand. Surveys were undertaken at Gilmour Street and Glasgow Airport for thirty minute periods as detailed in the Civic Government Enforcement Officer's report, which is attached as Appendix 1 to this report. This report sets out the Civic Government Enforcement Officer's detailed findings.
- 3.5 Officers will continue to carry out observations at the taxi ranks and bring further reports to the Board.

Implications of the Report

1. **Financial** - none.
2. **HR & Organisational Development** – none
3. **Community Planning – Safer and Stronger** – meeting the public demand for taxis will contribute to a safer and stronger community
4. **Legal** – The grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.
5. **Property/Assets** – none
6. **Information Technology** -
7. **Equality & Human Rights** -

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as the report relates to a review of the taxi numbers limitation policy and seeks no change to the existing position.

- 8. **Health & Safety** - none.
 - 9. **Procurement** - none.
 - 10. **Risk** - none
 - 11. **Privacy Impact** - none.
 - 12. **Cosla Policy Position** – none
-

List of Background Papers

(a) None

Author- Gillian McIntosh, Civic Government Enforcement Officer,
0141-618-7083

Report on Unmet Demand for Taxis

by Gillian McIntosh, Civic Government Enforcement Officer

Summary

Surveys have been undertaken at the main taxi stances, in Paisley and at Glasgow Airport. These surveys were conducted on Thursday 27 April, Friday 28 April, Thursday 17 August and Friday 18 August 2017. This report documents the findings of the surveys.

Methodology

Surveys were undertaken at Gilmour Street and Glasgow Airport for 30 minute periods, commencing at the times shown below. The surveys included observations during the day and into the early hours.

Findings

Gilmour Street, Paisley

Surveys were conducted at the taxi rank on

Thursday 27 April at 1400

Thursday 17 August at 1430 hours

Friday 28 April at 2230 hours and 0030 hours

Friday 18 August at 2230 hours and 0030 hours

The surveys lasted 30 minutes.

During the survey conducted on Thursday 27 April, 9 taxis picked up passengers and no waiting times were incurred.

During the survey carried out on Thursday 17 August, 7 taxis picked up passengers and no waiting times were incurred.

During the survey conducted on Friday 28 April at 2230 hours, 19 taxis picked up passengers and no waiting times were incurred. Later on that date, during the survey conducted at 0030 hours, 27 taxis picked up passengers with no waiting times, 6 people then waited 10 minutes before being picked up, then a further 10 taxis picked up passengers with no waiting time incurred. At 0100 hours, the conclusion of the observations, 3 passengers were waiting at the rank.

During the survey conducted on Friday 18 August at 2230 hours, **17** taxis picked up passengers and no waiting times were incurred. Later on that date, during the survey conducted at 0030 hours, **10** taxis picked up passengers with no waiting time and no passengers remained at the rank at 0100, the conclusion of the observations.

Glasgow Airport

Surveys were conducted at the taxi rank on

Thursday 27 April at 1100

Thursday 17 August at 1500

Friday 28 April at 2130 and 2330

Friday 18 August at 2130 and 2330

The surveys lasted 30 minutes.

During the survey conducted on Thursday 27 April at 1100 hours, **44** taxis picked up passengers and no waiting times were incurred.

During the survey conducted on Thursday 17 August at 1500 hours, **32** taxis picked up passengers and no waiting times were incurred.

During the surveys conducted on Friday 28 April at 2130 hours, **32** taxis picked up passengers and, at 2330 hours, **26** taxis picked up passengers. No waiting times were incurred during either period.

During the survey conducted on Friday 18 August at 2130 hours, **21** taxis picked up passengers, with approximate 5 minutes waiting time. During the survey conducted at 2330 hours, **17** taxis picked up passengers with approximate 5 minutes waiting time.

Johnstone, Renfrew

It should be noted that the taxi ranks at Houston Square, Johnstone, and High Street Renfrew are not utilized by the trade.

Other Information

One complaint has been received regarding taxi availability. This was received in April 2017, prior to the observations carried out on 27th and 28th April. The person referred to having to wait 45 minutes at the Gilmour Street taxi rank on a Saturday night after 1am.

There have been no further complaints.

Conclusion

The surveys indicate that general demand is currently being met at the taxi ranks in Renfrewshire.

A timetable of rank observations is noted below.

Timetable of Rank Observations 2017

Gilmour Street

Thursday 27 April

1400-1430

9 taxis picked up passengers, no waiting times

Friday 28 April 2017

2230- 2300

On arrival at rank, 8 taxis waiting

19 taxis picked up passengers in 30 minute period

No waiting times incurred

Average 6 taxis at rank at all times

0030-0100

On arrival at rank, 12 taxis waiting

27 taxis picked up passengers, no waiting time

6 people waited 10 minutes, then collected

10 taxis picked up passengers, no waiting time

3 persons waiting at rank at conclusion of observations

Thursday 17 August

1400-1430

7 taxis picked up passengers, no waiting times

Friday 18 August

2230-2300

On arrival at rank, 5 taxis waiting

17 taxis picked up passengers in 30 minute period

No waiting times incurred

No fewer than 4 taxis at rank at all times, 8 at most

0030-0130

On arrival at rank, no taxis or passengers

1 taxi arrived immediately, 4 taxis at 0045

4 taxis picked up passengers by 0100, 5 taxis remaining at rank

Further 6 taxis picked up passengers in next 30 mins

No waiting times incurred

2 taxis at rank at conclusion of observations

Glasgow Airport

Thursday 27 April 2017

1100- 1130

44 taxis picked up passengers- no waiting time

Friday 28 April

2130-2200

32 taxis picked up passengers, no waiting time

2330-0000

26 taxis picked up passengers, no waiting time

Thursday 17 August

1500-1530

32 taxis picked up passengers- no waiting time

Friday 18 August

2130-2200

21 taxis picked up passengers- approx 5 minutes waiting time

2330-0000

17 taxis picked up passengers- approx 5 minutes waiting time



Renfrewshire Council

To: Regulatory Functions Board

Report by: Director of Finance and Resources

Heading: Consultation for Civic Government Licences near COMAH establishments

1. Summary

- 1.1 There are currently five sites in Renfrewshire which constitute Control of Major Hazards (COMAH) establishments.
- 1.2 The Health and Safety Executive has requested that Renfrewshire Council reviews its procedures under the Civic Government (Scotland) Act 1982 to prevent the licensing of certain activities that could pose a risk to members of the public should they take place within the vicinity of a COMAH establishment.
- 1.3 The recommendations in this report would ensure that appropriate Council departments are consulted when an application is received for a market operators' licence or public entertainment licence which is seeking to take place within the vicinity of a COMAH establishment. This will allow the appropriate departments to liaise with relevant external bodies and make relevant objections or representations to the Regulatory Functions Board. The policy also creates a rebuttable presumption that certain applications will not be granted.

2. Recommendations

- 2.1 To approve the Regulatory Function Board COMAH Policy as set out in Appendix 1; and
- 2.2 To instruct officers to make any necessary changes to the civic government licensing application procedures and practices as required to implement the COMAH Policy.
-

3. Background

- 3.1 The Control of Major Accident Hazards Regulations 2015 (the "Regulations") provides that a site will constitute a COMAH establishment if it houses dangerous substances above the thresholds provided in the Regulations. In the Renfrewshire area there are currently five COMAH establishments. These are listed in Appendix 2.
- 3.2 The Regulations are enforced by the COMAH Competent Authority which is a partnership of different bodies including the Health & Safety Executive, the Office for Nuclear Regulation and the Scottish Environment Protection Agency. When applicable, Planning Authorities are notified by the Health & Safety Executive or the Office for Nuclear Regulation of consultation distances for COMAH establishments. This allows the relevant bodies of the COMAH Competent Authority to be consulted when planning applications are received within the consultation distances. Within the consultation distance there is an inner zone, a middle zone and an outer zone. An example of a consultation distance is provided in Appendix 3. There is no equivalent consultation requirement under the Civic Government (Scotland) Act 1982.
- 3.3 Certain activities licensed under the civic government licensing regime may attract a large crowd public gathering in one location. Should this location be within the vicinity of a COMAH establishment then there is a potential risk to the members of the public should a major accident occur. Accordingly, the Health and Safety Executive has requested that Renfrewshire Council reviews its procedures to ensure that appropriate bodies are consulted when an application has been made for Market Operators' Licences and Public Entertainment Licences which take place in the vicinity of a COMAH establishment. These types of licences have the potential for attracting large crowds and would not necessarily require planning permission.
- 3.4 The proposed COMAH Policy provides that the Council's Health and Safety Section and Civil Contingency Service must be consulted should an application for Market Operators Licences and Public Entertainment Licences for activities on premises within the middle zone of consultation distances for a COMAH Establishment. The officers of these departments have the experience and knowledge to liaise with appropriate external bodies and then make representations or objections as would be necessary. The policy also creates a rebuttable presumption which means that any application within an inner zone of a consultation distance will be refused which means that the applications will go to Board for consideration. This rebuttable presumption will not apply to applications where the COMAH Competent Authority have already been consulted on the intended activities as part of the consultation for planning permission and the COMAH Competent Authority did not make any adverse comments. This will prevent duplication of the planning process.

- 3.5 The draft policy has been approved by the Health and Safety Executive. Comments were also sought from Diageo, the operator of the upper tier COMAH site in Renfrewshire, but no comments have been received.
- 3.6 Should the Board approve the proposed policy then officers will review the application practices and procedures in order to best implement the aims of the policy.

Implications of the Report

1. **Financial – none**
2. **HR & Organisational Development - none**
3. **Community Planning – Safer and Stronger – the proposal aims to improve public safety.**
4. **Legal - none**
5. **Property/Assets – none**
6. **Information Technology – none.**
7. **Equality & Human Rights - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report and each application would be considered against these specific impacts. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.**
8. **Health & Safety – the purpose of the policy is to improve public safety. The Council's Health and Safety Section has been involved in discussions prior to the drafting of this report.**
9. **Procurement – None**
10. **Risk - the decision to adopt the policy itself carries minimal risk. However, any decision to refuse an application following adoption of the policy may result in interested parties appealing a decision of the Board to the Sheriff court.**
11. **Privacy Impact – none**
12. **Cosla Policy Position – not applicable**

Author: Andrew McLaughlin
andrew.mclaughlin@renfrewshire.gov.uk
0141 618 7585

Appendix 1



Civic Government (Scotland) Act 1982

Regulatory Functions Board

COMAH Policy

Where an application is made to Renfrewshire Council for the grant or renewal of a Public Entertainment Licence or a Market Operators' Licence which is wholly or mainly to be carried on in a premises within a Middle Zone or Inner Zone of a COMAH Establishment then a copy of the application will be sent to Renfrewshire Council Civil Contingency Services and to Renfrewshire Council Health and Safety Section.

Where an application is made to Renfrewshire Council for the grant or renewal of a Public Entertainment Licence or a Market Operators' Licence which is wholly or mainly to be carried on in a premises within an Inner Zone of a COMAH Establishment it will be presumed that the application will be refused for reason of protecting public safety in accordance with Paragraph 3(d) of Schedule 1 of the Civic Government (Scotland) Act 1982. This rebuttable presumption will not apply to applications which include evidence that the relevant Competent Authority were consulted in relation to the activities intended to be licensed as part of the consultation process under Regulation 25 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the relevant Competent Authority made no adverse comments.

In this policy:

"COMAH Establishment" has the same meaning given to "establishment" in the Control of Major Accident Hazards Regulations 2015;

"Competent Authority" has the same meaning given to "competent authority" in the Control of Major Accident Hazards Regulations 2015;

"Inner Zone" means the inner zone of the consultation distance around a COMAH Establishment notified to Renfrewshire Council by the relevant Competent Authority for the purposes of development management;

"Market Operators' Licence" has the same meaning given to "market operators' licence" in the Civic Government (Scotland) Act 1982.

"Middle Zone" means the middle zone of the consultation distance around a COMAH Establishment notified to Renfrewshire Council by the relevant Competent Authority for the purposes of development management.

"Public Entertainment Licence" has the same meaning given to "public entertainment licence" in the Civic Government (Scotland) Act 1982.

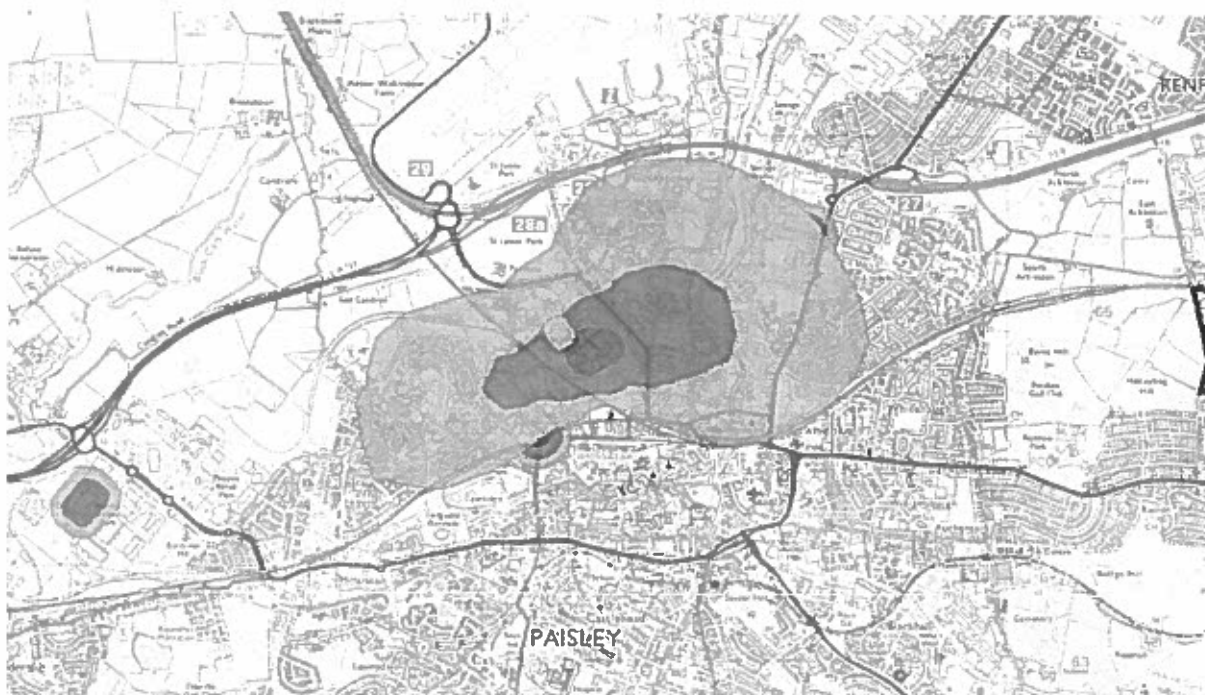
COMAH 2015 Public Information

COMAH 2015 Search Results

5 establishments found. Click on any establishment name to view their Public Information record.

<u>Establishment Name</u>	<u>Operator Name</u>	<u>Trading As</u>	<u>Town</u>	<u>Postcode</u>
<u>Blythswood</u>	Diageo Scotland Limited		Renfrew	PA4 9EB
<u>Glasgow Airport</u>	S & J D Robertson North Air Limited		PAISLEY	PA3 2TJ
<u>Paisley</u>	Flogas Britain Limited	MacGas Limited	PAISLEY	PA3 4AT
<u>Paisley</u>	Chivas Brothers Limited		PAISLEY	PA3 4DY
<u>Shieldhall Packing Operations</u>	Diageo Scotland Limited		Glasgow	G51 4SA

Appendix 3





Title

Notes



Renfrewshire
Council



1:10000

Active

Date: 12/10/2017

Ordnance Survey Mapping - © Crown Copyright and database right 2017. All rights reserved. Ordnance Survey Licence number 100023417.
Aerial Photography 2009 - Cities Revealed © copyright by The GeoInformation Group, 2009 and Crown Copyright © All rights reserved.
Aerial Photography 2004/6 - © 2004 Getmapping plc © 2006 Getmapping plc
Aerial Photography 2001 - Cities Revealed © copyright by The GeoInformation Group, 2009 and Crown Copyright © All rights reserved.
Historic Map Data - © Crown Copyright and Landmark Information Group Limited 2017. All rights reserved.

