

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 23 April 2015	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

### **PRESENT**

Councillors B Brown, M Devine, E Devine, Hood, Audrey Doig, and Mullin.

### **CHAIR**

Councillor Hood, Convener, presided.

### **IN ATTENDANCE**

D Campbell, Assistant Managing Solicitor (Licensing); E Currie, Committee Services Officer and K Whiteside, Licensing Officer (Paralegal) (all Finance & Resources).

### **APOLOGIES**

Councillors McEwan and M Brown.

### **DECLARATIONS OF INTEREST**

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

## **ADDITIONAL ITEM**

The Convener intimated that there was an additional item in relation to an application for the grant of a Market Operator's Licence submitted by Continental Market Limited which had not been included in the notice calling the meeting. The Convener, being of the opinion that the item, which is dealt with at item 4 of this Minute, was urgent in view of the need to determine the matter timeously authorised its consideration.

## **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 6 of the agenda after item 4 of the agenda; item 7 of the agenda after item 6 of the agenda; item 8 of the agenda after item 7 of the agenda; item 5 of the agenda after item 8 of the agenda; and item 9 of the agenda after item 5 of the agenda.

## **EXCLUSION OF PRESS AND PUBLIC**

The Board resolved that the press and public be excluded from the meeting during consideration of items 1, 2, 3, 4, 7, 8, 9 and 10 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.

### **1 GRANT OF TAXI DRIVERS' LICENCES - PERSONAL APPEARANCES**

There were submitted the undernoted applications for the grant of Taxi Drivers' Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to application (a) and an objection to application (b):-

(a) Robert McCaig, Flat 0/1, 7 Shaw Place, Linwood

Mr McCaig, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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.

(b) Paul Wilson, 36 Stirling Drive, Linwood

Mr Wilson, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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 Hood, seconded by Councillor Mullin, moved that the application be granted for a period of one year.

Councillor M Devine, seconded by Councillor E Devine, moved as an amendment that the application be refused.

In terms of Standing Order 30 the Convener intimated that the vote would be by a show of hands.

On a vote being taken, three members voted for the amendment and three members voted for the motion. There being an equality of votes cast, the Convener used his second and casting vote in favour of the motion. The motion was accordingly declared carried.

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

## **SEDERUNT**

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

### **2 GRANT OF PRIVATE HIRE CAR DRIVERS' LICENCES - PERSONAL APPEARANCES**

There were submitted the undernoted applications for the 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 representations to applications (a), (b), (c) and (d); a representation received outwith the statutory timescale to application (e); and an objection to application (f):-

(a) Christopher Elliott, 42 Ben Wyvis Drive, Hawkhead Estate, Paisley

Mr Elliott, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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.

(b) Iain McGarrie, 47 Hart Street, Linwood

Mr McGarrie, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted a representation to the application.

The Assistant Managing Solicitor (Licensing) advised that Police Scotland had submitted a further letter of objection received outwith the statutory timescale to the application which the applicant had been given limited notice of. Mr McGarrie waived his right to the statutory period in relation to this further letter in terms of the Civic Government (Scotland) Act 1982 and requested that the Board consider his application at this stage.

On hearing the reasons for the objection from Police Scotland being received outwith the statutory timescale it was decided that the objection be taken into account when the application was being considered.

Following consideration of the terms of the further letter, the Board adjourned to allow members to consider this matter. The meeting was reconvened and the Convener proposed that consideration of the application be continued and that Mr McGarrie 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.

(c) John Divers, 50 Napier Drive, Govan, Glasgow

There was no appearance by or on behalf of Mr Divers. Inspector Espie and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted a representation to the application, were invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Divers had advised that he would be on holiday and requested that consideration of his application be continued to a future meeting of the Board.

The Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

(d) Gary McFarlane, 227 Glenfield Road, Paisley

Mr McFarlane, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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.

(e) Gary Clark, Flat 1/1, 25 Manering Road, Paisley

Mr Clark, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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 representation being received outwith the statutory timescale it was decided that the representation 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.

(f) Scott McInnes, 84 Priesthill Road, Glasgow

Mr McInnes, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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 Hood, seconded by Councillor Mullin, moved that the application be granted for a period of six months.

Councillor E Devine, seconded by Councillor Audrey Doig, moved as an amendment that the application be refused.

In terms of Standing Order 30 the Convener intimated that the vote would be by a show of hands.

On a vote being taken, two members voted for the amendment and three members voted for the motion. The motion was accordingly declared carried.

**DECIDED:** That the application be granted for a period of six months.

### 3 **RENEWAL OF TAXI DRIVER'S LICENCE - PERSONAL APPEARANCE**

There was submitted the undernoted application for renewal of a Taxi Driver's Licence. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to the application:-

Stephen Wallace, Flat 0/1, 128 Ferguslie, Paisley

Mr Wallace, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Fitzpatrick, 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 two years. This was agreed unanimously.

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

### 4 **MARKET OPERATOR'S LICENCE - PERSONAL APPEARANCE**

There was submitted the undernoted application for the grant of a Market Operator's Licence. The applicant 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 the application and the Council's Director of Development & Housing Services who had submitted an objection received outwith the statutory timescale to the application:-

Applicant: Continental Markets Limited, 47 Petrel Way, Dunfermline

Authorised Goods: various international products

Trading From: The Square, Paisley

Operating From: 13th May to 17th May; 19th August to 23rd August; and 11th November to 14th November, 2015 from 9.00 am to 6.00 pm

There was no appearance by or on behalf of the applicant. Inspector Espie and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application, were invited into the meeting together with Ms Moulson, on behalf of the Council's Director of Development & Housing Services who had submitted an objection outwith the statutory timescale to the application.

The Assistant Managing Solicitor (Licensing) advised that the applicant, Police Scotland and the Council's Director of Development & Housing Services had agreed to waive their right to the statutory period of notice for this meeting in terms of the Civic Government (Scotland) Act 1982. The Convener proposed that the application be considered in the applicant's absence and this was agreed unanimously.

On hearing the reasons for the objection from the Council's Director of Development & Housing Services being received outwith the statutory timescale it was decided that the objection be taken into account when the application was being considered. On hearing the reasons for the representation from Police Scotland being received outwith the statutory timescale it was decided that the representation 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.

Councillor Hood, seconded by Councillor E Devine, moved that the application be refused.

Councillor Audrey Doig, seconded by Councillor Mullin, moved as an amendment that the application be granted.

In terms of Standing Order 30 the Convener intimated that the vote would be by a show of hands.

On a vote being taken, two members voted for the amendment and three members voted for the motion. The motion was accordingly declared carried.

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

## **ADJOURNMENT**

The meeting adjourned at 12.45 pm and reconvened at 1.30 pm.

### **5 RENEWAL OF PRIVATE HIRE CAR LICENCE - PERSONAL APPEARANCE**

There was submitted the undernoted application for renewal of a Private Hire Car Licence. The applicant had been asked to appear personally for the first time:-

Thomas Stein, 23 Montrose Avenue, Glasgow

There was no appearance by or on behalf of Mr Stein. The Convener proposed that the application be considered in Mr Stein's absence and that consideration of the application be continued until later in the meeting to allow enquiries to be made. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued until later in the meeting to allow enquiries to be made.

## **6 VARIATION OF PRIVATE HIRE CAR LICENCE**

There was submitted the undernoted application for variation of a Private Hire Car Licence:-

Applicant: Minicoach Tours (Scotland) Limited  
Variation: to carry eight passengers

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

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

## **7 SURRENDER AND RE-ISSUE OF TAXI LICENCES**

There were submitted the undernoted applications for surrender and re-issue of Taxi Licences:-

(a) Present Operator: William Stewart, 14 Lavernside Avenue, Barrhead  
Proposed Operator: James Liddell, 26 Springfield Drive, Auchenback, Barrhead  
Licence No.: TX134

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

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

(b) Present Operator: Edwin Coyle, 63 Motehill Road, Gallowhill, Paisley  
Proposed Operator: David Gray, 43 Abbotsford Crescent, Paisley  
Licence No.: TX 147

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

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

## **8 REQUESTS FOR EXEMPTIONS FROM ASSISTING WHEELCHAIR PASSENGERS**

There were submitted the undernoted requests for exemptions from assisting wheelchair passengers:-

(a) Alan Grant, 6 Gorse Drive, Barrhead

The Convener proposed that Mr Grant's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

**DECIDED:** That Mr Grant's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

(b) David McDonald, 30 Anchor Crescent, Paisley

The Convener proposed that Mr McDonald's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

**DECIDED:** That Mr McDonald's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

## 9 GRANT OF LANDLORD REGISTRATIONS - PERSONAL APPEARANCES

There were submitted the undernoted applications for the grant of Landlord Registrations. The applicants had been asked to appear for the first time:-

(a) Douglas Lyle, Scart Farm, Kilmacolm Road, Bridge of Weir (Alexander Lyle and Elizabeth Lyle - joint owners)

There was no appearance by or on behalf of Mr Lyle. Sergeant Divers, Police Scotland was invited into the meeting. The Assistant Managing Solicitor advised that Mr Lyle's Solicitor had requested that consideration of his client's application be continued to a future meeting of the Board. The Convener proposed that consideration of the application be continued and that the applicant be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the application be continued and that the applicant be invited to a future meeting of the Board.

(b) Ryan Maxwell, 13 Old Bars Road, Moodiesburn, Glasgow (Elizabeth McGrory - joint owner)

Mr Maxwell, the applicant, was invited into the meeting together with Sergeant Divers, Police Scotland. Mr Maxwell advised that his address was 13 Old Bars Drive, Moodiesburn, Glasgow. After consideration of all matters before the Board the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

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

## 10 RENEWAL OF LATE HOURS CATERING LICENCE

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

Applicant: McDonald's Restaurants Limited

Premises: Restaurant and Drive Thru, Phoenix Retail Park, Linwood Road, Paisley

Operating Hours: 7 days per week - 11.00 pm to 5.00 am

The Convener proposed that the applicant continue to be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of two years. This was agreed unanimously.

**DECIDED:** That the application continue to be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of two years.

#### 11 **RENEWAL OF PRIVATE HIRE CAR LICENCE - PERSONAL APPEARANCE**

Under reference to item 5 of this Minute consideration was resumed of the undernoted application for renewal of a Private Hire Car Licence. The applicant had been asked to appear personally for the first time:-

Thomas Stein, 23 Montrose Avenue, Glasgow

There was no appearance by or on behalf of Mr Stein. 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.