

**MINUTE OF MEETING OF THE REGULATORY FUNCTIONS BOARD  
HELD ON 14<sup>th</sup> JANUARY, 2015**

**PRESENT**

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

Councillor Hood, Convener, presided.

**IN ATTENDANCE**

D Campbell, Assistant Managing Solicitor (Licensing); M O'Neill, Senior Solicitor (Litigation and Regulatory Services); H Hoey, Committee Services Officer and K Whiteside, Licensing Officer (Paralegal) (all Finance & Corporate Services).

**DECLARATIONS OF INTEREST**

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

**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 items 3(d) and 8 of the agenda prior to item 3(a) of the agenda.

**EXCLUSION OF PRESS AND PUBLIC**

**The Board resolved to exclude the press and public from the meeting during consideration of items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16 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.**

**DECLARATION OF INTEREST**

Councillor Mullin having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

**1. 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 received outwith the statutory timescale to the application:-

David Smith, 28 Whitehills, North Barr, Erskine

Mr Smith, the applicant, was invited into the meeting together with Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application. On hearing the reasons for the objection being received outwith the statutory timescale it was decided that the objection 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 refused. This was agreed unanimously.

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

## **SEDERUNT**

Councillor Mullin re-entered the meeting prior to consideration of the following item of business.

### **2. HEARING INTO POSSIBLE SUSPENSION OF PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE**

The Board considered the possible suspension 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:-

Michael Doherty, 89 Greenlaw Crescent, Paisley

Mr Doherty, the licence holder, and his Solicitor, Mr Simpson, were invited into the meeting together with Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable. After consideration of all matters before the Board, the Board adjourned to allow members to consider this matter.

The meeting was reconvened and the Convener asked Mr Simpson if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to Mr Doherty's Private Hire Car Driver's Licence. Mr Simpson then addressed the Board.

Following consideration of Mr Simpson's submission, Councillor Hood, seconded by Councillor Mullin, moved that Mr Doherty's Private Hire Car Driver's Licence be not suspended.

Provost Hall, seconded by Councillor M Devine, moved as an amendment that Mr Doherty's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

On the roll being called, the following members voted for the amendment: Councillors M Devine, E Devine and Provost Hall.

The following members voted for the motion: Councillors B Brown, McEwan, Audrey Doig, Hood, M Brown and Mullin.

3 members having voted for the amendment and 6 members having voted for the motion, the motion was accordingly declared carried.

**DECIDED:** That Mr Doherty's Private Hire Car Driver's Licence be not suspended.

### 3. RENEWAL OF PRIVATE HIRE CAR DRIVERS' LICENCES – PERSONAL APPEARANCES

There were submitted the undernoted applications for renewal 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 an objection to application (a) and representations received outwith the statutory timescale to applications (b) and (c);-

(a) Stephen Ferguson, 48 Trinity Avenue, Cardonald, Glasgow

There was no appearance by or on behalf of Mr Ferguson. Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted an objection to the application, were invited into the meeting. The Convener proposed that the application be considered in Mr Ferguson's absence and this was agreed unanimously.

Police Scotland withdrew a paragraph of their letter prior to consideration. 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.

(b) Fred Wandera, 34 Melrose Avenue, Linwood

There was no appearance by or on behalf of Mr Wandera. Chief Inspector Nelson 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. The Convener proposed that the application be considered in Mr Wandera's absence and this was agreed unanimously.

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 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.

(c) James Haddow, Flat 2/1, 39 Langcraigs Drive, Paisley

There was no appearance by or on behalf of Mr Haddow. Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable were invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Police Scotland had submitted a representation received outwith the statutory timescale to the application and not an objection as stated in the agenda. The Convener proposed that the application be considered in Mr Haddow's absence and this was agreed unanimously.

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 two years. This was agreed unanimously.

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

#### 4. 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:-

Richard Kilbride, 87 Hardgate Drive, Glasgow

There was no appearance by or on behalf of Mr Kilbride. Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted a representation to the application, were invited into the meeting. The Convener proposed that the application be considered in Mr Kilbride's absence and this was agreed unanimously.

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.

#### 5. GRANT OF LATE HOURS CATERING LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Late Hours Catering 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 and the Director of Community Resources who had submitted an objection received outwith the statutory timescale to the application:-

<u>Applicant</u>	<u>Authorised Goods</u>	<u>Trading From</u>
Z and S Traders Limited 40 High Street Paisley	fast food and soft drinks	40 High Street Paisley
Monday to Thursday – 11.00 p.m. to 12 midnight Friday to Sunday – 11.00 p.m. to 2.00 a.m.		

Mr Shahid, Ms Zeshan and Mr Nishan, on behalf of the applicant, were invited into the meeting together with Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted an objection to the application. The Assistant Managing Solicitor (Licensing) advised that the Director of Community Resources had withdrawn her objection received outwith the statutory timescale to the application.

Ms Zeshan advised that he wished to amend the application to read 'Sunday to Thursday – 11.00 p.m. to 12 midnight and Friday and Saturday – 11.00 p.m. to 2.00 a.m.'

Police Scotland withdrew their objection to the application. After consideration of all matters before the Board, the Convener proposed that the application, as amended, be granted for a period of one year. This was agreed unanimously.

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

#### 6. RENEWAL OF WINDOW CLEANER'S LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for renewal of a Window Cleaner'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:-

Calum Irons, 125 Glencoats Drive, Paisley

Mr Irons, the applicant, was invited into the meeting together with Chief Inspector Nelson and Sergeant Fitzpatrick, on behalf of the Chief Constable who had submitted an objection to the application. The Assistant Managing Solicitor (Licensing) advised that the application was for renewal of a Window Cleaner's Licence and not for the grant of a Window Cleaner's Licence as stated in the agenda.

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.

#### 7. RENEWAL OF HOUSE IN MULTIPLE OCCUPATION – PERSONAL APPEARANCE

There was submitted the undernoted application for renewal of a House in Multiple Occupation. The applicant had been asked to appear personally for the first time together with Douglas Ross who had submitted an objection received outwith the statutory timescale to the application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Mark Littlejohn 22 Morecroft Drive Warwick	Flat 2/2 35 Barterholm Road Paisley

Ms McLelland and Ms McFarlane, on behalf of the applicant, were invited into the meeting. There was no appearance by or on behalf of Mr Ross, who had submitted an objection received outwith the statutory timescale to the application. The Convener proposed that the objection be taken into account when the application was being considered and this was agreed unanimously.

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.

#### ADJOURNMENT

The meeting adjourned at 1.15 p.m. and reconvened at 2.00 p.m.

#### SEDERUNT

Councillor M Brown was not in attendance.

#### 8. GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for the grant 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 a representation to the application:-

Raza Salim, Flat 30, 160 Pentland Road, Glasgow

Mr Salim, the applicant, was invited into the meeting together with Chief Inspector Nelson 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.

**9. HEARING INTO POSSIBLE SUSPENSION OF PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE**

The Board considered the possible suspension of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with Keri Dickson, who had submitted a complaint in relation to the licence holder:-

William Kean, 50 Innerwick Drive, Hillington, Glasgow

Mr Kean, the licence holder, and Mr McDonald, were invited into the meeting. There was no appearance by or on behalf of Ms Dickson, the complainer. After consideration of all matters before the Board, the Board adjourned to allow members to consider this matter.

The meeting was reconvened and the Convener asked Mr Kean if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Kean then addressed the Board.

Following consideration of Mr Kean's submission, the Convener proposed that the complaint be upheld and that Mr Kean's Private Hire Car Driver's Licence be not suspended. The Convener further proposed that Mr Kean be issued with a warning as to his future conduct as a licence holder. This was agreed unanimously.

**DECIDED:**

- (a) That the complaint be upheld and that Mr Kean's Private Hire Car Driver's Licence be not suspended; and
- (b) That Mr Kean be issued with a warning as to his future conduct as a licence holder.

**10. TEMPORARY GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE AND GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE**

There were submitted the undernoted applications for the temporary grant of a Private Hire Car Driver's Licence and the grant of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the first time:-

Arif Pervaiz, Flat 1/1, 48 Minard Road, Glasgow

Mr Pervaiz, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Pervaiz's application for the temporary grant of a Private Hire Car Driver's Licence be granted and that Mr Pervaiz's application for the grant of a Private Hire Car Driver's Licence be granted for a period of one year. This was agreed unanimously.

**DECIDED:**

- (a) That Mr Pervaiz's application for the temporary grant of a Private Hire Car Driver's Licence be granted; and

- (b) That Mr Pervaiz's application for the grant of a Private Hire Car Driver's Licence be granted for a period of one year.

#### 11. GRANT OF LATE HOURS CATERING LICENCE – PERSONAL APPEARANCE

Under reference to item 12 of page 252 of the Minute of the meeting of this Board held on 4<sup>th</sup> December, 2014 consideration was resumed of the undernoted application for a Late Hours Catering Licence. The applicant had been asked to appear personally for the second time:-

<u>Applicant</u>	<u>Authorised Goods</u>	<u>Trading From</u>
Alpha 3134 Limited 11 Ninian Crescent Woodlee Village Lenzie	coffee, pre-packed sandwiches, cold drinks and confectionery	Shell Garage Charleston Lonend Paisley

7 days per week – 11.00 p.m. to 5.00 a.m.

Mr McEnaney, on behalf of the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the applicant be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of one year. This was agreed unanimously.

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

#### 12. RENEWAL OF LATE HOURS CATERING LICENCE – PERSONAL APPEARANCE

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

<u>Applicant</u>	<u>Authorised Goods</u>	<u>Trading From</u>
J D Wetherspoon (Scotland) Limited Wetherspoon House Reeds Crescent Watford	Public House	The Sanderling International Departure Lounge Glasgow Airport Paisley

7 days per week – 11.00 p.m. to 5.00 a.m.

Mr McGillveray, on behalf of the applicant, and his Solicitor, Mr MacIver, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the applicant 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 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.

#### 13. REQUESTS FOR EXEMPTION FROM ASSISTING WHEELCHAIR PASSENGERS – PERSONAL APPEARANCES

There were submitted the undernoted requests for exemption from assisting wheelchair passengers. The applicants had been asked to appear personally for the first time:-

(a) Thomas Robertson, 7 Manor Park Avenue, Paisley

Mr Robertson, the applicant, and his Solicitor, Mr McKinnon, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Robertson'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 Robertson's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

(b) Colin Wardrop, 73 Newtyle Road, Ralston, Paisley

There was no appearance by or on behalf of Mr Wardrop. The Convener proposed that the application be considered in Mr Wardrop's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Wardrop'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 Wardrop's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

## SEDERUNT

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

### 14. GRANT OF LANDLORD REGISTRATION – PERSONAL APPEARANCE

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

Anand Mishra, Flat 2/3, 7 Kenley Road, Renfrew

There was no appearance by or on behalf of Ms Mishra. The Convener proposed that the application be considered in Ms Mishra's absence and this was agreed unanimously. 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.

### 15. SURRENDER AND RE-ISSUE OF TAXI LICENCES

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

	<u>Present Operator</u>	<u>Proposed Operator</u>	<u>Licence No.</u>
(a)	Patrick McKinstry 1 Weavers Road Paisley	Alan McKinstry 34 Peacock Drive Paisley	TX123

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

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



	<u>Present Operator</u>	<u>Proposed Operator</u>	<u>Licence No.</u>
(b)	Paul Brady 12 Springhill Farm Grove Baillieston Glasgow	John McIntyre Flat 3/1 2 Highgrove Court Renfrew	TX185

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

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

	<u>Present Operator</u>	<u>Proposed Operator</u>	<u>Licence No.</u>
(c)	Anthony Lafferty 31 Maxton Grove Barrhead	Raymond Stanley Flat 4E Lennox Court 14 Sutherland Avenue Bearsden Glasgow	TX187

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

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

#### 16. VARIATION OF PRIVATE HIRE CAR LICENCES

There were submitted the undernoted applications for variation of Private Hire Car Licences:-

	<u>Applicant</u>	<u>Variation</u>
(a)	Henry Mejury 33 Birchwood Drive Paisley	to carry 8 passengers

The Convener proposed that the application be granted and that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Mejury's Private Hire Car Licence and that Mr Mejury's vehicle be licensed to carry 8 passengers. This was agreed unanimously.

**DECIDED:** That the application be granted and that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Mejury's Private Hire Car Licence and that Mr Mejury's vehicle be licensed to carry 8 passengers.

	<u>Applicant</u>	<u>Variation</u>
(b)	Graeme Clark 9 Cromer Way Paisley	to carry 8 passengers

The Convener proposed that the application be granted and that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Clark's Private Hire Car Licence and that Mr Clark's vehicle be licensed to carry 8 passengers. This was agreed unanimously.

**DECIDED:** That the application be granted and that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Clark's Private Hire Car Licence and that Mr Clark's vehicle be licensed to carry 8 passengers.