

## Minute of Meeting Regulatory Functions Board

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

### Present

Provost Lorraine Cameron, Councillor Eddie Devine, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing): P Shiach, Committee Services Officer; A Easdon, Licensing Officer (Paralegal): G McIntosh, Civic Government Enforcement Officer (for items 1 to 6 only): and N Barr, Administrative Assistant (all Finance & Resources).

### Apology

Councillor McEwan.

### Declarations of Interest

Councillor Montgomery declared a non-financial interest in relation to item 9(b) 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.

## **1 Taxi Licensing: Unmet Demand**

There was submitted a report by the Director of Finance & Resources relative to recent observations by the Civic Government Enforcement Officer in relation to the demand for taxis.

The report advised that the Council had a policy of limiting the number of taxis within Renfrewshire and kept the demand for taxis under review. Section 10 (3) of the Civic Government (Scotland) Act 1982 ("the Act") empowered the Council as licensing authority to refuse to grant new taxi licences in its area in order to limit the number of taxis in the area provided it was satisfied that there was no significant demand for taxi services in its area which was unmet.

The report indicated that in May 2016, the Board had considered a report, carried out by Vector Transport Consultancy, in relation to demand for taxi services in Renfrewshire. The Board had 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.

The report intimated that as at January 2017, officers were aware that the new licences allocated by the Board were not 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 at that time 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.

The report stated that in April and August 2017, the Civic Government Enforcement Officer carried out rank inspections at Gilmour Street, Paisley and at Glasgow Airport to assess whether there was any significant unmet demand. A copy of the Civic Government Enforcement Officer's findings was appended to the report, which indicated that general demand was currently being met at the taxi ranks in Renfrewshire.

The report advised that officers would continue to carry out observations at the taxi ranks and that further reports would be submitted to the Board.

### **DECIDED:**

- (a) That the report be noted; and
- (b) That it be approved that the limit on the number of taxis continue to be kept under review.

## **2 Consultation for Civic Government Licences near Control of Major Hazards (COMAH) Establishments**

There was submitted a report by the Director of Finance and Resources relative to consultation for Civic Government licences near Control of Major Hazards (COMAH) establishments.

The report advised that the Health and Safety Executive had requested that Renfrewshire Council reviewed 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. There were currently five sites such sites in Renfrewshire, details of which were contained in Appendix 2 to the report.

The report indicated that the Control of Major Hazards Regulations 2015 provided that a site would constitute a COMAH establishment if it housed dangerous substances above the thresholds provided in the Regulations. The Regulations were enforced by the COMAH Competent Authority which was a partnership of different bodies including the Health and Safety Executive, the Office for Nuclear Regulation and the Scottish Environment Protection Agency. When applicable, Planning Authorities were notified of consultation distances for COMAH establishments which allowed the relevant bodies of the COMAH Competent Authority to be consulted when planning applications were received within the consultation distances. Within the consultation distance there was an inner zone and an outer zone. An example of a consultation distance was contained in Appendix 3 to the report. There was no equivalent consultation requirement under the Civic Government (Scotland) Act 1982.

The report indicated that certain activities licensed under the civic government licensing regime may attract a large crowd in one location. Should this location be within the vicinity of a COMAH establishment then there was a potential risk to the members of the public should a major accident occur. Accordingly, the Health and Safety Executive had requested that Renfrewshire Council reviewed its procedures to ensure that appropriate bodies were consulted when an application was made for Market Operators' Licences and Public Entertainment Licences which took place in the vicinity of a COMAH establishment. The draft Regulatory Functions Board COMAH Policy was contained in Appendix 1 to the report.

**DECIDED:**

- (a) That the COMAH Policy, as set out in Appendix 1 to the report be approved; and
- (b) That officers be instructed to make any necessary changes to the civic government licensing applications procedures and practices as required to implement the COMAH Policy.

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

There was submitted 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 Langhau Court, Glasgow  
Licence No: TX146

The Convener proposed that the application be granted and 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 Hearing into Possible Suspension or Revocation of Taxi Driver's Licence – T1213 Personal Appearance**

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

William Boyle, 1 Lancaster Way, Renfrewshire

Mr Boyle, the licence holder, and Mr Gardiner, solicitor were invited into the meeting together with Inspector Harking and Sergeant Curran on behalf of the Chief Constable.

After consideration of all matters before the Board, the Convener asked Mr Boyle if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Taxi Driver's Licence. Mr Boyle then addressed the Board.

Following consideration of Mr Boyle's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened.

The Convener proposed that Mr Boyle's Taxi Driver's Licence be not suspended. This was agreed unanimously.

**DECIDED:** That Mr Boyle's Taxi Driver's Licence be not suspended.

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

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

William McNeill, 16B Ryefield Avenue, Johnstone

Mr McNeill, the licence holder was invited into the meeting together with Inspector Harkins and Sergeant Curran, on behalf of the Chief Constable.

After consideration of all matters before the Board, the Convener asked Mr McNeill if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Taxi Driver's Licence. Mr McNeill then

addressed the Board.

Following consideration of Mr McNeill's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened.

The Convener proposed that Mr McNeill's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

**DECIDED:** That Mr McNeill's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

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

There was submitted the undernoted application for renewal of a Second Hand Dealer'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: -

Jim Brown trading as Thornbrae Car Sales, 27 Thornbrae, Johnstone

Mr Brown, the applicant was invited into the meeting together with Inspector Harkins and Sergeant Curran, representing the Chief Constable who had submitted a representation 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 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 meeting adjourned at 11.35 am and reconvened at 11.45 am.

## **Sederunt**

Councillor Steel entered the meeting prior to consideration of the following item of business.

## **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 the Board resumed consideration of the undernoted application (a) for the grant of Landlord Registration. There was also submitted the undernoted application (b) for the grant of Landlord Registration: -

(a) Mohammed Younis, 34 Carmichael Place, Glasgow

There was no appearance by Mr Younis. Mr Bashir, his agent was invited into the meeting. 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.

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

Mrs Brownhill, the applicant, was invited into the meeting together with her husband, Mr Brownhill. 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.

## **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, the Board resumed consideration of the possible removal of the undernoted landlords from the register of private landlords. The landlords had been asked to appear personally for the third time: -

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

There was no appearance by or on behalf of Dr Wong. The Assistant Managing Solicitor (Licensing) advised that the Landlord had requested a further continuation to allow the required repairs to be completed.

The Convener proposed that consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board.

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

There was no appearance by or on behalf of Mr Loi. The Convener proposed that consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board.

## **9 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: -

(a) Joseph Kurt Griffin, 23 Birch Way, Renfrewshire Council

Mr Griffin, the applicant, was invited into the meeting. 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.

### **DECLARATION OF INTEREST**

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

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

Mr O'Hare, the applicant, was invited into the meeting. 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.

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

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

(a) William Calvey, Passinglinn Cottage, Kibblestone Road, Kilbarchan

There was no appearance by or on behalf of Mr Calvey. The Assistant Managing Solicitor (Licensing) advised that the applicant had requested a continuation as he would be out of the country until 26 November, 2017.

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) Anthony Barlow, 64 Dunvegan Avenue, Elderslie

There was no appearance by or on behalf of Mr Barlow. The Assistant Managing Solicitor (Licensing) advised that the applicant had withdrawn the application.

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