

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 02 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 and Audrey Doig, Provost Hall, and Councillor M Brown.

CHAIR

Councillor Hood, Convener, presided.

IN ATTENDANCE

D Campbell, Assistant Managing Solicitor (Licensing); E Currie, Committee Services Officer; K Whiteside, Licensing Officer (Paralegal) and G McIntosh, Civic Government Enforcement Officer (for item 1 only) (all Finance & Resources).

APOLOGIES

Councillors McEwan and Mullin.

DECLARATIONS OF INTEREST

Councillor E Devine declared a non-financial interest in relation to item 3 of the agenda as he had knowledge of the background to the application 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 item 7 of the agenda before item 1 of the agenda; item 3 of the agenda after item 1 of the agenda; item 5 of the agenda after item 3 of the agenda; and item 6 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, 5, 6, 7, 8 and 9 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 VARIATION OF TAXI LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for variation of a Taxi Licence. The applicant had been asked to appear personally for the first time:-

APPLICANT: Kenneth Barnes, 10 Springfield Avenue, Paisley

VARIATION: condition 22 (ii) not to apply to licence to allow operation of a saloon vehicle

Mr Barnes, the applicant, and his Solicitor, Mr Hunter, were invited into the meeting. 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.

2 GRANT OF LANDLORD REGISTRATION - PERSONAL APPEARANCE

Under reference to item 5 of page 376 of the Minute of the meeting of this Board held on 19th February, 2015 consideration was resumed of the undernoted application for the grant of Landlord Registration. The applicant had been asked to appear personally for the second time:-

David Giles, 58 Douglas Drive, East Kilbride

Mr Giles, the applicant, and Mr Girdwood, his Letting Agent, were invited into the meeting together with Sergeant Divers, on behalf of the Chief Constable. 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 Provost Hall, moved that consideration of the application be continued to allow the applicant to submit a copy of his letting agreement with his agent within a period of seven working days.

Councillor E Devine, seconded by Councillor M 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, two members voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

DECIDED: That consideration of the application be continued to allow the applicant to submit a copy of his letting agreement with his agent within a period of seven working days.

DECLARATION OF INTEREST

Councillor E Devine, 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.

3 GRANT OF SECOND HAND DEALER'S LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Second Hand Dealer's Licence. The applicant had been asked to appear personally for the first time together with Community Resources who had submitted a representation to the application and Police Scotland who had submitted a representation received outwith the statutory timescale to the application:-

APPLICANT: DMS (Glasgow) Limited

PREMISES: 64-74 Abercorn Street, Paisley

AUTHORISED GOODS: second hand cars

Operating Hours: Monday to Sunday – 10.00 am to 6.00 pm

There was no appearance by or on behalf of the applicant. Chief Inspector Nelson and Constable McLeod, 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 Mr Everett, on behalf of the Director of Community Resources who had submitted a representation to the application.

The Convener proposed that the application be considered in the applicant's absence and this was agreed unanimously.

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 and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

SEDERUNT

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

ADJOURNMENT

The meeting adjourned at 11.55 am and reconvened at 12 noon.

4 RENEWAL OF TAXI DRIVER'S LICENCE AND REQUEST FOR EXEMPTION FROM ASSISTING WHEELCHAIR PASSENGERS - PERSONAL APPEARANCE

There was submitted the undernoted application for renewal of a Taxi Driver's Licence and request for exemption from assisting wheelchair passengers. The applicant had been asked to appear for the first time together with Police Scotland who had submitted a representation received outwith the statutory timescale to the application:-

Christopher McMillan, 61 Second Avenue, Kingspark, Glasgow

Mr McMillan, the applicant, was invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application. Mr McMillan requested that consideration of his application and request for exemption be continued to a future meeting of the Board to allow him to have a Solicitor represent him.

The Convener proposed that consideration of Mr McMillan's application and request for exemption be continued to a future meeting of the Board to allow the applicant to be represented by a Solicitor. This was agreed unanimously.

DECIDED: That consideration of Mr McMillan's application and request for exemption be continued to a future meeting of the Board to allow the applicant to be represented by a Solicitor.

5 HEARINGS INTO POSSIBLE SUSPENSION OF TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - PERSONAL APPEARANCE

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

Roderick McIntosh, 57 Spinners Gardens, Paisley

Mr McIntosh, the licence holder, and his Solicitor, Mr Armit, were invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable. The Convener proposed that submissions on both matters be heard together and that separate decisions would be reached. This was agreed unanimously. Mr Armit also agreed to this.

After consideration of all matters before the Board, the Board adjourned to allow members to consider these matters. The meeting was reconvened and the Convener asked Mr Armit if he wished to address the Board as to any period of suspension the Board might impose prior to any motions being made in relation to his client's Taxi Driver's Licence and Private Hire Car Licence. Mr Armit then addressed the Board.

Following consideration of Mr Armit's submissions, Councillor Hood, seconded by Councillor E Devine, moved that Mr McIntosh's Taxi Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

Councillor Audrey Doig, seconded by Councillor M Devine, moved as an amendment that Mr McIntosh's Taxi Driver's Licence be not suspended.

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

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

The Convener further proposed that Mr McIntosh's Private Hire Car Licence be not suspended and this was agreed unanimously.

DECIDED:

(a) That Mr McIntosh's Taxi Driver's Licence be not suspended; and

(b) That Mr McIntosh's Private Hire Car Licence be not suspended.

6 RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE - PERSONAL APPEARANCE

Under reference to item 3(b) of the Minute of the meeting of this Board held on 4th March, 2015 consideration was resumed of the undernoted application for renewal of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to the application:-

David McDonald, 15 Glen Court, Dalry

There was no appearance by or on behalf of the applicant. Chief Inspector Nelson and Constable McLeod, 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 McDonald had intimated that he would be unable to attend the meeting and had requested that his application be considered in his absence. The Convener proposed that the application be considered in Mr McDonald's absence and this was agreed unanimously.

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 Audrey Doig, moved that the application be granted for a restricted period of one year.

Councillor E Devine, seconded by Councillor M 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, two members voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

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

7 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 an objection to the application:-

Gilmour Allan, Flat 1/1, 3C Brydson Place, Linwood

There was no appearance by or on behalf of the applicant. Chief Inspector Nelson and Constable McLeod, 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 Allan's absence and 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 1.30 pm and reconvened at 2.00 pm.

SEDERUNT

Councillor M Brown was not in attendance.

8 GRANT OF TAXI DRIVER'S LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Taxi Driver's Licence. The applicant had been asked to appear personally for the first time:-

Andrea Mains, 1 Hillside Road, Paisley

Mrs Mains, the applicant, and Mr Mains, her husband, were 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.

9 **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:-

John McIntyre, 96 Netherhill Road, Paisley

The Assistant Managing Solicitor (Licensing) advised that the application had been granted by the Head of Corporate Governance under delegated authority for a period of two years.

DECIDED: That it be noted that the application had been granted by the Head of Corporate Governance under delegated authority for a period of two years.

10 **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:-

Mark Elder, 84 Glencoats Drive, Paisley

There was no appearance by or on behalf of the applicant. The Convener proposed that the application be considered in Mr Elder'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.