

Minute of Meeting Regulatory Functions Board

| Date | Time | Venue |
|---------------------------|-------|--|
| Wednesday, 23 August 2017 | 10:00 | Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN |

Present: Councillor Eddie Devine, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

M Conaghan, Legal and Democratic Services Manager (for items 1 to 7); D Campbell, Assistant Managing Solicitor, (Licensing), P Shiach Committee Services Officer and K Whiteside, Licensing Officer (Paralegal) (all Finance & Resources).

Apologies

Provost Cameron and Councillor Rodden.

Declarations of Interest

Councillor Montgomery declared a non-financial interest in item 6 of the agenda, the proposed revocation of HMO Licence 209, Flat 2/1, 55 Underwood Road, Paisley as he had prior knowledge of the matter 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 8 of the agenda prior to item 3 of the agenda.

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.

1 Request for Exemption from Assisting Wheelchair Passengers - T2199 - Personal Appearance

There was submitted the undernoted request for exemption from assisting wheelchair passengers. The applicant had been asked to appear personally for the first time: -

Stuart McLean, 33 Newtyle Road, Paisley

Mr McLean, the licence holder, was invited into the meeting. After consideration of all matters before the Board, the Board adjourned to allow members to consider the request. The meeting was reconvened and the Convener proposed that the request be refused. This was agreed unanimously.

DECIDED: That Mr McLean's request for exemption from assisting wheelchair passengers be refused.

2 Variation to a Taxi Operator Licence - TX053 - Personal Appearance

There was submitted the undernoted application for a variation to a Taxi operator Licence seeking an exemption from operating a wheelchair accessible vehicle. The applicant had been asked to appear personally for the first time: -

Stuart McLean, 33 Newtyle Road, Paisley

Mr McLean, the licence holder, was invited into the meeting. 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 refused. This was agreed unanimously.

DECIDED: That Mr McLean's application for variation seeking an exemption from operating a wheelchair accessible vehicle be refused.

3 Grant of a Private Hire Car Driver's Licence - Personal Appearance

Under reference to paragraph 2 of the Minute of the meeting of this Board held on 31 May 2017, the Board resumed consideration of the undernoted application for the grant 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: -

Barry Banaghan, 9 Greenock Road, Paisley

Mr Banaghan, the applicant, and his mother Mrs Banaghan were invited into the meeting together with Inspector Kirkwood, Sergeant Curran and Constable Allan, on behalf of the Chief Constable who had submitted a representation in respect of 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 one year. This was agreed unanimously.

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

4 Renewal of Private Hire Car Driver's Licence - P0321 - Personal Appearance

There was submitted the undernoted application for the 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 a representation in respect of the application:-

Mohammed Waqar Aslam, 7 Wedderlea Drive, Glasgow

Mr Aslam, the applicant, was invited into the meeting together with Inspector Kirkwood, Sergeant Curran and Constable Allan on behalf of the Chief Constable who had submitted a representation in respect of 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.

5 Grant of a Second Hand Dealer's Licence - Personal Appearance

There was submitted the undernoted application for 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 an objection received outwith the statutory timescale to the application: -

Overburn Automotive Limited, 136 Neilston Road, Paisley.

Mr Ferguson, the applicant, Ms McLardy, his fiancée, and Mr Irvine, solicitor were invited into the meeting together with Inspector Kirkwood, Sergeant Curran and Constable Allan representing the Chief Constable who had submitted an objection 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 the application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

6 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 together with Police Scotland who had submitted a letter in respect of the application:-

Fraser Campbell, 11 Kittoch Street, East Kilbride.

Mr Fraser, the applicant, was invited into the meeting together with Inspector Kirkwood, Sergeant Curran and Constable Allan, on behalf of the Chief Constable who had submitted a letter in respect of 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

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

Declaration of Interest

DECLARATION OF INTEREST

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

7 Proposed Revocation of HMO Licence 209 - Flat 2/1, 55 Underwood Road, Paisley - Personal Appearance

The Board considered the proposed revocation of HMO Licence 209, Flat 2/1, 55 Underwood Road, Paisley. The landlord had been asked to appear personally for the first time together with Police Scotland and Scottish Fire and Rescue Service, the Director of Community Resources, who had submitted a report detailing complaints received and the following who had submitted letters of representation: -

Joyce Hogg and Frank Hogg
Mary Quinn and Hugh Quinn
David Smith.

Landlord
David John Bell, Flat 4/1, 6 Dunblane Street, Glasgow

Premises
Flat 2/1, 55 Underwood Road, Paisley.

Mr Bell, the landlord, was invited into the meeting together with Inspector Kirkwood,

Sergeant Curran and Costable Allan representing the Chief Constable, Mr C Hunter, representing the Director of Community Resources, who had submitted a report detailing complaints received, and Mr and Mrs Hogg and Mr D Smith who had submitted written representations. The Scottish Fire and Rescue Service and Mr and Mrs Quinn were not in attendance at the meeting.

After consideration of all matters before the Board, the Board adjourned to allow members to consider the matter. The meeting was reconvened and the Convener proposed that the licence be not revoked. This was agreed unanimously.

DECIDED: That the licence be not revoked.

Adjournment

The meeting adjourned at 1.25 pm and reconvened at 2.00 pm. Councillor Hughes was not present when the meeting reconvened.

Sederunt

Councillor Montgomery re-entered the meeting.

8 Immediate Suspension and Hearing into Possible Suspension of Taxi Driver's Licence - T2436 - Personal Appearance

The Board considered the possible suspension and 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: -

Brian Tinney, 3 Killoch Drive, Barrhead

There was no appearance by or on behalf of the Licence holder. Inspector Kirkwood, Sergeant Curran and Constable Allen, representing the Chief Constable, were invited into the meeting.

The Assistant Managing Solicitor (Licensing) advised the Board that prior to the meeting, the Licence holder had surrendered his licence to the Council and indicated that no further action need be taken.

DECIDED: That it be noted that the Licence holder had surrendered his licence to the Council.

Sederunt

Councillors Devine and Montgomery left the meeting prior to consideration of the following item of business.

9 Requests for Exemption from Assisting Wheelchair Passengers - Personal Appearances

There were submitted the undernoted applications for an 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 Licence holder, was invited into the meeting. After consideration of all matters before the Board, the Board adjourned to allow members to consider the request. The meeting was reconvened and the Convener proposed that the exemption be granted for the duration of the licence holder's 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) John Clark, 26 Raasay Drive, Glenburn, Paisley

Mr Clark, the Licence holder, was invited into the meeting. After consideration of all matters before the Board, the Board adjourned to allow members to consider the request. The meeting was reconvened and the Convener proposed that the exemption be granted for the duration of the licence holder's current Taxi Driver's Licence. This was agreed unanimously.

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

10 Renewal of a Taxi Operator's Licence - TX045 - Personal Appearance

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

Vincent Patrick Dobbins, 17 Stoneybrae, Potterhill, Paisley

Mr Dobbins, 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 two years. This was agreed unanimously.

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

11 Grant of a 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:-

Applicant: Domino's Pizza

Premises: 41 Gauze Street, Paisley

Authorised activity: Pizza and other takeaway style food delivery store

Operating hours: Sunday to Thursday 11.00 pm to 1.00 am

Friday and Saturday 11.00 pm to 2.00 am

Mr Penman, representing the applicant, was invited into the meeting. 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 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.

12 Hearing into the Possible Removal from the Register of Private Landlords - 365003/350/22211 - Personal Appearance

The Board considered the possible removal of the undernoted Landlord from the Register of Private Landlords. The Landlord had been asked to appear personally for the first time: -

Alan Hayes, 4 Ollach, Erskine

There was no appearance by or on behalf of Mr Hayes. The Convener proposed that the application be continued to allow the landlord to appear personally. This was agreed unanimously.

DECIDED: That the application be continued.

13 Renewal of a Street Trader's Licence

Applicant: Theodorus Johannes Bouwmans, 52 Park Gardens, Kilbarchan

Authorised goods: Scottish and Dutch snacks

Trading from Middleton Road, Linwood

Operating hours: Monday to Saturday – 7.00 am to 5.00 pm.

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