

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 15 June 2017	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

**Present:** Councillor Eddie Devine, Councillor Alistair Mackay, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### Apologies

Provost Cameron and Councillor Hughes.

### In Attendance

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

### Declarations of Interest

Councillor Montgomery declared interests in relation to items 2, 5 and 11 of the agenda as he had background information on the matters under consideration and indicated his intention to leave the meeting during consideration of the items 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 4 of the agenda prior to item 3 of the agenda; item 10 of the agenda prior to item 6 of the agenda; item 5 of the agenda after item 9 of the agenda; items 12 and 13 of the agenda after item 9 of the agenda.

## **1 Civic Government (Scotland) Act 1982: Review of Taxi Fares within Renfrewshire**

Under reference to item 1 of the Minute of the meeting of this Board held on 8 March 2017 there was submitted a report by the Director of Finance & Resources relative to a review of taxi fares within Renfrewshire.

The report intimated that after considering responses to an initial consultation, the Board agreed to advertise a proposal to fix a new fare scale to have effect from a proposed date of 31 July 2017. An advertisement detailing the proposal appeared in the Paisley Daily Express newspaper on 6 April 2017 and provided that any person wishing to make representations on the proposal must do so in writing no later than 6 May 2017. No further representations had been received and the Board now required to fix a taxi fares scale for Renfrewshire.

### **DECIDED:**

(a) That a new taxi fares scale be fixed which would mean that there be no increase in the taxi fares scale except that the Glasgow Airport terminal departure charge be increased from £1.00 to £1.50 and that a Glasgow Airport pick-up and drop-off charge of £2.00 be introduced;

(b) That the fare scale come into effect on 28 August 2017;

(c) That officers be authorised to give notice to all operators of taxis operating in Renfrewshire and the persons and organisations appearing to the Board to be representative of the operators of taxis operating within Renfrewshire, being the parties initially consulted, of the fares scale fixed and its effect, the date on which it is to come into effect and the rights of appeal against the scale, all as set out in section 17 of the Civic Government (Scotland) Act 1982, as amended; and

(d) That officers be authorised to publish the fares scale, as soon as practicable following expiry of the period of appeal to the Traffic Commissioner, or, if appealed, as soon as practicable after determination of the appeal, by giving notice of the scales in an advertisement in a newspaper circulating in Renfrewshire and to specify therein that the scales shall come into effect on 28 August 2017, all in terms of section 18A of the Civic Government (Scotland) Act 1982.

### **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 or voting thereon.

## **2 Proposed Revocation of House in Multiple Occupation Licence**

There was submitted a report by the Director of Finance & Resources relative to the proposed revocation of a House in Multiple Occupation (HMO) Licence.

A report had been received from the Council's Director of Community Resources detailing investigations into complaints made by neighbours of a property which is licensed as a HMO.

The report proposed that officers be authorised to issue a notice to initiate a revocation hearing of the HMO licence and this would allow both the complainers and the licence holder to appear before the Board and make submissions on whether the HMO licence should be revoked.

**DECIDED:**

(a) That the Board hold a revocation hearing under section 139 of the Housing (Scotland) Act 2006; and

(b) That officers be authorised to serve notices under section 139(2) of the Housing (Scotland) Act 2006 on the licence holder, any person who has made a written representation which officers considered relevant to the proposed revocation, the Scottish Fire & Rescue Service and the Chief Constable.

**Sederunt**

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

**Exclusion of Press and Public**

The Board resolved that the press and public be excluded from the meeting during consideration of items 3, 4, 5, 6, 7, 8, 10, 12 and 13 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.

**3 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 a representation to the application:-

Stanley Purawec, 1D Manse Court, Barrhead - P0311

Mr Purawec, the applicant, and Ms Ballantyne, were invited into the meeting together with Inspector Harkins and Sergeant Curran, on behalf of the Chief Constable who had submitted a representation to the application.

Sergeant Curran advised that the Chief Constable wished to withdraw his representation to this 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 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 an objection to application (a) and a representation to application (b):-

(a) Ismail Ahmad, 130 Boyd Street, Glasgow

Mr Ahmad, the applicant, was invited into the meeting together with Inspector Harkins and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection to the application. The Senior Solicitor advised that the objection from Police Scotland took the form of two letters and that the second letter dated 26 April 2017 had not been circulated to members of the Board as it contained details of spent convictions.

After consideration of the age, nature and seriousness of the convictions the Convener proposed that the Board consider the applicant's spent convictions as the interests of justice so required.

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.

(b) Khalid Mahmud, 1 Morriston Crescent, Renfrew

Mr Mahmud, the applicant, and Mrs Mahmud, his wife, were invited into the meeting together with Inspector Harkins and Sergeant Curran, on behalf of 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 this 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.

(c) Ali Mohammed, Flat 2/3, 6 Berryburn Road, Glasgow

Mr Mohammed, 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.

## **5 Grant of Landlord Registration - Personal Appearance**

There was submitted the undernoted application for grant of Landlord Registration. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to the application:-

Lorraine McLaren, 13E Laurel Way, Bridge of Weir

There was no appearance by or on behalf of Ms McLaren. Inspector Harkins and Sergeant Curran, on behalf 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 Ms McLaren'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.

## **6 Request for Exemption from Assisting Wheelchair Passengers - Personal Appearance**

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

William Guthrie, 81 Culzean Crescent, Newton Mearns

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

## **7 Renewal of Taxi Operator's Licence - Personal Appearance**

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

Stephen Heron, 21 Armour Square, Johnstone

Mr Heron, the applicant, was 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 Mr Heron's application for renewal of his Taxi Operator's Licence be granted for a period of two years and that Mr Heron continue to be exempt from operating a wheelchair accessible vehicle.

**DECIDED:** That Mr Heron's application for renewal of his Taxi Operator's Licence be granted for a period of two years and that Mr Heron continue to be exempt from operating a wheelchair accessible vehicle.

## **8 Renewal of Private Hire Car Operator's Licence - Personal Appearance**

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

Brian Smith, Flat 3/1, 5 Crossflat Crescent, Paisley

The Senior Solicitor advised that Mr Smith's application had been granted for a period of two years under delegated authority.

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

## **9 Grant of Public Entertainment Licence - Personal Appearance**

There was submitted the undernoted application for the grant of a Public Entertainment Licence. The applicant had been asked to appear personally for the first time together with the Director of Community Resources, Renfrewshire Council, who had submitted a representation to the application:-

Applicant: David Paling, 71 Lochwinnoch Road, Kilmacolm  
Premises: Tan Tan Tan, 2A Christie Street, Paisley  
Activity: Tanning Salon  
Operating hours: 7 days per week – 8.00 am to 10.00 pm

The Senior Solicitor advised that Mr Paling's application had been granted for a period of two years under delegated authority.

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

## **10 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: William McConnachie, 266 Warriston Street, Glasgow  
Proposed Operator: John Corbett, 23 India Drive, Inchinnan  
Licence No: TX24

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

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

## **11 Renewal of Late Hours Catering Licence**

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

Applicant: Mohammed Haidar, 65 Buchanan Drive, Bearsden, Glasgow  
Premises: Papa Johns, 58 Glasgow Road, Paisley  
Operating Hours: 7 days per week – 11.00 pm to 2.00 am

The Convener proposed 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. 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.

## **Adjournment**

This item is exempt.

## **Sederunt**

Councillor McEwan was not in attendance when the meeting reconvened.

## **Declaration of Interest**

Councillor Montgomery having declared an interest in the following items of business was not in attendance when the meeting reconvened.

The Convener proposed that the following items of business be considered together and that separate decisions be made. This was agreed unanimously.

### **12 Grant of Landlord Registration - Personal Appearance**

Under reference to item 11 of the Minute of the meeting of this Board held on 19 April 2017 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:-

Gillian Feeney, 9 Napier Street, Linwood

### **13 Hearing into Possible Removal from the Register of Private Landlords - Personal Appearance**

Under reference to item 10(b) of the Minute of the meeting of this Board held on 19 April 2017 consideration was resumed of the hearing into the possible removal of the undernoted landlord from the Register of Landlords. The landlord had been asked to appear personally for the second time:-

Terence Feeney, 9 Napier Street, Linwood

There was no appearance by or on behalf of Mrs Feeney. Mr Feeney and his Solicitor, Mr Banks, were invited into the meeting. Mr Banks advised that he would also be representing Mrs Feeney and agreed for both matters to be heard together.

After consideration of all matters before the Board, the Convener proposed that Mrs Feeney's application for grant of Landlord Registration be granted for a period of three years. This was agreed unanimously. The Convener further proposed that Mr Feeney be not removed from the Register of Private Landlords. This was agreed unanimously.

#### **DECIDED:**

(a) That Mrs Feeney's application for grant of Landlord Registration be granted for a period of three years; and

(b) That Mr Feeney be not removed from the Register of Private Landlords.