

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 15 September 2022	10:00	Remotely by MS teams,

**Present:** Councillor Audrey Doig, Councillor Neill Graham, Councillor Lisa-Marie Hughes, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Kevin Montgomery, Councillor Andy Steel

### Chair

Councillor McNaughtan, Convener, presided.

### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), R Graham, Senior Solicitor (Litigation & Regulatory Services), E Currie and P Shiach, both Senior Committee Services Officers, D Cunningham and J Barron, both Assistant Committee Services Officers, G McIntosh, Civic Licensing Standards Officer, R McCallum, K Marriott, J Arthur, S Kerr and E Graham all Administrative Assistants and D Pole, End User Technician (all Finance & Resources).

### Recording of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting would be recorded for subsequent broadcast via the Council's internet site.

### Apologies

Councillors Mullin and Rodden.

### Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

## **Her Majesty Queen Elizabeth II**

A minute's silence was held as a mark of respect following the recent death of Her Majesty Queen Elizabeth II.

## **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 2 (b), (c), (e) and (f) of the agenda before item 2 (a) of the agenda and item 2 (d) of the agenda after item 3 (c) of the agenda.

## **Sederunt**

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

## **Declaration of Interest**

At this point in the meeting, Councillor Montgomery declared an interest in item 4 of the agenda for the reason that he had had contact with tenants of the properties. Councillor Montgomery indicated that as he had declared an interest, he would leave the online meeting during any discussion and voting on the item.

### **1 Civic Government (Scotland) Act 1982: Electronic Communications**

There was submitted a report by the Director of Finance & Resources requesting that the Board make a determination to accept licensing communications, including applications, objections and representations electronically.

The report intimated that the requested determination related to various licences which were applied for and granted under the terms of the Civic Government (Scotland) Act 1982.

The report advised that prior to the national lockdown announced on 23 March 2022, all licensing applications, objections and representations had been made in paper format. Following the closure of Renfrewshire House and a period during which applications for licences were unable to be received, the Council introduced a partially online application process which was operating well and appeared to be able to be used by applicants, with few, if any, issues. The requirement for a physically signed form had meant that there was inevitably a delay between the initial electronic submission, payment and receipt of the signed paper form. In order to modernise the licensing regime, the report suggested that the Board might now wish to determine that such communications permitted by the updated provisions, might now be given by electronic means. A copy of the proposed determination to this effect was appended to the report.

The report requested that the Board agree publication of the determination, appended to the report, and recommend to Council that powers be delegated to officers, in consultation with the Convener, to update the published determination as required.

**DECIDED:**

(a) That it be agreed that a determination, as appended to the report, be made and that it be published on the Council's licensing web pages with officers instructed to otherwise publicise the determination as they considered appropriate;

**ND** (b) That the Board recommend to Council that an additional power be delegated to officers, as set out in paragraph 4.2.1 of the report; and

(c) That otherwise the terms of the report be noted.

## 2 **Variation of Private Hire Car Operators' Licences - Personal Appearances**

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

(a) Applicant: Gary McCune

Variation: exception to policy and standard condition 1

Licence No.: PH1352

There was no appearance by or on behalf of Mr McCune, the applicant. The Convener proposed that the application be considered in Mr McCune's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr McCune's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr McCune to continue to operate his present vehicle, registration number SH15 VSK for a period of one year from 23 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15 September 2022. This was agreed unanimously.

**DECIDED:** That Mr McCune's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr McCune to continue to operate his present vehicle, registration number SH15 VSK for a period of one year from 23 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15 September 2022

(b) Applicant: Christopher Conway

Variation: exception to policy and standard condition 1

Licence No.: PH1497

Mr Conway, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Conway's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Conway to continue to operate his present vehicle, registration number CV15 YSM for a period of one year from 11 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15

September 2022. This was agreed unanimously.

**DECIDED:** That Mr Conway's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Conway to continue to operate his present vehicle, registration number CV15 YSM for a period of one year from 11 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15 September 2022.

(c) Applicant: Paul Connery

Variation: exception to policy and standard condition 1

Licence No.: PH1317

Mr Connery, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Connery's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Connery to continue to operate his present vehicle, registration number SG14 OAH for a period of one year from 20 June 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

**DECIDED:** That Mr Connery's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Connery to continue to operate his present vehicle, registration number SG14 OAH for a period of one year from 20 June 2022, subject to the vehicle being tested at three-monthly intervals.

(d) Applicant: Raymond Halbert

Variation: exception to policy and standard condition 1

Licence No.: PH0801

Mr Halbert, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed that Mr Halbert's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Halbert to continue to operate his present vehicle, registration number KJ15 GHK for a period of one year from 27 July 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15 September 2022. This was agreed unanimously.

**DECIDED:** That Mr Halbert's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Halbert to continue to operate his present vehicle, registration number KJ15 GHK for a period of one year from 27 July 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days of 15 September 2022.

(e) Applicant: Lesley Kerins

Variation: exception to policy and standard condition 1

Licence No.: PH0785

There was no appearance by Ms Kerins, the applicant, who had previously indicated that she wished her application to be considered by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Ms Kerin's application for variation be granted and that standard condition 1 of her licence be amended to enable Ms Kerins to continue to operate her present vehicle, registration number GD15 VJG for a period of one year from 1 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022. This was agreed unanimously.

**DECIDED:** That Ms Kerin's application for variation be granted and that standard condition 1 of her licence be amended to enable Ms Kerins to continue to operate her present vehicle, registration number GD15 VJG for a period of one year from 1 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022.

(f) Applicant: Stuart Crichton

Variation: exception to policy and standard condition 1

Licence No.: PH0893

There was no appearance by Mr Crichton, the applicant, who had previously indicated that he wished his application to be considered by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Crichton's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Crichton to continue to operate his present vehicle, registration number VE15 GRK for a period of one year from 29 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022. This was agreed unanimously.

**DECIDED:** That Mr Crichton's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Crichton to continue to operate his present vehicle, registration number VE15 GRK for a period of one year from 29 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022.

(g) Applicant: Stephen Boyd

Variation: exception to policy and standard condition 1

Licence No.: PH1498

There was no appearance by Mr Boyd, the applicant, who had previously indicated that he wished his application to be considered by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Boyd's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Boyd to continue to operate his present vehicle, registration number SC15 MEV for a period of one year from 29 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022. This was agreed unanimously.

**DECIDED:** That Mr Boyd's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Boyd to continue to operate his present vehicle, registration number SC15 MEV for a period of one year from 29 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within three months of 15 September 2022.

### 3 **Variation of Taxi Operators' Licences - Personal Appearances**

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

(a) Applicant: Ewan Stevenson

Variation: exception to policy and standard condition 22

Licence No.: TX058

There was no appearance by Mr Stevenson, the applicant, who had previously indicated that he wished his application to be considered by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to continue to operate his present vehicle, registration number SF13 JVW for a period of one year from 17 June 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

**DECIDED:** That Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to continue to operate his present vehicle, registration number SF13 JVW for a period of one year from 17 June 2022, subject to the vehicle being tested at three-monthly intervals.

(b) Applicant: Mohammed Nasir

Variation: exception to policy and standard condition 22

Licence No.: TX219

There was no appearance by or on behalf of Mr Nasir, the applicant. The Convener proposed that the application be considered in Mr Nasir's absence. This was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Nasir's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Nasir to continue to operate his present vehicle, registration number MT14 NBL for a period of one year from 23 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 15 September 2022. This was agreed unanimously.

**DECIDED:** That Mr Nasir's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Nasir to continue to operate his present vehicle, registration number MT14 NBL for a period of one year from 23 May 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 15 September 2022.

(c) Applicant: Malik Ghafar

Variation: exception to policy and standard condition 22

Licence No.: TX141

There was no appearance by Mr Ghafar, the applicant, who had previously indicated that he wished his application to be considered by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Ghafar's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Ghafar to continue to operate his present vehicle, registration number SF14 DMV for a period of one year from 6 June 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

**DECIDED:** That Mr Ghafar's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Ghafar to continue to operate his present vehicle, registration number SF14 DMV for a period of one year from 6 June 2022, subject to the vehicle being tested at three-monthly intervals.

(d) Applicant: Desmond Watters

Variation: exception to policy and standard condition 22

Licence No.: TX201

Mr Watters, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Watters' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Watters to continue to operate his present vehicle, registration number SF13 MZP for a period of one year from 17 July 2022, subject to the vehicle being tested at three-monthly intervals. This was agreed unanimously.

**DECIDED:** That Mr Watters' application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Watters to continue to operate his present vehicle, registration number SF13 MZP for a period of one year from 17 July 2022, subject to the vehicle being tested at three-monthly intervals.

## **EXCLUSION OF PRESS AND PUBLIC**

The Board resolved that the press and public be excluded from the meeting during consideration of the following item 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.

## **Declaration of Interest**

Councillor Montgomery having previously declared an interest in the following item, left the meeting and took no part in the discussion or voting thereon.

## **4 Application of Landlord Registration - Personal Appearance**

There was submitted the undernoted application for Landlord Registration. The applicant had been asked to appear personally for the first time together with the Director of Communities & Housing Services, Renfrewshire Council:-

Iain Tennie

Mr Tennie, the applicant, joined the meeting by telephone call together with Mr Hunter, Ms McEwen, Mr Salisbury and Ms Scott, who joined the meeting by video call, on behalf of the Director of Communities & Housing Services, Renfrewshire Council.

Mr Tennie requested that consideration of his application be continued to a future meeting of the Board to allow him further time to consult a legal adviser. The Convener proposed that the meeting be adjourned to allow members to consider this request. This was agreed unanimously. The meeting was reconvened and 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.

## **Valedictory**

On behalf of the Board, the Convener expressed thanks and appreciation to Gillian McIntosh, Civic Licensing Standards Officer and Scott Blyth, Fleet Manager, Underwood Road for their years of service as they departed their current roles and wished them well going forward.