

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 18 June 2015	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

PRESENT

Councillors B Brown, E Devine, M Devine, Provost Hall, Councillors Hood and McEwan.

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 items 5(a), 5(b) and 6 only) (all Finance & Resources).

APOLOGIES

Councillors M Brown, Audrey Doig and Mullin.

DECLARATIONS OF INTEREST

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

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 and 8 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 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 representations received outwith the statutory timescale to applications (a) and (b); an objection to application (c); and an objection received outwith the statutory timescale to application (d):-

(a) Muhammad Riaz, Flat 3/3, 59 Neilston Road, Paisley

Mr Riaz, the applicant, and his Solicitor, Mr Currie, were 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. On hearing the reasons for the representation 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 granted for a period of one year. This was agreed unanimously.

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

(b) Thomas Southall, 3D Whitesbridge Avenue, Paisley

Mr Southall, 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. On hearing the reasons for the representation 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 granted for a period of one year. This was agreed unanimously.

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

(c) William Harkins, 5 Claverhouse Place, Paisley

Mr Harkins, the applicant, was invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted an objection 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.

(d) Abdul Sedeqey, Flat 13/5, 145 Shawhill Road, Glasgow

There was no appearance by or on behalf of Mr Sedeqey. Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application, were invited into the meeting. The Convener proposed that the application be considered in Mr Sedeqey's absence and this was agreed unanimously.

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

DECIDED: That the application be refused.

2 **RENEWAL OF PRIVATE HIRE CAR DRIVERS' LICENCES - PERSONAL APPEARANCES**

There were submitted the undernoted applications for renewal 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 representations to the applications:-

(a) Robert Reilly, 97 High Parksail, Erskine

Mr Reilly, the applicant, and his employer, Mr Mullen, were invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted a representation to the 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.

(b) Michael Reidy, 14 Station Road, Neilston, Glasgow

Mr Reidy, 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 to the 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.

(c) Darren Farmer, 161A Ferguslie Park Avenue, Paisley

Mr Farmer, 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 to the 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.

(d) Peter Harvey, 71 St Annes Wynd, Erskine

Mr Harvey, 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 to the 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.

(e) John Beith, 45 Calside, Paisley

Mr Beith, 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 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 two years. This was agreed unanimously.

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

3 **RENEWAL OF TAXI DRIVER'S LICENCE - PERSONAL APPEARANCE**

There was submitted the undernoted application for renewal of a Taxi 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:-

James Fleming, 117 Ravenscraig Drive, Priesthill, Glasgow

Mr Fleming, 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 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 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.

4 **RENEWAL OF PRIVATE HIRE CAR LICENCE AND RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE - PERSONAL APPEARANCE**

Under reference to item 6 of the Minute of the meeting of this Board held on 27 May, 2015 consideration was resumed of the undernoted application for renewal of a Private Hire Car Licence and 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 second time in connection with his application for renewal of his Private Hire Car Licence and for the first time in connection with his application for renewal of his Private Hire Car Driver's Licence together with Police Scotland who had submitted an objection received outwith the statutory timescale to the application for renewal of the Private Hire Car Licence and an objection to the application for renewal of the Private Hire Car Driver's Licence:-

Scott Johnstone, 21 York Way, Renfrew

Mr Johnstone, the applicant, was invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to Mr Johnstone's application for renewal of his Private Hire Car Licence and an objection to Mr Johnstone's application for renewal of his Private Hire Car Driver's Licence.

The Convener proposed that the Board consider Mr Johnstone's application for renewal of his Private Hire Car Licence in the first instance and this was agreed unanimously. 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.

The Convener proposed that the Board now also consider Mr Johnstone's application for renewal of his Private Hire Car Driver's Licence together with his application for renewal of his Private Hire Car Licence and that separate decisions would be reached. This was agreed unanimously.

After consideration of all matters before the Board, the Board adjourned to allow members to consider both applications. The meeting was reconvened and the Convener proposed that Mr Johnstone's application for renewal of his Private Hire Car Licence be refused. This was agreed unanimously. The Convener then proposed that Mr Johnstone's application for renewal of his Private Hire Car Driver's Licence be refused. This was agreed unanimously.

DECIDED:

(a) That Mr Johnstone's application for renewal of his Private Hire Car Licence be refused; and

(b) That Mr Johnstone's application for renewal of his Private Hire Car Driver's Licence be refused.

ADJOURNMENT

The meeting adjourned at 12.50 pm and reconvened at 1.30 pm.

5 HEARINGS INTO POSSIBLE SUSPENSION OF PRIVATE HIRE CAR DRIVERS' LICENCES - PERSONAL APPEARANCES

Under reference to item 13 of the Minute of the meeting of this Board held on 5 December, 2013 consideration was resumed of the possible suspension of Private Hire Car Driver's Licence (b) and the Board considered the possible suspension of Private Hire Car Driver's Licence (a). Licence holder (b) had been asked to appear personally for the second time and licence holder (a) for the first time together with Police Scotland:-

(a) Arthur Howison, 7 Horsewood Road, Bridge of Weir

Mr Howison, the licence holder, and his Solicitor, Mr Banks, were invited into the meeting together with Constable McLeod, on behalf of the Chief Constable. After consideration of all matters before the Board, the Convener proposed that consideration of the possible suspension of Mr Howison's Private Hire Car Driver's Licence be continued and that Mr Howison be invited to a future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of the possible suspension of Mr Howison's Private Hire Car Driver's Licence be continued and that Mr Howison be invited to a future meeting of the Board.

(b) Atif Akram, Flat 2/1, 26 Herriet Street, Pollokshields, Glasgow

Mr Akram, the licence holder, and his Solicitor, Mr Banks, were invited into the meeting together with Constable McLeod, on behalf of the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr Banks if he wished to address the Board on any penalties the Board might impose on his client's licence prior to any motions being made in relation the licence. Mr Banks then addressed the Board.

After consideration of all matters before the Board, the Board adjourned to allow members to consider this matter. The meeting was reconvened and the Convener proposed that Mr Akram's Private Hire Car Driver's Licence be suspended for a period of 14 days. This was agreed unanimously.

DECIDED: That Mr Akram's Private Hire Car Driver's Licence be suspended for a period of 14 days.

6 HEARING INTO POSSIBLE SUSPENSION OF TAXI DRIVER'S LICENCE AND HEARING INTO POSSIBLE SUSPENSION OF TAXI LICENCE - PERSONAL APPEARANCE

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

Thomas Grant, 175 Linthaugh Road, Glasgow

Mr Grant, the licence holder, and his Solicitor, Mr Banks, were invited into the meeting together with Constable McLeod, on behalf of the Chief Constable. The Assistant Managing Solicitor (Licensing) proposed that submissions on both matters be heard together and that separate decisions would be reached. This was agreed unanimously.

Mr Banks 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 Assistant Managing Solicitor (Licensing) asked Mr Banks if he wished to address the Board on any penalties the Board might impose on his client's licences prior to any motions being made in relation to the licences. Mr Banks then addressed the Board.

The Convener proposed that Mr Grant's Taxi Driver's Licence be suspended for a period of 14 days with immediate effect. This was agreed unanimously. The Convener further proposed that Mr Grant's Taxi Licence be not suspended. This was agreed unanimously.

DECIDED:

(a) That Mr Grant's Taxi Driver's Licence be suspended for a period of 14 days with immediate effect; and

(b) That Mr Grant's Taxi Licence be not suspended.

7 RENEWAL OF TAXI LICENCE - PERSONAL APPEARANCE

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

Vincent 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 and that Mr Dobbins continue to be exempt from operating a wheelchair accessible vehicle. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years and that Mr Dobbins continue to be exempt from operating a wheelchair accessible vehicle.

8 RENEWAL OF STREET TRADER'S LICENCE - PERSONAL APPEARANCE

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

Applicant: Laura Stewart, 69 Lounsdale Drive, Paisley

Authorised Goods: hot and cold snacks, milk and confectionery

Trading from: Huntly Road and Watt Road, Hillington Industrial Estate – Monday to Friday - 6.00 am to 2.30 pm and Maxwell Street, Paisley – seven days per week – 9.00 pm to 4.00 am

There was no appearance by Ms Stewart. Mr Donaldson, her representative, was invited into the meeting and requested that the Board consider granting this licence for a period of three years. 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 applicant continue to 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 applicant continue to 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.

9 **VARIATION OF PRIVATE HIRE CAR LICENCE**

There was submitted the undernoted application for variation of a Private Hire Car Licence:-

Applicant: Charlene Elder, 26 High Barholm, Kilbarchan
Variation: to carry eight passengers

The Convener proposed that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Ms Elder's Private Hire Car Licence and that Ms Elder's vehicle be licensed to carry 8 passengers. This was agreed unanimously.

DECIDED: That the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Ms Elder's Private Hire Car Licence and that Ms Elder's vehicle be licensed to carry 8 passengers.