

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 15 November 2018	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present

Councillor Eddie Devine, Councillor Audrey Doig, 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

D Campbell, Assistant Managing Solicitor (Licensing), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, G McIntosh, Civic Government Enforcement Officer; N Barr, Administrative Assistant and N O'Brien, Assistant Committee Services Officer (all Finance & Resources).

Apologies

Councillor Emma Rodden and Councillor Andy Steel (for lateness).

Declarations of Interest

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

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 9(b) and 9(c) of the agenda prior to item 9(a) of the agenda.

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

There was submitted a report by the Director of Finance and Resources relative to a review of taxi fares within Renfrewshire.

The report intimated that the Council, as licensing authority, was obliged to fix scales for the fares and other charges in its area in connection with the hire of a taxi. Fares required to be fixed within 18 months beginning with the date on which scales last came into effect. The last taxi fares review had been carried out during 2016/17 with a revised taxi fares scale being fixed and effective from 28 August 2017.

Preliminary consultation had taken place with persons representative of taxi operators and a number of individual taxi operators on the current taxi fares scale. The responses received were detailed in paragraphs 3.4.1 to 3.4.4 of the report.

Appendix 1 to the report detailed the current taxi fares scale operating in Renfrewshire together with the proposed taxi fares scales. Appendix 2 to the report detailed the tariffs operating in surrounding areas and an amended Appendix 2 was tabled at the meeting. A report on the Review of Taxi Tariff in Renfrewshire carried out by Vector Transport Consultancy formed Appendix 3 to the report. A table detailing the current fares tariff and proposed fares per distance was also tabled at the meeting.

The report stated that the existing scales required to be reviewed and new scales proposed by the Board. Thereafter, formal notification of the proposed new scales would be advertised in the local press in order that representations could be made on the agreed proposal by a specified date at least one month from the date of the newspaper advertisement. A further report would thereafter be submitted to the Board to consider any representations received and the new taxi fares scale could be fixed. The new taxi fares scale required to be fixed by 27 February 2019 although the date for it to come into effect required to be decided by the Board.

Councillor McNaughtan, seconded by Councillor Hughes, moved (i) that proposals 1 and 2 be proposed as the new taxi fares scale for Renfrewshire and included in the newspaper advertisement as detailed in paragraph 1.4 of the report; (ii) that the proposed revised fare scale come into effect on 25 March 2019; (iii) that it be noted that the proposals would be advertised in the local press; and (iv) that it be agreed that the last date for lodging representations following on the proposed scale being advertised be one calendar month after the date of publication of that advertisement.

Councillor Devine, seconded by Councillor Montgomery, moved as an amendment that there be no increase in the taxi fares scale until the Council saw an improvement in the service delivered to Renfrewshire residents by the taxi trade.

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

On a vote being taken, 4 members voted for the amendment and 4 members voted for the motion. There being an equality of votes cast, the Convener used his second and casting vote in favour of the motion. The motion was accordingly declared carried.

DECIDED:

- (a) That proposals 1 and 2 be proposed as the new taxi fares scale for Renfrewshire and included in the newspaper advertisement as detailed in paragraph 1.4 of the report;
- (b) That the proposed revised fare scale come into effect on 25 March 2019;
- (c) That it be noted that the proposals would be advertised in the local press; and
- (d) That it be agreed that the last date for lodging representations following on the proposed scale being advertised be one calendar month after the date of publication of that advertisement.

2 Declaration of Interest

Councillor Devine declared a non-financial interest in the following item of business as one of the applicants was known to him and intimated he would remain in the meeting.

3 Grant of Temporary Public Entertainment Licence - Personal Appearance

There was submitted the undernoted application for grant of a temporary Public Entertainment Licence. The applicant had been asked to appear personally for the first time together with Mr and Mrs Fisher who had submitted an objection to the application in relation to the fairground ride situated near the Cenotaph, Paisley:-

Applicant: Kifdo Limited, 77 Hamilton Road, Bellshill

Activity: fairground

Location: Paisley town centre, High Street, Gilmour Street and Central Way

Operating: 23 November to 30 December 2018 – 7 days per week – 10.00 am to 10.00 pm

Mr Dean, Mr Taylor and Ms Brady, on behalf of Kifdo Limited, were invited into the meeting together with Mr and Mrs Fisher, who had submitted an objection to the application in relation to the fairground ride situated near the Cenotaph, Paisley.

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 subject to the usual conditions and an additional condition that no part of the Big Wheel fairground ride be within 1.5 metres of the Cenotaph wall. This was agreed unanimously.

DECIDED: That the application be granted subject to the usual conditions and an additional condition that no part of the Big Wheel fairground ride be within 1.5 metres of the Cenotaph wall.

4 Grant of Street Trader's Licence - Personal Appearance

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

Applicant: Elizabeth Donaldson, 400 Gladsmuir Road, Hillington, Glasgow

Authorised goods: hot and cold food, beverages, confectionery and milk

Trading from: Watt Road and Huntly Road, Hillington and Maxwell Street, Paisley

Operating hours: Hillington – Monday to Friday – 6.00 am to 2.30 pm and Paisley – 7 days per week – 9.00 pm to 4.00 am

There was no appearance by Ms Donaldson. Mr Donaldson, on behalf of the applicant, was invited into the meeting. After consideration of all matters before the Board, the meeting was adjourned to allow members to consider this application. The meeting was reconvened and 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.

5 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.

6 Grant of Street Trader's Licence - Personal Appearance

There was submitted the undernoted application for grant of a Street Trader'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:-

Applicant: Leonard Begaj, 136 Brown Street, Paisley

Authorised goods: hot and cold food and soft drinks

Trading from: Ferguslie, Hunterhill, Gallowhill and Foxbar areas of Paisley and Renfrew – all areas within routes except school areas

Operating hours: 7 days per week – 3.00 pm to 11.00 pm

Mr Begaj, the applicant, was invited into the meeting together with Sergeant Hay, on behalf of the Chief Constable who had submitted a representation to the application. After consideration all the 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.

7 Recall of Suspension of Private Hire Car Driver's Licence - Personal Appearance

Under reference to item 1(b) of the Minute of the meeting of this Board held on 7 August 2018 there was submitted the undernoted request for recall of suspension of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the first time together with Police Scotland:-

Nebert Tumwesige, 35 Capelrig Street, Glasgow

Mr Tumwesige, the applicant, was invited into the meeting together with Sergeant Hay, on behalf of the Chief Constable. After consideration of all matters before the Board, the Convener proposed that the suspension of Mr Tumwesige's Private Hire Car Driver's Licence be recalled. This was agreed unanimously.

DECIDED: That the suspension of Mr Tumwesige's Private Hire Car Driver's Licence be recalled.

8 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:-

Michael Skinnider, 43 Raeburn Avenue, Paisley T1743

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

9 Grant of Private Hire Car Drivers' Licences - Personal Appearances

There were submitted the undernoted applications for 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 objections to the applications:-

(a) Gordon Buchanan, Flat 1/1 4 Redshank Avenue, Renfrew

Mr Buchanan, the applicant, and his Solicitor, Mr Kennedy, were invited into the meeting together with Sergeant Hay, 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.

ADJOURNMENT

The meeting adjourned at 12.15 pm and reconvened at 12.20 pm.

SEDERUNT

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

Councillor Steel entered the meeting prior to consideration of the following item of business.

(b) Jamie Collins, 16C Dimity Street, Johnstone

Mr Collins, was invited into the meeting together with Sergeant Hay, 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

10 Hearings into Possible Suspension or Revocation of Private Hire Car Drivers' Licences - Personal Appearances

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Drivers' Licences. The licence holders had been asked to appear personally for the first time together with Police Scotland:-

(a) Naqash Ahmed, Flat 2/1 19 Elizabeth Street, Glasgow

Mr Ahmed, the licence holder, was invited into the meeting together with Sergeant Hay, on behalf of the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr Ahmed if he wished to address the Board on any period of suspension the Board might impose on his licence prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Ahmed then addressed the Board.

Following consideration of Mr Ahmed's submissions, the Board adjourned to allow members to consider this matter. The meeting was reconvened and the Convener proposed that Mr Ahmed's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr Ahmed's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

(b) Robert O'Neill, 77 Parkvale Avenue, Erskine

Mr O'Neill, the licence holder, was invited into the meeting together with Sergeant Hay, on behalf of the Chief Constable. After consideration of all matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr O'Neill if he wished to address the Board on any period of suspension the Board might impose on his licence prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr O'Neill then addressed the Board.

Following consideration of Mr O'Neill's submissions, the Board adjourned to allow members to consider this matter. The meeting was reconvened and the Convener proposed that Mr O'Neill's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr O'Neill's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

11 Grant of Landlord Registrations - Personal Appearances

Under reference to item 6(a) of the Minute of the meeting of this Board held on 6 September 2018, consideration was resumed of application (c) for grant of Landlord Registration and there were submitted applications (a) and (b) for grant of Landlord Registrations. Applicant (c) had been asked to appear personally for the second time and applicants (a) and (b) had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to application (a) and the Director of Communities, Housing and Planning Services, Renfrewshire Council, in relation to application (b):-

(a) Deborah Ameh, 74 Shielhill Crescent, Bridge of Don, Aberdeen

There was no appearance by or on behalf of Ms Ameh. Sergeant Hay, on behalf of the Chief Constable was invited into the meeting. 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.

(b) David Blackwood, 15/1 Carriagehill Drive, Paisley

There was no appearance by or on behalf of Mr Blackwood. Mr Hunter, Ms McIntosh and Ms Gray, on behalf of the Director of Communities, Housing and Planning Services, Renfrewshire Council, were invited into the meeting. 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.

(c) Len Heslop, 39 Crookston Drive, Glasgow

Mr Heslop, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued to await further information from the First-tier Tribunal for Scotland and that, if required, the applicant be invited to a future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of the application be continued to await further information from the First-tier Tribunal for Scotland and that, if required, the applicant be invited to a future meeting of the Board.