

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 09 March 2016	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

PRESENT

Councillors B Brown, M Brown, E Devine, M Devine, Hood, McEwan, McQuade and Mullin.

CHAIR

Councillor Hood, Convener, presided.

IN ATTENDANCE

D Campbell, Assistant Managing Solicitor (Licensing); P Shiach, Committee Services Officer, K Whiteside, Licensing Officer (Paralegal), G McIntosh, Civic Government Enforcement Officer (for items 2 (a) and (b) only) and C Lamb, Clerical Assistant (for items 1, 2, 3, and 4(a) (all Finance & Resources).

APOLOGIES

Provost Hall.

DECLARATIONS OF INTEREST

Councillor M Brown declared a non-financial interest in relation to item 1 of the agenda as she had knowledge of the background to the application and indicated her intention to leave the meeting during consideration of the item and not to take part in any discussions or voting thereon.

Councillor E Devine declared an interest in relation to item 4 of the agenda as Convener of the Environment Policy Board and indicated his intention to leave the meeting during consideration of the item and not to take part in any discussions 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(a) of the agenda after item 2 of the agenda.

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 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.

DECLARATION OF INTEREST

Councillor M Brown, having declared an interest in the following item of business left the meeting and did not take part in any discussions or voting thereon.

1 GRANT OF A SECOND HAND DEALER'S LICENCE - PERSONAL APPEARANCE

Under reference to item 1 of the Minute of the meeting of this Board held on 4 February, 2016, there was submitted the undernoted application for the grant of a Second Hand Dealer's Licence. The applicant had been asked to appear personally for the second time together with Brian Kelso, who had submitted an objection to the application and John Roxburgh, Robert Gibson, Lillian Johnstone, Kenneth Simpson, K A McLennan, Joan and Robert Benson, Harold Allan, Gary and Lynne Fraser, Sarah Milnes, Kenny Sorley and Ronald and Elizabeth Taylor who had submitted objections received outwith the statutory timescale to the application:-

Applicant: Scott Elliott, T/A Scott Elliott Motor Company
Premises: 34 Carrick Road, Bishopton
Authorised goods: used motor vehicles
Operating hours: Monday to Friday – 10.00 am to 5.00 pm and
Saturday and Sunday – 10.00 am to 4.00 pm

Mrs Elliot on behalf of the applicant was invited into the meeting together with Brian Kelso, the objector to the application and John Roxburgh, Robert Gibson, Lillian Johnstone, Kenneth Simpson, K A McLennan, Robert Benson, Mr and Mrs Harold Allan, Gary and Lynne Fraser, Kenny Sorley and Ronald Taylor, all late objectors to the application. There was no appearance by Sarah Milnes, late objector to the application, and it was noted that R Taylor was her representative.

On hearing the reasons for the lateness of the objections from John Roxburgh, Robert Gibson, Lillian Johnstone, Kenneth Simpson, K A McLennan, Joan and Robert Benson, Harold Allan, Gary and Lynne Fraser, Sarah Milnes, Kenny Sorley and Ronald and Elizabeth Taylor it was decided that the objections 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

SEDERUNT

Councillor M Brown re-entered the meeting.

ADJOURNMENT

The meeting adjourned at 12.15 pm and reconvened at 12.25 pm.

2 GRANT OF TAXI LICENCES - PERSONAL APPEARANCES

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

(a) Paisley Taxis Limited, 4 Gordon Street, Paisley (5 applications)

(b) Paisley Cab Company, 33a New Sneddon Street, Paisley (10 applications)

Mr C Allan representing Paisley Taxis Limited was invited into the meeting.

Mr D McCulloch, Miss H McCulloch and Mr MacDonald, representing Paisley Cab Company Limited were invited into the meeting.

The applicants in respect of (a) and (b) were called separately from each other and recalled as required.

In terms of preliminary issues, the Assistant Managing Solicitor (Licensing) advised that letters of objection in respect of the applications had been received from Mr K Barnes and Mr J Kilgour which were outwith the statutory timescale for submitting objections. In view of these letters having just been received it had not been possible to invite the objectors to the meeting to provide a reason for these objections being submitted outwith the statutory timescale for submitting objections.

As a further preliminary matter, Mr MacDonald requested that all 15 applications be considered together.

Following consideration of the preliminary matters before the Board and having regard particularly to the recent receipt of objection letters by officers, Councillor Hood, seconded by Councillor Mullin moved that consideration of the applications be continued to a future meeting of the Board.

Councillor E Devine, seconded by Councillor M Devine, moved as an amendment that the applications be considered at this meeting.

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

On a vote being taken, three members voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

DECIDED:

(i) That consideration of applications (a) be continued to a future meeting of the Board; and

(ii) That consideration of applications (b) be continued to a future meeting of the Board.

3 GRANT OF A SECOND HAND DEALER'S (NON VEHICLE) LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for a Second Hand Dealers' (Non Vehicle) 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.

Gerard McLoughlin, 61 Gleneagles Gardens, Bishopbriggs.

Mr McLoughlin, the applicant was invited into the meeting together with Chief Inspector Gallagher and Sergeant Curran on behalf of the Chief Constable who had submitted a representation to the application.

After consideration of 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.

DECLARATION OF INTEREST

Councillor E Devine, having declared an interest in the following item of business left the meeting and did not take part in any discussions or voting thereon.

4 GRANT OF SKIN PIERCING AND TATTOOING LICENCE - PERSONAL APPEARANCE

Under reference to item 3 of the Minute of the meeting of this Board held on 4 February, 2016 the Board resumed consideration of the undernoted application for the grant of a Skin Piercing and Tattooing Licence. The applicant had been asked to appear personally for the first time together with the Director of Community Resources who had submitted a representation to the application and Linwood Community Council who had submitted an objection received outwith the statutory timescale to the application.

Sanda Ionut-Silviu, 12 Albion Gate, Paisley
Trading from: Renfrewshire area (mobile)
Authorised activity: Tattooing
Operating hours: 7 days per week – 10.00am to 7.00pm

Mrs M Ionut-Silviu, representing the applicant was invited into the meeting together with R Marshall, Business Regulation Manager and G Wands, Environmental Health Officer on behalf of the Director of Community Services who had submitted a representation to the application. There was no appearance by or on behalf of Linwood Community Council who had submitted an objection outwith the statutory timescale to the application. There being no reasons intimated for the objection by Linwood Community Council being submitted outwith the statutory timescale, the Convener proposed that the objection be not taken into account when the application was being considered. This was agreed unanimously.

After consideration of matters before the Board the Convener proposed that the application be continued to allow the applicant to provide further documentation. This was agreed.

DECIDED: That consideration of the application be continued to allow the applicant to provide further documentation.

ADJOURNMENT

The meeting adjourned at 1.15 pm and reconvened at 1.45 pm.

SEDERUNT

Councillors B Brown and M Brown left the meeting prior to consideration of the following item of business.

SEDERUNT

Councillor E Devine re-entered the meeting prior to consideration of the following item of business.

5 GRANT OF A SECOND HAND DEALER'S LICENCE (NON VEHICLE) - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Second Hand Dealer's Licence (Non Vehicle). 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:

Nicola McNaughton t/a N&G Furnishings, 16E Broomlands Street, Paisley.

Ms McNaughton, the applicant was invited into the meeting together with Chief Inspector Gallagher and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection received 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 this application. The meeting was reconvened.

Councillor Hood, seconded by Councillor Mullin, moved that the application be granted for a period of one year.

Councillor M Devine, seconded by Councillor McQuade, moved as an amendment that the application be refused.

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

On a vote being taken, four members voted for the amendment and two members voted for the motion. The amendment was accordingly declared carried.

DECIDED: That the application be refused.

6 GRANT OF A PRIVATE HIRE CAR OPERATOR LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Private Hire Car Operator Licence. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted an objection outwith the statutory timescale to the application:

Fazle Niaze Masum, Flat 32, 8 Glen Loy Place, Glasgow

There was no appearance by or on behalf of Mr Masum. Chief Inspector Gallagher and Sergeant Curran, 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 Masum'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.

7 GRANT OF A PRIVATE HIRE CAR DRIVER LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Private Hire Car Driver Licence. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted an objection to the application:-

Fazle Niaze Masum, Flat 32, 8 Glen Loy Place, Glasgow

There was no appearance by or on behalf of Mr Masum. Chief Inspector Gallagher and Sergeant Curran, 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 Masum'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. The Chief Constable had also submitted a second letter of objection outwith the statutory timescale to the application. The Board unanimously agreed the interests of justice required that this further 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.

8 GRANT OF LANDLORD REGISTRATION - 125600/350/20440 - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of Landlord Registration. The applicant had been asked to appear personally for the third time:-

Leslie Gray, Farmfield House, West Kilbride.

There was no appearance by or on behalf of Mr Gray. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

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