

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 05 September 2019	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 Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

### Chair

Councillor McNaughtan, Convener, presided.

### In attendance

D Campbell, Assistant Managing Solicitor (Licensing) (for items 1 and 2 only); A McLaughlin, Senior Solicitor (Licensing and Regulatory Services); R Graham, Solicitor (Litigation); A Easdon, Licensing Officer; G McIntosh, Civic Government Enforcement Officer (in respect of items 1-7 only); P Shiach, Committee Services Officer; and N O'Brien, Assistant Committee Services Officer (all Finance & Resources).

### Declarations of Interest

There were no declarations of interest intimated prior to the 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 item 7 of the agenda prior to item 1 of the agenda. The Assistant Managing Solicitor (Licensing) advised the Board that item 8 of the agenda, Application for Grant of a Second Hand Dealer's Licence had been withdrawn.

## **Exclusion of the 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 paragraphs 3, 6 and 12 of part I of schedule 7A of the Local Government (Scotland) Act 1973.

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

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

Duncan Colville TX178.

Mr Colville, the applicant was invited into the meeting together with Sergeant Brooks 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.

## **Re-admittance of the Press and Public**

Members of the press and public were invited into the meeting.

### **2 Taxi and Private Hire Car Specification: Proposals for Consultation**

There was submitted a report by the Director of Finance & Resources relative to a review by officers of the Council's vehicle specifications for taxis and private hire cars and seeking approval of proposed revised specifications for these vehicles for the purpose of consultation. The report also sought the Board's approval to consult on a proposal to increase the current number of passengers able to be carried in suitable wheelchair accessible taxis and private hire cars, from seven to eight.

The report set out the background and current position for the Council as licensing authority in relation to it being satisfied that a taxi or private hire car to be licensed was suitable in terms of type, size and design for use as a taxi or private hire car and was safe for that use.

The Council as licensing authority was therefore entitled to determine the suitability of vehicles for use as a taxi or private hire car and to develop a policy in this regard.

The report advised that the Council's existing standards for taxi and private hire cars were agreed in 1998 on the basis that they would fully take effect in 2002, to include the requirements in relation to wheelchair accessibility, particularly in relation to taxis. The requirement for wheelchair accessibility in respect of taxis was the subject of legal challenge and as such the policy was not fully implemented until 2010. The Council's current requirements were contained in condition 22 of the Council's standard conditions for taxis and condition 1 of the standard conditions for private hire cars and were detailed in the report.

The report indicated that these conditions had not been substantially reviewed by the Board since 2002 except in that (i) the upper age limit (previously five years) applicable to private hire cars was extended to seven years by the Board in 2012, and (ii) the previous requirement for a minimum engine capacity (1600cc) was removed by the Council on 27 September 2017, when it was also agreed that officers would undertake a comprehensive review of licensing conditions reflecting developments in electric vehicle technology.

The report intimated that on 27 June 2019, the Council agreed to declare a climate emergency, to pledge to work proactively to make Renfrewshire carbon neutral by 2030 and to continue to work with partners and community groups to deliver this goal through all relevant strategies and plans. In addition, there had been a number of developments in the construction of vehicles for use in the taxi and private hire car trades generally. Changes to the design of vehicles together with the removal of the minimum engine size - to recognise the availability of electric and hybrid vehicles and vehicles with more efficient engines – had resulted in relatively small vehicles being licensed.

The report stated that given the above, it was the view of officers that the Council's existing regulatory standards required to be reviewed in terms of the vehicles which may be licensed as taxis and private hire cars and the age of these vehicles. Sections 4 and 5 of the report detailed further considerations in relation to taxis and private hire cars respectively. Appendices 1 to 3 of the report detailed the proposed new taxi licence condition; the proposed new private hire car licence condition; and the consultation questions respectively.

**DECIDED:**

- (a) That the terms of the proposed revised condition in relation to taxi licences, detailed in Appendix 1, as suitable for the purpose of consultation be approved;
- (b) That the terms of the proposed revised condition in relation to private hire car licences, detailed in Appendix 2, as suitable for the purpose of consultation be approved;
- (c) That the consultation questions, detailed in Appendix 3 to the report, be approved;
- (d) That consultation on a proposal that wheelchair accessible MPVs to be licensed as taxis or private hire cars, which were suitable for the carriage of eight passengers, may be licensed to carry a maximum of eight passengers, be approved; and

(e) That officers be instructed to undertake a public consultation on the proposed conditions at Appendices 1 and 2, and the questions at Appendix 3, to include all taxi and private hire car licence holders in Renfrewshire, representatives of those licence holders, Renfrewshire Access Panel, relevant Council Services and such other persons or groups as officers considered appropriate; and to report the responses to the consultation to the Board thereafter.

### **3 Grant of Private Hire Car Operator's Licence - Personal Appearance**

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

Maciej Kozlowski

There was no appearance by or on behalf of Mr Kozlowski. The Convener proposed that the application be considered in Mr Kozlowski'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.

### **4 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: -

Applicant: Partnership of J & T Taxis

Variation: To be exempt from standard condition 22 to operate saloon cars

Licence TX096 and TX199

J Healy and J Barclay, on behalf of the applicants were invited into the meeting. After consideration of all matters before the Board, the Board adjourned to allow members to consider the applications. The meeting was reconvened, and the Convener proposed that the applications be refused. This was agreed unanimously.

**DECIDED:** That the applications be refused.

### **5 Temporary Public Entertainment Licence - Personal Appearance**

There was submitted the undernoted application for a temporary Public Entertainment Licence. The applicant had been asked to appear personally for the first time together with Stuart McLevy who had submitted a representation to the application: -

Applicant: Renfrewshire Council

Activity: Paisley Halloween Festival 2019

Operating dates and times: Friday 25 October 2019 – 4.00pm – 10 pm – Town centre activities, kids' workshops and street theatre: Saturday 26 October 2019 – 12 noon to 10.00 pm – parades, silent disco activities, kids' workshops, street theatre, aerial performances, live stage

Location: Gauze Street, Abbey Close, County Square, Gilmour Street, Dunn Square, Causeyside Street, Paisley Arts Centre, Thomas Coats Memorial Church.

P Allan, Operational Events Manager representing Renfrewshire Council, the applicant was invited into the meeting together with Mr S McLevy who had submitted a representation to the application.

After consideration of all matters before the Board, the Convener proposed that the application be granted subject to standard conditions and a further additional condition relating to noise monitoring. This was agreed unanimously.

**DECIDED:** That the application be granted subject to standard conditions and a further additional condition relating to noise monitoring.

## **Adjournment**

The meeting adjourned at 11.15 am and reconvened at 11.25 am.

## **Sederunt**

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

Councillor Rodden left the meeting and returned during consideration of the following item of business. However she returned and took no part in the consideration or voting thereon.

## **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(s) 3, 6 and 12 of part I of schedule 7A of the Local Government (Scotland) Act 1973.

## **6 Grant of Booking Office Licence - Personal Appearance**

There was submitted the undernoted application for grant of a Booking Office Licence. The applicant had been asked to appear personally for the first time together with 663 objectors to the application and the objector who had submitted an objection received outwith the statutory timescale to the application (all as named on the appendix to the agenda): -

Applicant: Renfrewshire Cab Company  
Premises: 21 High Street, Johnstone

Miss H McCulloch, and Ms A McCracken, solicitor, representing the applicant were invited into the meeting together with the following who had submitted objections to the application.

T McGarrell  
L Inde  
R Elliot  
C Kelly  
A Semple  
V Hamilton  
L Muir  
A Doughty  
J McDougall  
I Waddell  
M Kane  
J Baxter  
S Chapman  
A Johns  
D Anderson  
P Anderson  
M Grady  
D Burt  
L Lang  
I Anderson

There was submitted a representation to the application by Johnstone Community Council. C Johnstone, representing Johnstone, was invited into the meeting.

The objector, who had submitted an objection outwith the statutory timescale to the application, was not present.

The Convener intimated that it was for the Board to determine whether the objection submitted outwith the statutory timescale should be considered and proposed that in the absence of the objector, no compelling reason could be given for the objection being received outwith the statutory timescale to the application, and that the objection should not be considered. This was agreed unanimously.

After consideration of all matters before the Board, the Board adjourned to allow members to consider the application. The meeting was reconvened, and the Convener, seconded by Councillor Steel, moved that the application be refused.

Councillor Devine, seconded by Councillor Montgomery, moved as an amendment that the application be granted for a period of one year.

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

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

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

## **7 Renewal of Booking Office Licence - Personal Appearance**

There was submitted the undernoted application for renewal of a Booking Office licence. The applicant had been invited to appear together with Ms A McCormack who had submitted an objection received outwith the statutory timescale to the application.

Applicant: Renfrewshire Cab Company  
Premises: 33A New Sneddon Street, Paisley  
Licence No.: BO-003

Miss H McCulloch representing the applicant together with Ms A McCracken, Solicitor, were invited into the meeting. Ms A McCormack, objector, was not in attendance.

The Convener intimated that it was for the Board to determine whether the objection should be considered and proposed that in the absence of the objector, no compelling reason could be given for the objection being received outwith the statutory timescale to the application, and that the objection should not be considered. This was agreed unanimously.

The Senior Solicitor (Licensing and Regulatory Services) advised the Board that in the absence of any objection, the application would be granted under delegated authority by the Head of Corporate Governance for a period of two years. The Board noted the information.

**DECIDED:** That it be noted that application would be granted under delegated authority by the Head of Corporate Governance for a period of two years.

### **Sederunt**

Councillors Audrey Doig and McEwan left the meeting prior to consideration of the following item of business.

## **8 Application for Landlord Registration - Personal Appearance**

Under reference to item 9(iii) of the Minute of the meeting of this Board held on 6 June 2019, the Board resumed consideration of the undernoted application for registration in the Register of Private Landlords. The applicant had been asked to appear personally for the second time together with the Directors of Communities, Housing & Planning Services, and Children's Services, Renfrewshire Council: -

James Campbell

There was no appearance by or on behalf of Mr Campbell. The Convener proposed that the application be considered in Mr Campbell's absence and this was agreed unanimously. B Kettle, Public Health Enforcement Officer on behalf of the Director of Communities, Housing & Planning Services, who had submitted a referral, and N Kirkwood, Social Worker on behalf of the Director of Children's Services who had submitted a statement, were invited into the meeting.

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.

## **Sederunt**

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

## **Sederunt**

Councillor Audrey Doig re-entered the meeting prior to consideration of the following item of business.

### **9 Grant of Private Hire Car Driver's Licence - Personal Appearance**

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

Martin Anikpeh

There was no appearance by or on behalf of Mr Anekpeh. The Convener proposed that the application be considered in Mr Anekpeh's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period on one year. This was agreed unanimously.

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

### **10 Grant of Private Hire Car Operator's Licence - Personal Appearance**

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

Essam Aljanadi

Mr Aljanadi, the applicant and Mr Aloklat were 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.



## 11 Renewal of Taxi Operators' Licences

There were submitted the undernoted applications for renewal of Taxi Operators' Licences: -

(a) Vincent Dobbins.

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) Alexander Gordon

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.