

**MINUTE OF MEETING OF THE REGULATORY FUNCTIONS BOARD
HELD ON 19th FEBRUARY, 2015**

PRESENT

Councillors B Brown, M Devine, E Devine, Hood and Audrey Doig, Provost Hall, and Councillors M Brown and Mullin.

Councillor Hood, Convener, presided.

APOLOGY

Councillor McEwan.

IN ATTENDANCE

D Campbell, Assistant Managing Solicitor (Licensing); E Currie, Committee Services Officer, K Whiteside, Licensing Officer (Paralegal) and G McIntosh, Civic Enforcement Officer (for items 1 and 6) (all Finance & Resources).

DECLARATIONS OF INTEREST

Councillor E Devine declared a non-financial interest in relation to items 7 and 10 of the agenda as the applicants were known to him and intimated his intention not to participate in the Board's consideration of the applications.

Councillor M Devine declared a non-financial interest in relation to items 6, 7 and 10 of the agenda as the applicants were known to her and intimated her intention not to participate in the Board's consideration of the applications.

Councillor Audrey Doig declared a non-financial interest in relation to item 9 of the agenda as she had submitted a written objection to the granting of the application and intimated her intention not to participate in the Board's consideration of the application.

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(d) of the agenda before item 4(a) of the agenda and item 9 of the agenda before item 8(c) 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 & Resources relative to a review of the 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.

Preliminary consultation had taken place with persons representative of taxi operators and a number of individual taxi operators on the current fares scale. The current fares scale in operation in Renfrewshire was detailed in Appendix 3 to the report. Appendix 1 detailed the current and proposed taxi fares scales; Appendix 2 detailed the tariffs operating in surrounding areas; and Appendix 4 detailed the five proposals received.

The report stated that the approved option for the taxi fares scale would require to be advertised in the local press giving the proposed date from when the proposal would have effect and inviting any interested parties to lodge representations within a proposed period of one month from the date of advertisement. The Council would consider any representations received prior to fixing the new taxi fares scale. The report proposed that any new fares scale would come into effect on 10th August, 2015.

The Convener proposed as a new taxi fares scale to be advertised that from midnight on 24th December until midnight on 26th December and from midnight on 31st December until midnight on 2nd January the fare chargeable be normal fare plus a half and that a surcharge for payment by debit or credit cards be allowed up to a maximum of 10% of the taxi fare and that otherwise the new taxi fares scale would be in accordance with the existing scale; that the agreed proposal for the taxi fares scale be advertised in the local press allowing representations to be made within one month after the date of publication of that advertisement; that a proposed date of 10th August, 2015 be agreed for the proposed taxi fare scale to come into effect; and that a further report be submitted to a future meeting of the Board after the period for representations to allow a fares scale to be fixed. This was agreed unanimously.

DECIDED:

- (a) That as a new taxi fares scale to be advertised that from midnight on 24th December until midnight on 26th December and from midnight on 31st December until midnight on 2nd January the fare chargeable be normal fare plus a half and that the surcharge for payment by debit or credit cards be allowed up to a maximum of 10% of the taxi fare and that otherwise the new taxi fares scale would be in accordance with the existing scale;
- (b) That the agreed proposal for the taxi fares scale be advertised in the local press allowing representations to be made within one month after the date of publication of that advertisement;
- (c) That a proposed date of 10th August, 2015 be agreed for the proposed taxi fare scale to come into effect; and
- (d) That a report be submitted to a future meeting of the Board after the period for representations to allow a taxi fares scale to be fixed.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of items 2, 3, 4, 5, 6, 7, 8(a), 9 and 12 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.

2. GRANT OF TAXI DRIVER'S LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for the grant 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 an objection received outwith the statutory timescale to the application:-

Craig Hughes, 38 Nith Drive, Renfrew

Mr Hughes, the applicant, and his father, were 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 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.

Provost Hall, seconded by Councillor Audrey Doig, 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, three members voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

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

3. RENEWAL OF TAXI DRIVERS' LICENCES – PERSONAL APPEARANCES

There were submitted the undernoted applications for renewal of Taxi 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 Hynd, 10C Barmill Road, Beith

Mr Hynd, the applicant, was invited into the meeting together with 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) James Mason, Flat G/L, 2 Brodie Park Avenue, Paisley

Mr Mason, 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.

4. RENEWAL OF PRIVATE HIRE CAR DRIVERS' LICENCES – PERSONAL APPEARANCES

Under reference to item 5(b) of page 248 of the Minute of the meeting of this Board held on 4th December, 2014 consideration was resumed of application (a) for renewal of a Private Hire Car Driver's Licence; under reference to item 3(b) of the Minute of the meeting of this Board held on 14th January, 2015 consideration was resumed of application (b) for renewal of a Private Hire Car Driver's Licence and there were submitted applications (c) and (d) for renewal of Private Hire Car Drivers' Licences. Applicants (a) and (b) had been asked to appear personally for the second time and applicants (c) and (d) for the first time together with Police Scotland who had submitted an objection and a further objection received outwith the statutory timescale to application (a); a representation to applications (b) and (d); and a representation received outwith the statutory timescale to application (c):-

(a) John McLatchie, 242B Paisley Road, Renfrew

Mr McLatchie, the applicant, and his Solicitor, Mr Banks, were invited into the meeting together with Chief Inspector Nelson and Constable McLeod, on behalf of the Chief Constable who had submitted an objection and a further objection received outwith the statutory timescale to the application. On hearing the reasons for the further 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 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.

ADJOURNMENT

The meeting adjourned at 12.05 pm and reconvened at 12.10 pm.

(b) Fred Wandera, 34 Melrose Avenue, Linwood

Mr Wandera, 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) David McGinley, 136B Stirling Drive, Linwood

Mr McGinley, 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 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.

SEDERUNT

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

(c) Derek Stewart, 22 Lintlaw Drive, Glasgow

Mr Stewart, 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.

SEDERUNT

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

5. GRANT OF LANDLORD REGISTRATION – PERSONAL APPEARANCE

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

David Giles, 58 Douglas Drive, East Kilbride

Mr Giles, the applicant, was invited into the meeting together with Sergeant Divers, on behalf of the Chief Constable. 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 to allow the applicant to submit a copy of his leasing agreement with his letting agent 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 to allow the applicant to submit a copy of his leasing agreement with his letting agent and that the applicant be invited to a future meeting of the Board.

ADJOURNMENT

The meeting adjourned at 1.45 pm and reconvened at 2.15 pm.

DECLARATION OF INTEREST

Councillor M Devine having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

SEDERUNT

Provost Hall left the meeting during consideration of the following item of business.

6. HEARING INTO POSSIBLE SUSPENSION OF TAXI DRIVER'S LICENCE – PERSONAL APPEARANCE

The Board considered the possible suspension of the undernoted Taxi Driver's Licence. The licence holder had been asked to appear personally for the first time together with Harley Smith who had submitted a complaint against the licence holder:-

James Robertson, 109 Donaldswood Park, Paisley

Mr Robertson, the licence holder, was invited into the meeting together with Ms Smith, who had submitted a complaint against the licence holder, and her witnesses Mrs Smith and Mrs Clark. 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 the complaint be upheld and that Mr Robertson's Taxi Driver's Licence be not suspended. The Convener further proposed that Mr Robertson be issued with a warning as to his future conduct as a licence holder. This was agreed unanimously.

DECIDED:

- (a) That the complaint be upheld and that Mr Robertson's Taxi Driver's Licence be not suspended; and
- (b) That Mr Robertson be issued with a warning as to his future conduct as a licence holder.

SEDERUNT

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

DECLARATIONS OF INTEREST

Councillors M Devine and E Devine having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

7. RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE

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 first time:-

Christopher Kerr, Flat 2/2, 98 Main Road, Elderslie

There was no appearance by or on behalf of Mr Kerr. The Convener proposed that the application be considered in Mr Kerr'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 of two years. This was agreed unanimously.

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

SEDERUNT

Councillors M Devine and E Devine re-entered the meeting prior to consideration of the following item of business.

8. GRANT OF STREET TRADERS' LICENCES – PERSONAL APPEARANCES

There were submitted the undernoted applications for the grant of Street Traders' Licences. The applicants had been asked to appear personally for the first time together with the Council's Town Centres Project and Events Manager who had submitted an objection received outwith the statutory timescale to one of the locations detailed in application (a):-

- (a) **Applicant:** Yvonne Dehn, 13 North Marches, Anstruther
Authorised Goods: fresh fish, eggs, cakes and bread
Trading From: Renfrewshire area
Operating Hours: Tuesday and Friday – 8.00 am to 7.00 pm

Ms Dehn, the applicant, was invited into the meeting together with Ms Moulson, the Council's Town Centres Projects and Events Manager, who had submitted an objection received outwith the statutory timescale to one of the locations detailed in 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.

Ms Dehn advised the Board that she wished to amend her application by withdrawing Paisley Town Centre from her application. After consideration of all matters before the Board, the Convener proposed that the application, as amended, be granted for a period of one year. This was agreed unanimously.

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

- (b) **Applicant:** Kelly McDowall, Flat 1/2, 14 Kings Street, Paisley
Authorised Goods: hot and cold food and beverages
Trading From: Watt Road and Huntly Road, Hillington Industrial Estate and Maxwell Street, Paisley
Operating Hours: Monday to Friday – 6.00 am to 2.30 pm – Hillington
7 days per week – 9.00 pm to 4.00 am – Paisley

Ms McDowall, the applicant, and her representative, Mr Donaldson, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application 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 application 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.

DECLARATION OF INTEREST

Councillor Audrey Doig having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

9. 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 together with Councillor Audrey Doig who had submitted an objection to locations detailed in the application:-

- Applicant:** Alistair Murdoch, Flat 2/2, 6 Millview Crescent, Johnstone
Authorised Goods: icecream, confectionary, cigarettes and groceries
Trading From: Stirling Drive and Erskinefauld Road, Linwood and Craigends Estate, Houston
Operating Hours: 7 days per week – 11.00 am to 10.00 pm

Mr Murdoch, the applicant, was invited into the meeting together with Councillor Audrey Doig, who had submitted an objection to locations detailed in 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.

SEDERUNT

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

10. GRANT OF STREET TRADER'S LICENCE – PERSONAL APPEARANCE

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

Applicant: Kyle Brown, 10/1 Montgomery Avenue, Paisley

Authorised Goods: hot and cold food and beverages

Trading From: Watt Road and Huntly Road, Hillington Industrial Estate and Maxwell Street, Paisley

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

Mr Brown, the applicant, and his representative, Mr Donaldson, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application 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 application 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.

DECLARATIONS OF INTEREST

Councillors M Devine and E Devine having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

11. RENEWAL OF PUBLIC ENTERTAINMENT LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for renewal of a Public Entertainment Licence. The applicant had been asked to appear personally for the first time together with the Council's Director of Community Resources who had submitted an objection to the application:-

Applicant: Craig Reilly, Flat 0/1, 6 Friarshall Gate, Paisley

Activity: tanning salon

Premises: 97 Causeyside Street, Paisley

Operating Hours: 7 days per week – 10.00 am to 10.00 pm

The Assistant Managing Solicitor (Licensing) advised that the Director of Community Resources had withdrawn her objection to the application and that the application had been granted by the Head of Corporate Governance under delegated authority for a period of two years.

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

12. VARIATION OF TAXI LICENCE AND REQUEST FOR EXEMPTION FROM ASSISTING WHEELCHAIR PASSENGERS – PERSONAL APPEARANCE

There was submitted the undernoted application for variation of a Taxi Licence and request for exemption from assisting wheelchair passengers. The applicant had been asked to appear personally for the first time:-

Applicant: David McDonald, 30 Anchor Crescent, Paisley

Variation: paragraph 22, section (ii) not to apply to licence to allow operation of a saloon vehicle

Mr McDonald, the applicant, was invited into the meeting. The Convener proposed that both matters be considered together 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 this application and request. The meeting was reconvened and the Convener proposed that Mr McDonald's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously. The Convener further proposed that Mr McDonald's application for variation of his Taxi Licence be refused. This was agreed unanimously.

DECIDED:

- (a) That Mr McDonald's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence and
- (b) That Mr McDonald's application for variation of his Taxi Licence be refused.