

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 19 August 2020	10:00	Remotely by MS Teams ,

Present

Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, Councillor John McNaughtan, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

M Conaghan, Legal & Democratic Services Manager, D Campbell, Assistant Managing Solicitor (Licensing), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Committee Services Officer, A Easdon, Licensing Officer/Paralegal, N Barr, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (for items 1 to 5 only) (all Finance & Resources).

Recording of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting of the Board would be recorded and that the recording would be available to watch on the Council's website.

Apologies

Councillors McEwan and Montgomery.

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 5 of the agenda before item 2 of the agenda; item 6 of the agenda after item 5 of the agenda; item 2 of the agenda after item 6 of the agenda; and item 4 of the agenda after item 2 of the agenda.

1 Grant of Temporary Late Hours Catering Licence and Grant of Late Hours Catering Licence - Personal Appearance

There were submitted the undernoted applications for grant of a temporary Late Hours Catering Licence and grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the first time:-

Applicant: WH Smith Travel Holdings Limited

Authorised goods: general retail consumable items

Trading from: WH Smith Airside Main, Glasgow Airport, Paisley

Operating hours: Monday to Sunday –11.00 pm to 5.00 am

Mr McDougall, the applicant's Solicitor, joined the meeting by video call and requested that the Board consider his client's application for grant of a Late Hours Catering Licence in the first instance. He advised that, depending on the outcome of the application, he would then be in a position to withdraw his client's application for grant of a temporary Late Hours Catering Licence.

The Convener proposed that members consider the application for grant of a Late Hours Catering Licence first, then, if required, consider the application for grant of a temporary Late Hours Catering Licence. This was agreed unanimously.

After consideration of all matters before the Board, the Convener proposed that the application for grant of a Late Hours Catering Licence be granted for a period of one year and that the applicant be made an exception to the Board's policy on trading hours. This was agreed unanimously.

Thereafter, Mr McDougall withdrew his client's application for grant of a temporary Late Hours Catering Licence, which was noted.

DECIDED:

(a) That the application for grant of a Late Hours Catering Licence be granted for a period of one year and that the applicant be made an exception to the Board's policy on trading hours; and

(b) That it be noted that the application for grant of a temporary Late Hours Catering Licence had been withdrawn.

2 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 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. Legislation provided that fares should be fixed within 18 months beginning with the date on which scales last came into effect and it was noted that this report had originally been due to be considered by the Board at a meeting on 26 March 2020 which had been cancelled due to the coronavirus pandemic. The last taxi fares review had been carried out during 2018/19 with a revised taxi fares scale being fixed and effective from 25 March 2019.

Preliminary consultation had taken place with persons or organisations 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 3.4.3 of the report.

Appendix 1 to the report detailed the current taxi fares scale operating in Renfrewshire together with the proposed taxi fares scales. A report on the Review of Taxi Tariff in Renfrewshire carried out by Vector Transport Consultancy formed Appendix 2 to the report. Appendix 3 to the report detailed the tariffs operating in surrounding areas and a table detailing current fares tariff and proposed fares formed Appendix 4 to the report.

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 date for the new taxi fares to come into effect required to be decided by the Board.

The Assistant Managing Solicitor advised that Mr Norton, Glasgow Airport Limited, had recently requested officers to note a change to his proposal, proposal 3, in that: (i) he would now like the fares scale to reflect 'pick up drop off' charges as may be determined by the Airport, from time to time, as opposed to a determined £3; and (ii) having read the document by Vector Transport Consultancy, he now concurred with the increase in charges proposed by J Tannahill, proposal 2, in relation to the additional distance charge.

The Convener proposed (i) that proposal 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 it be agreed that the proposed date for the proposed revised fare scale to come into effect be 14 December 2020; (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. This was agreed unanimously.

DECIDED:

- (a) That proposal 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 it be agreed that the proposed date for the proposed revised fare scale to come into effect be 14 December 2020;
- (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.

3 Taxi Licensing: Unmet Demand

There was submitted a report by the Director of Finance & Resources relative to recent observations by the Civic Government Enforcement Officer in relation to the demand for taxis.

The report advised that the Council had a policy of limiting the number of taxis within Renfrewshire and kept the demand for taxis under review. Section 10 (3) of the Civic Government (Scotland) Act 1982 empowered the Council as licensing authority to refuse to grant new taxi licences in its area in order to limit the number of taxis in the area provided it was satisfied that there was no significant demand for taxi services in its area which was unmet.

The report indicated that in May 2016, the Board had considered a detailed report, carried out externally by Vector Transport Consultancy, in relation to demand for taxi services in Renfrewshire. The Board had agreed at that time to increase the limit in relation to the number of taxis in Renfrewshire to 235. On 1 November 2017 and 7 June 2018 the Board considered a report by the Civic Government Enforcement Officer setting out her findings following taxi stance observations at Gilmour Street, Paisley and at Glasgow Airport and following consideration of these reports, the policy maintaining the limit of 235 taxis was maintained.

The report stated that between October and December 2019, the Civic Government Enforcement Officer carried out rank observations at Gilmour Street, Paisley and at Glasgow Airport to assess whether there was any significant unmet demand. A copy of the Civic Government Enforcement Officer's findings was appended to the report. The conclusions from the Civic Government Enforcement Officer's findings was that there was no significant demand for the services of taxis which was unmet.

DECIDED: That the report be noted and that the numbers limit be kept under review.

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.

4 House in Multiple Occupation Licence- Personal Appearance

There was submitted the undernoted application for grant of a House in Multiple Occupation Licence. The applicant had been asked to appear personally for the first time together with the Director of Communities, Housing & Planning Services, Renfrewshire Council:-

Applicant: Clachan Residential Property Partnership
Property: Flat 1/L 5 Townhead Terrace, Paisley

The Assistant Managing Solicitor (Licensing) advised that this application had been withdrawn.

DECIDED: That it be noted that the application had been withdrawn.

5 Surrender and Re-issue of Taxi Operator's Licence

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator's Licence:-

Present Operator: Executors of James Murray
Proposed Operator: Elizabeth Taylor
Licence No.: TX 127

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

Adjournment

The meeting adjourned at 10.35 and resumed at 10.50 am.

6 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 together with Police Scotland who had submitted an objection to the application:-

Ivie Speirs

Mr Speirs, the applicant, joined the meeting by telephone call together with Sergeant Robertson, Police Scotland, on behalf of the Chief Constable who had submitted an objection to the application, who also joined by telephone call. After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened.

Councillor McNaughtan, seconded by Councillor Mackay, moved that the application be refused.

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

On the roll being called the following members voted for the amendment: Councillors Devine, Audrey Doig, Rodden, Steel and Strang.

The following members voted for the motion: Councillors Hughes, McNaughtan and Mackay.

5 members having voted for the amendment and 3 members having voted for the motion, the amendment was accordingly declared carried.

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