

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 01 September 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, Provost Hall and Councillors Hood, McEwan, Mullin and Mylet.

CHAIR

Councillor Hood, Convener, presided.

IN ATTENDANCE

D Campbell, Assistant Managing Solicitor (Licensing); E Clements, Senior Solicitor; P Shiach, Committee Services Officer (for items 1-5(c) only); E Currie, Senior Committee Services Officer (for items 5(c) – 11 only); G McIntosh, Civic Government Enforcement Officer (for items 1, 2 and 8 only) and K Whiteside, Licensing Officer (Paralegal) (all Finance & Resources).

DECLARATIONS OF INTEREST

Councillor B Brown declared a non-financial interest in relation to item 3 of the agenda as the applicant was known to him and indicated his intention to leave the meeting during consideration of the item and not to take part in any discussion or voting thereon.

1 **TAXIS: PROPOSED AMENDMENT TO STANDARD CONDITIONS TO ALLOW DISPLAY OF NOTICES ON HEADRESTS**

There was submitted a report by the Director of Finance & Resources seeking an amendment to the standard conditions applicable to taxi licences following a request from Glasgow Airport Limited.

The report intimated that at the meeting of this Board held on 5 March 2014 it was decided that changes to the standard conditions of licences be made, this included a relaxation of standard condition 23 which restricted advertising on and in taxis in order to allow a customer service notice to be displayed on the tip up seats and bulkhead of a taxi. This change followed upon a request from Glasgow Airport Limited. Glasgow Airport Limited had now requested that this condition be relaxed further to allow these notices to be placed on the rear of headrests within taxis.

The report detailed the amended standard condition 23.

DECIDED:

(a) That standard condition 23 applicable to taxi licences be amended to read:

“23. The holder of a taxi licence shall have his name and taxi licence number printed on both the near side and off side rear windows of the taxi in Roman letters not less than $\frac{3}{4}$ of one inch and not greater than one inch in height and of proportional breadth and shall ensure that they are clearly legible during the currency of the licence. No notice, advertisement, printed bill, or other item shall be displayed on the outside or inside of a taxi without the previous consent of the licensing authority except:-

the name of the licence holder and the taxi licence number on the outside of the taxi; and

a notice containing information about methods of payment by card up to a permitted size of 200mm x 100mm on either the side windows or the interior of the taxi; and/or

a customer service notice (providing information in relation to making a complaint or giving feedback) up to a permitted size of 6 inches x 6 inches on the tip up seats, the rear of headrests (where displayed in a bespoke housing, appropriately attached to or covering the headrest) or bulkhead of the taxi,

the cumulative number of any payment method and customer service notices being limited to three.”

(b) That it be agreed that the standard condition as amended would be attached to any grant, renewal or variation of licence determined after 1 October 2016; and

(c) That it be agreed that officers use their discretion in respect of enforcement activity until such time as the revised condition was attached to all taxi licences.

2 **AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015: CHANGES TO METAL DEALERS LICENSING REGIME**

There was submitted a report by the Director of Finance & Resources providing an update on the implementation of the Air Weapons and Licensing (Scotland) Act 2015 with regard to changes being introduced to the metal dealers licensing regime with effect from 1 September 2016.

DECIDED: That the report be noted.

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.

DECLARATION OF INTEREST

Councillor B Brown having declared an interest in the following item of business, left the meeting and took no part in any discussion or voting thereon.

3 **RENEWAL OF PRIVATE HIRE CAR OPERATOR'S LICENCE - PERSONAL APPEARANCE**

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

Iain Waddell, 64 Dunvegan Avenue, Elderslie – PH1347

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

Councillor B Brown re-entered the meeting.

4 **GRANT OF PRIVATE HIRE CAR OPERATOR'S LICENCE - PERSONAL APPEARANCE**

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

Mohammed Azher, 12 Parkholm Gardens, Parklands, Glasgow

The Assistant Managing Solicitor (Licensing) advised that this application had been granted under delegated authority for a period of one year.

DECIDED: That it be noted that Mr Azher's application had been granted under delegated authority for a period of one year.

5 **GRANT OF PRIVATE HIRE CAR DRIVERS' LICENCES - PERSONAL APPEARANCES**

There were submitted the undernoted applications for the 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 a representation to application (a), an objection received outwith the statutory timescale to application (b) and an objection and further letter to application (c):-

(a) Connor Smith, 186 Renfrew Road, Paisley

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

(b) William Patterson, 21 Knock Way, Gallowhill, Paisley

Mr Patterson, the applicant, was invited into the meeting together with Inspector Kirkwood and Ms Stevenson, 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 the application. The meeting was reconvened.

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

Provost Hall, seconded by Councillor Mylet, 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, 2 members voted for the amendment and 7 members voted for the motion. The motion was accordingly declared carried.

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

(c) Hamid Manafi, 30 East Crawford Street, Greenock

Mr Manafi, the applicant, was invited into the meeting together with Inspector Kirkwood and Ms Stevenson, on behalf of the Chief Constable who had submitted an objection and a further letter to the application. On hearing submissions by Police Scotland it was decided that this letter 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 Mylet, 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, 3 members voted for the amendment and 6 members voted for the motion. The motion was accordingly declared carried.

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

6 GRANT OF SECOND HAND DEALER'S LICENCE - PERSONAL APPEARANCE

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 first time together with Police Scotland who had submitted a representation received outwith the statutory timescale to the application:-

Applicant: Gentian Elshani, Flat 1/2 14 Sandholes Street, Paisley

Authorised activity: second hand cars

Trading from: 17C Greenhill Road, Paisley

Operating hours: Monday to Friday – 10.00 am to 8.00 pm

Saturday and Sunday – 11.00 am to 8.00 pm

Mr Elshani, the applicant, was invited into the meeting together with Inspector Kirkwood and Ms Stevenson, 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 one year. This was agreed unanimously.

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

ADJOURNMENT

The meeting adjourned at 11.45 am and reconvened at 11.50 am.

7 GRANT OF LANDLORD REGISTRATIONS - PERSONAL APPEARANCES

Under reference to item 6(b) of the Minute of the meeting of this Board held on 2 June 2016 consideration was resumed of application (a) for the grant of Landlord Registration and under reference to item 3(c) of the Minute of the meeting of this Board held on 17 August 2016 consideration was resumed of application (b) for the grant of Landlord Registration. The applicants had been asked to appear personally for the second time together with Police Scotland in respect of application (b):-

(a) Fiona Siddall, Quick Save Supermarket, Box 63, Partida Murtar, Bajo 02/2, Pedreguer, 03750 Spain

Mr Tyler, the applicant's representative, was invited into the meeting. After consideration of matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened.

Councillor Hood, seconded by Councillor M Devine, moved that consideration of the application be continued to a future meeting of the Board to allow the applicant to obtain a Certificate of Completion from the Private Rented Housing Panel.

Councillor Mylet, seconded by Councillor Mullin, moved as an amendment that the application be considered at this meeting of the Board.

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 5 members voted for the motion. The motion was accordingly declared carried.

DECIDED: That consideration of the application be continued to a future meeting of the Board to allow the applicant to obtain a Certificate of Completion from the Private Rented Housing Panel.

(b) Edward Duffy, 10 Kilnknowe Cottages, Midton Road, Howwood

Mr Duffy, the applicant, was invited into the meeting together with Inspector Kirkwood and Ms Stevenson, 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 the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

ADJOURNMENT

The meeting adjourned at 1.05 pm and reconvened at 1.45 pm.

SEDERUNT

Councillors M Brown and Mylet were not in attendance.

8 HEARING INTO POSSIBLE SUSPENSION OF PRIVATE HIRE CAR DRIVER'S LICENCE - PERSONAL APPEARANCE

The Board considered the possible suspension of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with John Crosgray, the complainer:-

Mohammed Aslam, 7 Wedderlea Drive, Glasgow

Mr Aslam, the licence holder, was invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Crosgray, the complainer, had intimated that he would not be attending the meeting. After consideration of all matters before the Board, the Convener proposed that no action be taken at this time. This was agreed unanimously.

DECIDED: That no action be taken at this time.

9 GRANT OF PRIVATE HIRE CAR OPERATORS' LICENCES - PERSONAL APPEARANCES

There were submitted the undernoted applications for the grant of Private Hire Car Operators' Licences. The applicant had been asked to appear personally for the first time:-

Renfrewshire Radio Taxis Limited, 6 Auchengreoch Avenue, Johnstone – 3 applications

Mrs Gatley, on behalf of the applicant, was invited into the meeting. The Assistant Managing Solicitor (Licensing) asked Mrs Gatley if she would be happy to address the Board only once on all applications with the Board reaching separate decisions on the applications. Mrs Gatley advised that she would be happy to address the Board only once on all applications with the Board reaching separate decisions on the applications.

After consideration of all matters before the Board, the Board adjourned to allow members to consider the applications. The meeting was reconvened.

(a) Councillor Hood, seconded by Provost Hall, moved that in relation to the application where the vehicle was being leased to Mr Gibson, the application be granted for a period of two years and that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Renfrewshire Radio Taxis Limited's Private Hire Car Operator's Licence and that the vehicle be licensed to carry 8 passengers.

Councillor M Devine, seconded by Councillor Mullin, moved as an amendment that in relation to the application where the vehicle was being leased to Mr Gibson, the application be granted for a period of one year and that the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Renfrewshire Radio Taxis Limited’s Private Hire Car Operator’s Licence and that the vehicle be licensed to carry 8 passengers.

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

On a vote being taken, 3 members voted for the amendment and 4 members voted for the motion. The motion was accordingly declared carried.

DECIDED: That in relation to the application where the vehicle was being leased to Mr Gibson, the application be granted for a period of two years and that the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Renfrewshire Radio Taxis Limited’s Private Hire Car Operator’s Licence and that the vehicle be licensed to carry 8 passengers.

(b) Councillor Hood, seconded by Provost Hall, moved that in relation to the application where the vehicle was being leased to Mr Brown, the application be granted for a period of two years.

Councillor M Devine, seconded by Councillor Mullin, moved as an amendment that in relation to the application where the vehicle was being leased to Mr Brown, 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, 3 members voted for the amendment and 4 members voted for the motion. The motion was accordingly declared carried.

DECIDED: That in relation to the application where the vehicle was being leased to Mr Brown, the application be granted for a period of two years.

(c) Councillor Hood, seconded by Provost Hall, moved that in relation to the application where the vehicle was being leased to Mr McNaughton, the application be granted for a period of two years.

Councillor M Devine, seconded by Councillor Mullin, moved as an amendment that in relation to the application where the vehicle was being leased to Mr McNaughton, 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, 3 members voted for the amendment and 4 members voted for the motion. The motion was accordingly declared carried.

DECIDED: That in relation to the application where the vehicle was being leased to Mr McNaughton, the application be granted for a period of two years.

10 **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:-

Duncan Story, Flat 2/2 17 Newton Street, Greenock – P1965

Mr Story, the applicant, was invited into the meeting together with his representatives, Mr Kilbride and Ms Keanie. 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 consideration of the application be continued and that Mr Story attend a medical examination.

Councillor M Devine, seconded by Provost Hall, moved 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, 3 members voted for the amendment and 4 members voted for the motion. The motion was accordingly declared carried.

DECIDED: That consideration of the application be continued and that Mr Story attend a medical examination.

11 **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:-

Roland Salzmann, 12 Birnock Avenue, Deanfield, Renfrew

Mr Salzmann, the applicant, and his representative, Mr McDonald, 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.