

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 11 May 2016	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

PRESENT

Councillors B Brown, E Devine, M Devine, Provost Hall, Councillors 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) and M Brier, Civic Government Enforcement Officer (for items 9 and 10 only) (all Finance & Resources).

APOLOGY

Councillor M Brown.

DECLARATIONS OF INTEREST

There were no declarations of interest intimated prior to 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 after item 8 of the agenda.

1 DEPUTATION

In terms of Standing Order 57, the Board considered a request from Nisbets Solicitors & Solicitor Advocates on behalf of Renfrewshire Public Hire Association that a deputation be heard in the following terms:-

“That in an attempt to address any inadequacies which may be identified in the operation of taxis within the area and to assist the Board in concluding on applications which it requires to determine, we and our client’s office bearers would welcome the opportunity to discuss in greater detail a voluntary scheme as detailed in our letter dated 15 April 2016 with the Board’s officers and members”.

The Convener proposed that the deputation be heard at the next meeting of the Board to be held on 26 May, 2016. This was agreed unanimously.

DECIDED: That the deputation be heard at the next meeting of the Board to be held on 26 May, 2016.

2 VARIATION OF A PRIVATE HIRE CAR LICENCE

There was submitted the undernoted application for variation of a Private Hire Car Licence:-

Applicant: Raymond Barry Smith, 2 Aboyne Drive, Paisley
Variation: to carry eight passengers

The Convener proposed that the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Mr Smith’s Private Hire Car Licence and that Mr Smith’s vehicle be licensed to carry 8 passengers. This was agreed unanimously.

DECIDED: That the policy which stated that “the MPV shall carry a maximum of 7 passengers” be not applied to Mr Smith’s Private Hire Car Licence and that Mr Smith’s vehicle be licensed to carry 8 passengers.

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, 8, 9 and 10 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.

3 **RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE P4216 – PERSONAL APPEARANCE**

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

George Ingram Dickie, 44 Yair Drive, Hillington, Glasgow

Mr Dickie, the applicant, was invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Dickie's DVLA licence was due to expire in January 2017. Mr Dickie gave an undertaking to the Board that should his Private Hire Car Driver's Licence be granted he would provide evidence of his renewed DVLA licence within 14 days of its receipt.

After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of two years subject to the undertaking given by Mr Dickie that he would provide evidence of his renewed DVLA licence within 14 days of its receipt. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years subject to the undertaking given by the applicant that he would provide evidence of his renewed DVLA licence within 14 days of its receipt.

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

There were submitted the undernoted applications for the grant of Private Hire Car Drivers' Licences.

Applicant (a) had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to the application. Applicants (b) and (c) had been asked to appear personally for the first time together with Police Scotland who had submitted an objection in relation to application (b):-

(a) name withheld

The applicant produced information in support of his application and the Board adjourned to consider this.

The Board reconvened. 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.

(b) Gordon Butler, 24 Redhurst Way

Mr Butler, the applicant was invited into the meeting together with Mr Robertson, solicitor and Inspector Glass and Sergeant Curran on behalf of the Chief Constable who had

submitted an objection to the application.

Mr Robertson sought permission to introduce three character witnesses to speak on behalf of the applicant and the Board adjourned to consider the request. The Board reconvened and invited Mr L Mitchell, Mr E Payton and Mr A Baird into the meeting.

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 Provost Hall, moved that the application be refused.

Councillor McQuade, seconded by Councillor B Brown, moved as an amendment that the application be granted.

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

DECIDED: That the application be refused.

Adjournment

The meeting adjourned at 12.20 pm and reconvened at 12.35 pm.

Councillor Mullin was not present when the meeting reconvened.

(c) Muhamad Umer Gahlan, 351B Shields Road, Motherwell

There was no appearance by or on behalf of Mr Gahlan. The Convener proposed that this matter be considered in Mr Gahlan'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.

5 GRANT OF A 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 an objection to the application and a supplementary objection received outwith the statutory timescale to the application:-

Applicant: Net Motor Spares Limited

Premises: 15 McFarlane Street, Paisley

Authorised Goods: Second hand cars, caravans, and other motor vehicles or parts thereof

Operating hours: Monday to Friday – 8.30 am to 6.00 pm, Saturday 8.30 am to 5.00 pm

Mr Zarnowski, a Director of the applicant company, was invited into the meeting together with Mr Lambert, an employee of the applicant and Mr Banks, Solicitor. Inspector Glass and Sergeant Curran on behalf of the Chief Constable, who had submitted an objection to the application and a supplementary objection received outwith the statutory timescale to the application were invited into the meeting.

On hearing the reasons for the supplementary objection from Police Scotland 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 one year. This was agreed unanimously.

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

6 GRANT OF A 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 to the application.

Applicant: Ruth Black, 0/2, 36 Brockburn Road, Glasgow
Premises: Blackhall Industrial Estate, Blackhall Street, Paisley
Authorised Goods: Part worn tyres
Operating hours: Monday to Sunday 8.00 am to 6.00 pm

There was no appearance on or on behalf of Ms Black. Inspector Glass and Sergeant Curran, on behalf of the Chief Constable who had submitted a representation to the application were invited into the meeting.

The Convener proposed that consideration of the application be continued to a future meeting. This was agreed unanimously.

DECIDED: That consideration of the application be continued to a future meeting of the Board.

7 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:-

Dr Susan McKinnon, 3 Comiston Grove, Edinburgh

There was no appearance by or on behalf of Dr McKinnon.

The Convener proposed that consideration of the application be continued to a future meeting. This was agreed unanimously.

DECIDED: That consideration of the application be continued to a future meeting of the Board.

ADJOURNMENT

The meeting adjourned at 1.45 pm and reconvened at 2.30 pm.

8 GRANT OF A STREET TRADER 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 together with Police Scotland who had submitted an objection to the application:-

Applicant: Andrew Donaldson, South Arkleston Farm, Arkleston Road, Paisley
Authorised Goods: Hot and cold snacks, beverages
Trading from Huntly Road and Watt Road, Hillington Industrial Estate
Monday to Friday 6.00 am to 2.30 pm
Maxwell Street, Paisley
Monday to Sunday 9.00 pm to 4.00 am

Mr Donaldson, the applicant was invited into the meeting for the first time together with Mr Armit, solicitor and Inspector Glass and Sergeant Curran on behalf of the Chief Constable who had submitted an objection to the application.

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 E Devine, moved that the application be refused.

Provost Hall, seconded by Councillor B Brown, moved as an amendment that the application be granted.

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 3 members voted for the motion.

There being an equality of votes cast, the Convener used his second and casting vote in favour of the motion. The motion was accordingly declared carried.

DECIDED: That the application be refused.

SEDERUNT

Provost Hall left the meeting prior to consideration of the following item of business.

9 **HEARING INTO THE POSSIBLE SUSPENSION OF PRIVATE HIRE CAR DRIVER'S LICENCE P6224 AND PRIVATE HIRE CAR LICENCE PH0505 – PERSONAL APPEARANCE**

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

Farhan Khan, 135F Paisley Road, Renfrew
Private Hire Car Driver's Licence P6224
Private Hire Car Licence PH0505

Mr Khan, the licence holder, Mr D McCulloch, Miss H McCulloch, Mr McDonald (all Renfrewshire Cabs), and Mr Nellany solicitor were invited into the meeting together with Ms McCormack, the complainant and Mr Brier, Licensing Standards Officer. The Assistant Managing Solicitor (Licensing) stated that the Board would make separate decisions in relation to the two licences.

After consideration of all matters before the Board, the Board adjourned to allow members to consider these matters. The meeting was reconvened and the Convener proposed the complaint be not upheld and that Mr Khan's Private Hire Car Operator's Licence be not suspended. This was agreed unanimously. The Convener further proposed that Mr Khan's Private Hire Car Driver's Licence be not suspended. This was agreed unanimously.

DECIDED:

- (a) That Mr Khan's Private Hire Car Licence be not suspended; and
- (b) That Mr Khan's Private Hire Car Driver's Licence be not suspended.

10 **HEARING INTO THE POSSIBLE SUSPENSION OF A BOOKING OFFICE LICENCE BO-003 – PERSONAL APPEARANCE**

The Board considered the possible suspension of the undernoted Booking Office Licence BO-003. The licence holder had been asked to appear personally for the first time together with Ms McCormack, the complainer:-

Renfrewshire Cab Company, 33A New Sneddon Street, Paisley.

Mr D McCulloch, Miss H McCulloch, Mr McDonald (all Renfrewshire Cabs), and Mr Nellany solicitor were invited into the meeting together with Ms McCormack, the complainant and Mr Brier, Licensing Standards Officer.

Ms McCormack indicated her intention not to take part in the Hearing and left the meeting.

After consideration of all matters before the Board, the Convener proposed that the complaint be not upheld and the licence be not suspended. This was agreed unanimously.

DECIDED: That the complaint be not upheld and the licence be not suspended.

