

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 31 January 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), E Currie, Senior Committee Services Officer, N O'Brien, Assistant Committee Services Officer, G McIntosh, Civic Government Enforcement Officer and N Barr, Administrative Assistant (all Finance & Resources).

Declarations of Interest

Councillor Montgomery declared a non-financial interest in item 8(a) of the agenda as he had prior knowledge of the matter and indicated his intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

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 8(b) of the agenda after item 1 of the agenda; item 12(a) of the agenda after item 8(a) of the agenda and resuming consideration of item 4 of the agenda after item 7(b).

1 Civic Government (Scotland) Act 1982: Review of Taxi Fares within Renfrewshire

Under reference to item 1 of the Minute of the meeting of this Board held on 15 November 2018 there was submitted a report by the Director of Finance and Resources relative to a review of taxi fares within Renfrewshire.

The report intimated that after considering responses to an initial consultation, the Board agreed to advertise a proposal to fix a new fare scale to have effect from a proposed date of 25 March 2019. An advertisement detailing the proposal appeared in the Paisley Daily Express newspaper on 30 November 2018 and provided that any person wishing to make representations on the proposal must do so in writing no later than 30 December 2018. No further representations had been received and the Board now required to fix a taxi fares scale for Renfrewshire.

DECIDED:

(a) That a new taxi fares scale for Renfrewshire be fixed in accordance with the advertised scale;

(b) That the fares scale come into effect on 25 March 2019;

(c) That officers be authorised to give notice to all operators of taxis operating in Renfrewshire and the persons and organisations appearing to the Board to be representative of the operators of taxis operating within Renfrewshire, being the parties initially consulted, of the fares scale fixed and its effect, the date on which it was to come into effect and the rights of appeal against the scale, all as set out in section 17 of the Civic Government (Scotland) Act 1982, as amended; and

(d) That officers be authorised to publish the fares scale, as soon as practicable following expiry of the period of appeal to the Traffic Commissioner, or, if appealed, as soon as practicable after determination of the appeal, by giving notice of the scales in an advertisement in a newspaper circulating in Renfrewshire and to specify therein that the scales shall come into effect on 25 March 2019, all in terms of section 18A of the Civic Government (Scotland) Act 1982.

2 Hearing into Possible Removal from the Register of Private Landlords - Personal Appearance

The Board considered the possible removal of the undernoted landlord from the Register of Private Landlords. The landlord had been asked to appear personally for the first time together with Kwai Leung and the Director of Communities, Housing and Planning Services:-

Anu Sharma – 261965/350/350/12171

Ms Sharma, the landlord, and her Solicitor, Mr Hunter, were invited into the meeting together with Mr C Hunter, Environmental Improvements Manager, and Ms Gray, Environmental Health Officer, on behalf of the Director of Communities, Housing and Planning Services. There was no appearance by or on behalf of Kwai Leung.

Mr Hunter, on behalf of his client, requested that consideration of this hearing be continued to a future meeting of the Board.

The Convener proposed that consideration of the hearing be continued and that the landlord be invited to future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of the hearing be continued and that the landlord be invited to a future meeting of the Board.

3 Renewal of Street Trader's Licence

There was submitted the undernoted application for renewal of a Street Trader's Licence:-

Applicant: William Greig

Authorised goods: hot and cold snacks

Trading from: Glebe Street and Broadloan, Renfrew

Operating hours: Glebe Street – 10.30 am to 11.15 am and Broadloan – 11.15 am to 2.30 pm

The Assistant Managing Solicitor (Licensing) advised that the application was for renewal of a Street Trader's Licence and not for the grant of a Street Trader's Licence as stated on the agenda for this meeting.

After consideration of all matters before the Board, the Convener proposed that Mr Greig continue to be allowed to be an exception to the Board's policy on trading in the vicinity of schools and that the application be granted for a period of two years. This was agreed unanimously.

DECIDED: That the applicant continue to be allowed to be an exception to the Board's policy on trading in the vicinity of schools and that the application be granted for a period of two years.

4 Renewal of Late Hours Catering Licence

There was submitted the undernoted application for renewal of a Late Hours Catering Licence:-

Applicant: DPK Foods Limited, trading as Domino's Pizza

Authorised goods: pizzas and other takeaway foods

Trading from: 41 Gauze Street, Paisley

Operating hours: Sunday to Thursday – 11.00 pm to 1.00 am and Friday and Saturday – 11.00 pm to 2.00 am

Licence No.: LHC 107

After consideration of all matters before the Board, the Convener proposed that the applicant continue to be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of two years. This was agreed unanimously.

DECIDED: That the applicant continue to be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of two years.

5 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: Danni Preston

Authorised goods: hot and cold food and beverages, confectionery and milk

Trading from: Watt Road and Huntly Road, Hillington and Maxwell Street, Paisley

Operating hours: Hillington – 6.00 am to 2.30 pm and Paisley – 9.00 pm to 4.00 pm

There was no appearance by or on behalf of Ms Preston. The Convener proposed that consideration of the application be continued until later in the meeting to allow the applicant's representative to attend. This was agreed unanimously.

DECIDED: That consideration of the application be continued until later in the meeting to allow the applicant's representative to attend.

6 Variation of Taxi Operator's Licence - Personal Appearance

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

Applicant Skydale Limited

Variation: to allow full vehicle wrap advertising

Licence No.: TX214

Mr Allan, on behalf of the applicant, was invited into the meeting together with Ms Pike, Senior Marketing Officer, Renfrewshire Council. After consideration of all matters before the Board, the Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

7 Surrender and Re-issue of Taxi Operator's Licence - Personal Appearance

There was submitted the undernoted application for the surrender and re-issue of a Taxi Operator's Licence. The applicant had been asked to appear personally for the first time:-

Present Operator: Jared Thomas Gatley/John Curran on behalf of GLA Taxis

Proposed Operator: Jared Thomas Gatley

Licence No.: TX81

Mrs Gatley, on behalf of the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

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 could 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.

8 Grant of Landlord Registrations - Personal Appearances

Under reference to item 10 of the Minute of the meeting of this Board held on 31 October 2018 consideration was resumed of application (a) and under reference to item 11 of the Minute of the meeting of this Board held on 15 November 2018 consideration was resumed of application (b) for the grant of Landlord Registrations. The applicants had been asked to appear personally for the second time together with Police Scotland:-

(a) Paul Docherty – REN-0146399-18

The Assistant Managing Solicitor (Licensing) advised that Mr Docherty had withdrawn his application.

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

(b) Deborah Ameh – REN-0181524-18

There was no appearance by or on behalf of Ms Ameh. Sergeant Hay, Police Scotland was invited into the meeting. The Convener proposed that the application be considered in Ms Ameh'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 three years. This was agreed unanimously.

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

9 Grant of Street Trader's Licence - Personal Appearance

Under reference to item 5 of this Minute consideration was resumed of 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: Danni Preston

Authorised goods: hot and cold food and beverages, confectionery and milk

Trading from: Watt Road and Huntly Road, Hillington and Maxwell Street, Paisley

Operating hours: Hillington – 6.00 am to 2.30 pm and Paisley – 9.00 pm to 4.00 pm

Mr Donaldson, on behalf of the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the applicant 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 applicant 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 Montgomery having declared a non-financial interest in the following item of business left the meeting and took no part in any discussion or voting thereon.

10 Hearing into the Possible Removal from the Register of Private Landlords - Personal Appearance

Under reference to item 11 of the Minute of the meeting of this Board held on 15 November 2018 consideration was resumed of the possible removal of the undernoted landlord from the Register of Private Landlords. The landlord had been asked to appear personally for the second time together with the Director of Communities, Housing and Planning Services, Renfrewshire Council:-

David Blackwood – 300683/350/13551

Mr Blackwood, the landlord, was invited into the meeting together with Mr Hunter, Environmental Improvements Manager, and Ms McIntosh, Environmental Health Officer, on behalf of the Director of Communities, Housing and Planning Services.

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 (i) that consideration of the hearing be continued to allow Mr Blackwood to submit a Certificate of Completion from the Housing and Property Chamber First-tier Tribunal for Scotland for the property at 7 Quarry Road, Paisley and to provide evidence that he had complied with the Rent Relief Order made by the Tribunal; and (ii) that Mr Blackwood be invited to a future meeting of the Board. This was agreed unanimously.

DECIDED:

- (a) That consideration of the application be continued to allow Mr Blackwood to submit a Certificate of Completion from the Housing and Property Chamber First-tier Tribunal for Scotland for the property at 7 Quarry Road, Paisley and to provide evidence that he had complied with the Rent Relief Order made by the Tribunal; and
- (b) That Mr Blackwood be invited to a future meeting of the Board.

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Councillor Montgomery re-entered the meeting.

Adjournment

The meeting adjourned at 12.15 pm and reconvened at 12.45 pm.

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Councillors Devine and Montgomery were not in attendance when the meeting reconvened.

11 Hearing into Possible Suspension or Revocation of Private Hire Car Driver's Licence - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with Nualla Scallan, who had submitted a complaint in relation to the licence holder:-

Paul Bean – P2592

Mr Bean, the licence holder, Mrs Bean and Mrs Gillies, were invited into the meeting together with Ms Scallan, the complainer, and Ms McCallum. Sergeant Hay, on behalf of the Chief Constable, was also invited into the meeting. Sergeant Hay confirmed that Police Scotland waived the 14 days' notice of this hearing.

After consideration of matters before the Board, the Assistant Managing Solicitor (Licensing) asked Mr Bean if he wished to address the Board on any steps the Board might take in relation to his licence prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Bean then addressed the Board.

The Board adjourned to allow members to consider all matters. The meeting was reconvened and Ms McCallum was not in attendance. The Convener proposed that Mr Bean's Private Hire Car Driver's Licence be suspended for a period of three days. This was agreed unanimously.

DECIDED: That Mr Bean's Private Hire Car Driver's Licence be suspended for a period of three days.

12 Requests for Exemptions from Assisting Wheelchair Passengers - Personal Appearances

There were submitted the undernoted requests for exemption from assisting wheelchair passengers. The applicants had been asked to appear personally for the first time: -

(a) William Guthrie – T0018

Mr Guthrie, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Guthrie's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That Mr Guthrie's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

(b) Colin Wardrop – T1490

Mr Wardrop, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Wardrop's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That Mr Wardrop's request for exemption from assisting wheelchair passengers be granted to the duration of his current Taxi Driver's Licence.

(c) Lyndsey Hynd – T0042

Ms Hynd, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Ms Hynd's request for exemption from assisting wheelchair passengers be granted for the duration of her current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That Ms Hynd's request for exemption from assisting wheelchair passengers be granted for the duration of her current Taxi Driver's Licence.

Adjournment

The meeting adjourned at 2.00 pm and reconvened at 2.10 pm.

13 Renewal of Window Cleaner's Licence - Personal Appearance

There was submitted the undernoted application for renewal of a Window Cleaner'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:-

Gordon Harry James Michie – W141

Mr Michie, the applicant was invited into the meeting together with Sergeant Hay on behalf of the Chief Constable, who had submitted an objection to the application. Mr Michie requested that consideration of his application be continued to allow his Solicitor to represent him at a future meeting of the Board. The Convener proposed that consideration of the application be continued 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 and that the applicant be invited to a future meeting of the Board.

14 Grant of Taxi Drivers' Licences - Personal Appearances

There were submitted the undernoted applications for grant of Taxi Driver's 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) and an objection to application (b):-

(a) Danielle Scott

Ms Scott, the applicant, was invited into the meeting together with Sergeant Hay, 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 one year. This was agreed unanimously.

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

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

(b) Sohail Mahmood

Mr Mahmood, the applicant, was invited into the meeting together with Sergeant Hay, on behalf of 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 and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

15 Hearing into Possible Suspension or Revocation of Private Hire Car Driver's Licence - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with Police Scotland:-

Stephen Wright – P0172

There was no appearance by or on behalf of Mr Wright. Sergeant Hay, on behalf of the Chief Constable, was invited into the meeting.

The Convener proposed that the hearing be heard in Mr Wright's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Wright's licence be suspended for the unexpired portion of the duration of his licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr Wright's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of his licence with immediate effect.