

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 27 May 2015	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

PRESENT

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

CHAIR

Councillor Hood, Convener, presided.

IN ATTENDANCE

M Conaghan, Legal & Democratic Services Manager (for item 1 only), D Campbell, Assistant Managing Solicitor (Licensing) (for items 1, 2(a), 7, 8, 9 and 10 only), M O'Neill, Senior Solicitor (Litigation & Regulatory Services), E Currie, Committee Services Officer, K Whiteside, Licensing Officer (Paralegal), G McIntosh, Civic Government Enforcement Officer (for item 1 only) and D Cunningham, Senior Clerical Assistant (all Finance & Resources).

APOLOGIES

Councillor McEwan.

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 2(e) of the agenda after item 2(b) of the agenda; item 2(f) of the agenda after 2(e) of the agenda; item 4 of the agenda after item 2(f) of the agenda; item 6 of the agenda after item 4 of the agenda; items 2(c) and (d) of the agenda after item 6 of the agenda; item 5 of the agenda after item 6 of the agenda; and item 10 of the agenda after item 8 of the agenda.

1 CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REVIEW OF TAXI FARES WITHIN RENFREWSHIRE

Under reference to item 1 of page 372 of the Minute of the meeting of this Board held on 19 February, 2015 there was submitted a report by the Director of Finance and Resources relative to the review of taxi fares in 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 and with effect from the proposed date of 10 August, 2015. An advertisement detailing the proposal appeared in the Paisley Daily Express newspaper on 12 March, 2015 and provided that any person wishing to make representations on the proposal must do so in writing no later than 12 April, 2015. One representation had been received from Renfrewshire Public Hire Association and this formed appendix 2 to the report. The Board now required to fix a taxi fares scale for Renfrewshire.

The Convener proposed that a new taxi fares scale be fixed which would mean that a surcharge for payment by debit or credit cards be allowed up to a maximum of 10% of the taxi fare and that from midnight on 24 December until midnight on 26 December and from midnight on 31 December until midnight on 2 January an extra charge of £1.00 apply, and that otherwise the new taxi fares scale would be in accordance with the existing scale; that this fare scale come into effect on 10 August, 2015; 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 is 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 that officers be authorised to publish the fares scale, as soon as practicable following expiry of the period for 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 10 August, 2015, all in terms of Section 18A of the Civic Government (Scotland) Act 1982. This was agreed unanimously.

DECIDED:

(a) That a new taxi fares scale be fixed which would mean that a surcharge for payment by debit or credit cards be allowed up to a maximum of 10% of the taxi fare and that from midnight on 24 December until midnight on 26 December and from midnight on 31 December until midnight on 2 January an extra charge of £1.00 apply, and that otherwise the new taxi fares scale would be in accordance with the existing scale;

(b) That this fare scale come into effect on 10 August, 2015;

(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 is 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 for 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 10 August, 2015, all in terms of Section 18A of the Civic Government (Scotland) Act 1982.

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.

2 GRANT OF PRIVATE HIRE CAR DRIVERS' LICENCES - PERSONAL APPEARANCES

Under reference to item 2(c) of the Minute of the meeting of this Board held on 23rd April, 2015 consideration was resumed of application (a) for the grant of a Private Hire Car Driver's Licence and there were submitted applications (b), (c), and (d) for the grant of Private Hire Car Drivers' Licences. Applicant (a) had been asked to appear personally for the second time and applicants (b), (c) and (d) for the first time together with Police Scotland who had submitted a representation to applications (a) and (b); and objections received outwith the statutory timescale to applications (c) and (d):-

(a) John Divers, 50 Napier Drive, Govan, Glasgow

Mr Divers, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, 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.

(b) Abdul Samad, 401 Croftfoot Road, Glasgow

Mr Samad, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

(c) Christopher Johnstone, 32 Westwood Gardens, Ferguslie Park, Paisley

Mr Johnstone, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, 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 and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

(d) Stephen James, 37 McLean Place, Paisley

Mr James, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, 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 and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

3 RENEWAL OF TAXI DRIVER'S LICENCE AND REQUEST FOR EXEMPTION FROM ASSISTING WHEELCHAIR PASSENGERS - PERSONAL APPEARANCE

Under reference to item 4 of the Minute of the meeting of this Board held on 2nd April, 2015 consideration was resumed of the undernoted application for renewal of a Taxi Driver's Licence and request for exemption from assisting wheelchair passengers. The applicant had been asked to appear personally for the second time together with Police Scotland who had submitted a representation received outwith the statutory timescale to the application:-

Christopher McMillan, 61 Second Avenue, Kingspark, Glasgow

Mr McMillan, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application for renewal of Mr McMillan's Taxi Driver's Licence.

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 in relation to Mr McMillan's application for renewal of his Taxi Driver's Licence, 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 granted for a period of two years.

Councillor Audrey Doig, seconded by Councillor E Devine, moved as an amendment that 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, six members voted for the amendment and two members voted for the motion. The amendment was accordingly declared carried.

After consideration of all matters before the Board in relation to Mr McMillan's request for exemption from assisting wheelchair passengers, the Convener proposed that Mr McMillan's request for exemption from assisting wheelchair passengers be granted for the period of his current Taxi Driver's Licence. This was agreed unanimously.

DECIDED:

(a) That Mr McMillan's application for renewal of his Taxi Driver's Licence be granted for a period of one year; and

(b) That Mr McMillan's request for exemption from assisting wheelchair passengers be granted for the duration of his current Taxi Driver's Licence.

4 GRANT OF WINDOW CLEANER'S LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant 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 a letter and a further letter to the application:-

Ronald Higgins, 24 Bute Drive, Johnstone

Mr Higgins, the applicant, was invited into the meeting together with Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, on behalf of the Chief Constable who had submitted a letter and a further letter to the application.

The Senior Solicitor (Litigation & Regulatory Services) advised that the further letter from Police Scotland, ref. no. Lic20/Mar15/PS, had not been circulated to members of the Board as it contained details of spent convictions. After consideration of the age, nature and seriousness of the convictions, the Convener proposed that the Board consider the applicant's spent convictions as the interests of justice so required. This was agreed unanimously.

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.

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 received outwith the statutory timescale to application (a) and an objection received outwith the statutory timescale to application (b):-

(a) Glen Manson, 5 Provost Drive Court, Renfrew

There was no appearance by or on behalf of Mr Manson. Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application, were invited into the meeting. 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.

(b) Brian Millar, 13 Dundonald Road, Gallowhill, Paisley

There was no appearance by or on behalf of Mr Millar. Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application, were invited into the meeting. 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.

6 RENEWAL OF PRIVATE HIRE CAR LICENCE - PERSONAL APPEARANCE

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

Scott Johnstone, 21 York Way, Renfrew

There was no appearance by or on behalf of Mr Johnstone. Chief Inspector Nelson, Sergeant Fitzpatrick and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application were invited into the meeting.

The Senior Solicitor (Litigation & Regulatory Services) advised that Mr Johnstone had requested that consideration of his application be continued to a future meeting of the Board. The Convener proposed that 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.

ADJOURNMENT

The meeting adjourned at 12.45 pm and reconvened at 1.30 pm.

SEDERUNT

Councillor M Brown was not in attendance.

7 RENEWAL OF TAXI DRIVER'S LICENCE - PERSONAL APPEARANCE

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

John Devlin, 5 East Road, Kilbarchan

Mr Devlin, the applicant, was invited into the meeting. The Senior Solicitor (Litigation & Regulatory Services) advised that Mr Devlin's DVLA licence was due to expire on 16 December, 2016. The Convener requested that Mr Devlin give an undertaking to the Board that should his Taxi Driver's Licence be granted he would produce his DVLA licence to the Licensing Section seven days prior to expiry of his current DVLA licence. Mr Devlin gave this undertaking to the Board.

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 Devlin that he would produce his DVLA licence to the Licensing Section seven days prior to expiry of his current DVLA licence. 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 produce his DVLA licence to the Licensing Section seven days prior to expiry of his current DVLA licence.

8 GRANT OF LANDLORD REGISTRATION - PERSONAL APPEARANCE

Under reference to item 9 of the Minute of the meeting of this Board held on 23 April, 2015 consideration was resumed of the undernoted application for the grant of Landlord Registration. The applicant had been asked to appear personally for the second time:-

Douglas Lyle, Scart Farm, Kilmacolm Road, Bridge of Weir (Alexander Lyle and Elizabeth Lyle - joint owners)

Mr Lyle, the applicant, and his Solicitor, Mr Campbell, were invited into the meeting together with Sergeant Divers, Police Scotland. 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 granted for a period of three years.

Councillor Audrey Doig, seconded by Councillor Mullin, 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, two 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 three years.

SEDERUNT

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

9 HEARING INTO POSSIBLE REMOVAL FROM THE REGISTER OF LANDLORDS - PERSONAL APPEARANCE

The Board considered the possible removal of the undernoted landlord from the register of landlords. The landlord had been asked to appear personally for the first time together with Police Scotland:-

Brian McCulloch, 3 Hurlett Cottages, Barrhead

There was no appearance by or on behalf of Mr McCulloch. Sergeant Divers, Police Scotland, was invited into the meeting. The Senior Solicitor (Litigation & Regulatory Services) advised that Mr McCulloch had requested that he be removed from the register of landlords. After consideration of all matters before the Board, the Convener proposed that Mr McCulloch be removed from the register of landlords and this was agreed unanimously.

DECIDED: That Mr McCulloch be removed from the register of landlords.

10 VARIATION OF TAXI LICENCE - PERSONAL APPEARANCE

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

Applicant: Stephen Heron, 21 Armour Street, Johnstone

Variation: condition 22(ii) be varied to allow operation of a saloon car

Mr Heron, the applicant, and his Solicitor, Mr Banks, were invited into the meeting. Mr Heron confirmed that his address was 21 Armour Square, Johnstone. 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 granted and that Mr Heron be exempt from operating a wheelchair accessible vehicle.

Councillor E Devine, seconded by Councillor M Devine, 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, two members voted for the amendment and four members voted for the motion. The motion was accordingly declared carried.

DECIDED: That the application be granted and that Mr Heron be exempt from operating a wheelchair accessible vehicle.

11 RENEWAL OF TAXI LICENCE - PERSONAL APPEARANCE

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

Graeme Anderson, 32 Renshaw Road, Bishopton

There was no appearance by or on behalf of Mr Anderson. The Convener proposed that the application be considered in Mr Anderson'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 and that he continue to be exempt from operating a wheelchair accessible vehicle. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years and that Mr Anderson continue to be exempt from operating a wheelchair accessible vehicle.

12 SURRENDER AND RE-ISSUE OF TAXI LICENCE

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

Present Operator: Brian Carroll, 174 Eider Place, East Kilbride
Proposed Operator: James Kilgour, 36 Stravaig Walk, Paisley
Licence No: TX 168

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

DECIDED: That the application be granted.