

## Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 23 March 2017	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

### Present

Councillors B Brown, E Devine, M Devine, Provost Hall, and Councillor Hood.

### Chair

Councillor Hood, Convener, presided.

### Apologies

Councillors M Brown and Mullin; and M Devine (for lateness).

### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), E Currie, Senior Committee Services Officer and K Whiteside, Licensing Officer (Paralegal) (all Finance & Resources).

### Declarations of Interest

Councillor E Devine declared a non-financial interest in relation to item 1 of the agenda as he had knowledge of the application and indicated his intention to leave the meeting during consideration of the item and not to take part in any discussion or voting thereon.

Provost Hall declared non-financial interests in relation to items 6(b), 7 and 9 of the agenda as the applicants were known to her and indicated her intention to leave the meeting during consideration of the items and not to take part in any discussion or voting thereon.

### Declaration of Interest

Councillor E Devine having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

## **1 Grant of Street Traders' Licences - Personal Appearance**

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

Applicant: Stephen Heron, c/o Community Resources, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley – 3 applications

Authorised goods: hot and cold food, tea and coffee, ice cream, healthy food representing an extension of the school meal service

Trading from: Renfrewshire area excluding Hawkhead and Lochfield

Operating hours: Monday to Friday – 7.00 am to 10.00 pm and Saturday and Sunday – 10.00 am to 6.00 pm

Mr Heron, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the three applications be granted for a period of one year and that an exception to the 500 metre policy be made in relation to the applications. This was agreed unanimously.

**DECIDED:** That the three applications be granted for a period of one year and that an exception to the 500 metre policy be made in relation to the applications.

### **Sederunt**

Councillor E Devine re-entered the meeting prior to consideration of the following item of business.

### **Exclusion of Press and Public**

The Board resolved that the press and public be excluded from the meeting during consideration of items 2, 3, 4, 5, 6 and 7 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 Hearings into the Possible Removal from the Register of Private Landlords - Personal Appearances**

Under reference to item 3 of the Minute of the meeting of this Board held on 17 November 2016 and item 1 of the Minute of the meeting of this Board held on 2 February 2017, respectively, consideration was resumed of the possible removal of the undernoted landlords from the Register of Private Landlords. Landlord (a) had been asked to appear personally for the second time and landlords (b) and (c) had been asked to appear personally for the fourth time:-

(a) Ian Tennie, 63 Victoria Road, Paisley

Mr Tennie, the landlord, and his daughter Ms Tennie, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that no action be taken. This was agreed unanimously.

**DECIDED:** That no action be taken.

(b) Mark McCafferty, 54a Levern Bridge Road, Glasgow

There was no appearance by or on behalf of Mr McCafferty. The Convener proposed that the matter be considered in Mr McCafferty's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr McCafferty be removed from the Register of Private Landlords. This was agreed unanimously.

**DECIDED:** That Mr McCafferty be removed from the Register of Private Landlords.

(c) Gordon Cooley and Denise Cooley, 96 Greenwood Road, Clarkston, Glasgow

The Assistant Managing Solicitor (Licensing) advised that Mr and Mrs Cooley had intimated that they were unable to attend the meeting. The Convener proposed that the matter be considered in Mr and Mrs Cooley's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Mr Cooley be removed from the Register of Private Landlords. This was agreed unanimously.

**DECIDED:** That Mr Cooley be removed from the Register of Private Landlords.

### **3 Grant of Landlord Registration - Personal Appearance**

Under reference to item 5 of the Minute of the meeting of this Board held on 2 February 2017 consideration was resumed of the undernoted application for the grant of Landlord Registration. The landlord had been asked to appear personally for the second time:-

Calum Watt, 128 Henderland Road, Bearsden, Glasgow

Mr Haughey, on behalf of the applicant, was invited 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 and 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.

### **Sederunt**

Councillor M Devine entered the meeting prior to consideration of the following item of business.

### **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. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted representations to the applications:-

(a) Przemyslaw Kulakowski, 7B Barrhead Road, Paisley

Mr Kulakowski, the applicant, was invited into the meeting together with Inspector Kirkwood 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) Sofi Ullah, Flat 3/2 37 Earl Street, Glasgow

Mr Ullah, the applicant, was invited into the meeting together with Inspector Kirkwood 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 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 M Devine, 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, 3 members voted for the amendment and 2 members voted for the motion. The amendment was accordingly declared carried.

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

## **5 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 together with Police Scotland who had submitted an objection to the application:-

William Hutchison, 34 Kirkaig Avenue, Dean Park, Renfrew – T0086

Mr Hutchison, the applicant, was invited into the meeting together with Inspector Kirkwood and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection to the application.

The Assistant Managing Solicitor (Licensing) advised that the objection from Police Scotland was in the form of two letters, one of which had not been circulated to members of the Board as it contained details of matters which were now spent.

After consideration of the age, nature and seriousness of the matters contained in the second letter of objection, the Convener proposed that the Board consider these matters 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 refused. This was agreed unanimously.

**DECIDED:** That the application be refused.

## **Adjournment**

The meeting adjourned after consideration of item 5 and reconvened at 1.30 pm.

## **Declaration of Interest**

Provost Hall having declared an interest in relation to items 6(b) and 7 left the meeting and did not take part in any discussion or voting thereon.

### **6 Hearings into the Possible Removal from the Register of Private Landlords - Personal Appearances**

The Board considered the possible removal of the undernoted landlords from the Register of Private Landlords. The landlords had been asked to appear personally for the first time:-

(a) Fast Track Scotland, 13 Main Street, Dalrymple, Ayr

Mr Young, on behalf of the landlord, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board.

(b) Terence Feeney, 9 Napier Street, Linwood

There was no appearance by or on behalf of Mr Feeney. The Convener proposed that consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited to a future meeting of the Board. This was agreed unanimously.

**DECIDED:** That consideration of the possible removal of the landlord from the Register of Private Landlords be continued and that the landlord be invited 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:-

Gillian Feeney, 9 Napier Street, Linwood

There was no appearance by or on behalf of Mrs Feeney. 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.

## **Sederunt**

Provost Hall re-entered the meeting prior to consideration of the following item of business.

### **8 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:-

James Paterson, 35 Wenlock Road, Paisley – PH1006

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

**DECIDED:** That it be noted that the application had been granted under delegated authority for a period of two years.

## **Declaration of Interest**

Provost Hall having declared an interest in relation to the following item of business left the meeting and did not take part in any discussion or voting thereon.

### **9 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:-

John Simpson, Flat 1/1, 3 Norval Place, Moss Road, Kilmacolm

Mr Simpson, the applicant, was invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Simpson's DVLA licence was due to expire on 19 June 2017. Mr Simpson 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 given the undertaking by Mr Simpson 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 given the undertaking by the applicant that he would provide evidence of his renewed DVLA licence within 14 days of its receipt.

## **Sederunt**

Provost Hall re-entered the meeting prior to consideration of the following item of business.

### **10 Variation of Late Hours Catering Licence - Personal Appearance**

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

Applicant: Paisley Pizza Pie Co Ltd, 120 Bothwell Street, Glasgow

Authorised goods: Pizza and takeaway food

Trading from: Domino's Pizza, 41 Gauze Street, Paisley

Operating hours: Sunday to Thursday – 11.00 pm to 12 midnight and Friday and Saturday – 11.00 pm to 2.00 am

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

Mr Penman, 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.

**DECIDED:** That the application be granted.