

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 06 June 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) (for items 1 and 2 only), A McLaughlin, Senior Solicitor (Litigation & Regulatory Services), E Currie, Senior Committee Services Officer, A Fishlock, Administrative Assistant (for items 1 to 13 only), G McIntosh, Civic Government Enforcement Officer (for items 1 to 7 only) and N Barr, Administrative Assistant (for items 13 and 14 only) (all Finance & Resources).

Declarations of Interest

Councillor Montgomery declared a non-financial interest in item 5(a) of the agenda as the applicant was known to him and indicated his intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

Councillor Devine declared a non-financial interest in item 5(a) of the agenda as the applicant was known to him and indicated his intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

Councillor Montgomery declared a non-financial interest in items 9(a) and (b) of the agenda as the applicants were known to him and indicated his intention to leave the meeting during consideration of this items and not to take part in any discussion or voting thereon.

Councillor Audrey Doig declared a non-financial interest in item 14 of the agenda as the objector was known to her and indicated her 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 items 13 and 14 of the agenda prior to item 12 of the agenda.

Additional Item

The Convener intimated that there was an additional item in relation to a notice of intention to hold a Public Procession which had not been included in the notice calling the meeting. The Convener, being of the opinion that the item, which is dealt with at item 13 of this Minute, was urgent in view of the need to determine the matter timeously authorised its consideration.

1 Houses in Multiple Occupation (HMO): Consultation on adding new categories to the definition of an HMO

There was submitted a report by Director of Finance & Resources relative to the Scottish Government consultation on the draft 'The Houses in Multiple Occupation (Scotland) Order 2019'.

The report sought approval for the Council's response, which formed Appendix 1 to the report, to be submitted to the Scottish Government by the deadline of 8 July 2019.

DECIDED: That the Council's response, as detailed in Appendix 1 to the report, be approved.

2 Review of Fees for Licence Applications: Community Events

There was submitted a report by Director of Finance & Resources relative to a review of the licensing charges for community events and recommending changes arising from the review.

The report intimated that at a meeting held on 13 December 2018, the Council agreed a notice of motion which called for a review of the Council's charging policy for community events.

In relation to community events, the Council normally considered applications for public entertainment licences; market operators' licences and street traders' licences. Officers had carried out a review of the current charges for these licences and the report set out details of the review. Appendix 1 to the report detailed revised charges for market operators' licences.

Appendix 2 to the report detailed the list of community events exempted from the public entertainment licensing fee and Appendix 3 to the report detailed the fee structure for market operators' licences in the City of Edinburgh Council.

DECIDED:

(a) That the review of various licensing charges relevant to community events be noted; and

(b) That the proposed revised charges for market operators' licences, as detailed in Appendix 1 to the report, be approved.

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.

3 Applications for Exemption from Drivers' Duties under Section 165 of the Equality Act 2010 - Personal Appearances

There were submitted the undernoted applications for exemption from drivers' duties under Section 165 of the Equality Act 2010. The applicants had been asked to appear personally for the first time:-

(a) Mohammed Qasim

Mr Qasim, 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 the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

(b) John Easton – T696

Mr Easton, 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 the application be granted for the duration of Mr Easton's current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That the application be granted for the duration of Mr Easton's current Taxi Driver's Licence.

(c) John Clark – T0041

There was no appearance by or on behalf of Mr Clark. The Convener proposed that the application be considered in Mr Clark's absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of Mr Clark's current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That the application be granted for the duration of Mr Clark's current Taxi Driver's Licence.

4 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:-

Harry King – P2038

Mr King, the applicant, and his son, were invited into the meeting. Mr King gave an undertaking to the Board that he would attend an appointment in one year. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of two years subject to Mr King's undertaking to attend an appointment in one year. This was agreed.

DECIDED: That Mr King's application be granted for a period of two years subject to his undertaking to attend an appointment in one year.

Declarations of Interest

Councillors Devine and Montgomery, having declared non-financial interests in item 5(a), left the meeting and took no part in the discussion or voting thereon.

5 Grant of Private Hire Car Drivers' Licences - Personal Appearances

Under reference to item 3 of the Minute of the meeting of this Board held on 28 March 2019 consideration was resumed of applications (a), (b) and (c) for grant of Private Hire Car Drivers' Licences and there were submitted applications (d), (e), (f) and (g) for grant of Private Hire Car Drivers' Licences. Applicants (a), (b) and (c) had been asked to appear personally for the second time and applicants (d), (e), (f) and (g) had been asked to appear personally for the first time together with Police Scotland who had submitted an objection and further letter of objection to application (a); an objection to application (b) which was received outwith the statutory timescale; an objection to application (c); representations to applications (d), (e) and (f); and an objection to application (g):-

(a) Barry Purawec

Mr Purawec, the applicant, was invited into the meeting together with Inspector Glass, on behalf of the Chief Constable who had submitted an objection and further letter of objection to the application.

The Senior Solicitor (Litigation & Regulatory Services) advised that the objection and further letter of 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. Mr Purawec agreed that the Board should consider the matters contained in the second letter of objection.

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.

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Councillors Devine and Montgomery returned to the meeting.

(b) Danish Zafar

There was no appearance by or on behalf of Mr Zafar. Inspector Glass, on behalf of the Chief Constable who had submitted an objection to the application which was received outwith the statutory timescale, was invited into the meeting. The Convener proposed that the application be considered in Mr Zafar's absence and this was agreed unanimously.

On hearing the reasons for the lateness of the objection, the Convener proposed that the late objection be taken into account when the application was being considered. 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.

(c) Peter Ritchie

There was no appearance by or on behalf of Mr Ritchie. Inspector Glass, on behalf of the Chief Constable who had submitted an objection to the application, was invited into the meeting. The Convener proposed that the application be considered in Mr Ritchie'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.

(d) Mohammad Dahdal

There was no appearance by or on behalf of Mr Dahdal. Inspector Glass, on behalf of the Chief Constable who had submitted a representation to the application, was invited into the meeting. The Convener proposed that consideration of the application be continued and that Mr Dahdal 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.

(e) James Murphy

There was no appearance by or on behalf of Mr Murphy. Inspector Glass, on behalf of the Chief Constable who had submitted a representation to the application, was invited into the meeting. The Convener proposed that consideration of the application be continued and that Mr Murphy 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.

(f) Kulwant Lally

Mr Lally, the applicant, and his representative, Mr Thorburn, were invited into the meeting together with Inspector Glass, 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 and the Convener proposed that the application be granted for the duration of Mr Lally's current Taxi Driver's Licence. This was agreed unanimously.

DECIDED: That the application be granted for the duration of Mr Lally's current Taxi Driver's Licence.

(g) Thomas Baxter

There was no appearance by or on behalf of Mr Baxter. Inspector Glass, on behalf of the Chief Constable who had submitted an objection to the application, was invited into the meeting. The Convener proposed that the application be considered in Mr Baxter'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.

6 Recall of Suspension of Private Hire Car Driver's Licence - Personal Appearance

Under reference to item 10 of the Minute of the meeting of this Board held on 15 November 2018 the Board considered the undernoted request for recall of suspension of a Private Hire Car Driver's Licence. The applicant had been asked to appear

personally for the first time together with Police Scotland:-

Naqash Ahmed

Mr Ahmed, the applicant, was invited into the meeting together with Inspector Glass, on behalf of the Chief Constable. After consideration of all matters before the Board, the Board adjourned to allow members to consider this request. The meeting was reconvened and the Convener proposed that Mr Ahmed's request to recall the suspension of his Private Hire Car Driver's Licence be refused. This was agreed unanimously.

DECIDED: That Mr Ahmed's request to recall the suspension of his Private Hire Car Driver's Licence be refused.

Adjournment

The meeting adjourned at 12.25 pm and reconvened at 12.30 pm.

7 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: Anthony Stewart

Licence No.: TX037

Variation: to vary condition 22(iii) and apply for a one year extension to age of vehicle

Mr Stewart, the applicant, and his wife, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that Mr Stewart's application for variation be granted for the duration of his current Taxi Operator's Licence. This was agreed unanimously.

DECIDED: That Mr Stewart's application for variation be granted for the duration of his current Taxi Operator's Licence.

8 Renewal of Skin Piercing and Tattooing Licence - Personal Appearance

There was submitted the undernoted application for renewal of a Skin Piercing and Tattooing Licence. The applicant had been asked to appear personally for the first time together with the Director of Communities, Housing & Planning Services who had submitted an objection to the application:-

Applicant: Shona Weir

Licence No.: SP031

Premises: mobile service – Renfrewshire area

There was no appearance by or on behalf of Ms Weir. 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.

Declaration of Interest

Councillor Montgomery, having declared a non-financial interest in items 9(i) and 9(ii), left the meeting and took no part in the discussion or voting thereon.

10 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:-

Claire Morrison – 184372/350/05000

There was no appearance by or on behalf of Ms Morrison. The Convener proposed that the application be considered in Ms Morrison's absence and this was agreed unanimously. After consideration of all matters before the Board, the Board adjourned to consider this matter. The meeting was reconvened and the Convener proposed that Ms Morrison be removed from the Register of Private Landlords. This was agreed unanimously.

DECIDED: That Ms Morrison be removed from the Register of Private Landlords.

11 Grant of House in Multiple Occupation Licence - Personal Appearance

There was submitted the undernoted application for grant of a House in Multiple Occupation Licence. The applicant had been asked to appear personally for the first time together with the Director of Communities, Housing and Planning Services, Renfrewshire Council:-

Applicant: Stuart Henderson
Property: 25 Caledonia Street, Paisley

The Senior Solicitor (Litigation & Regulatory Services) advised that this application had been granted for a period of three years under delegated authority.

DECIDED: That it be noted that the application had been granted for period of three year under delegated authority.

12 Renewal of Late Hours Catering Licence

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

Applicant: Mohammad Haidaz
Premises: Papa John's, 58 Glasgow Road, Paisley
Activity: fast food outlet
Operating hours: 7 days per week – 11.00 pm to 2.00 am
Licence No.: LHC089

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

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

Declaration of Interest

Councillor Audrey Doig, having declared a non-financial interest in the following item of business, left the meeting and took no part in the discussion or voting thereon.

13 Public Procession - Personal Appearance

There was submitted the undernoted notification of intention to hold a Public Procession. The applicant had been asked to appear personally for the first time together with Mary McElhinney, Chair of Linwood Community Council, who had submitted an objection to the notice of intention:-

Applicant: William Porter
Organisation: House of Hanover District LOL 18
Public procession route: Marshall at Stirling Drive, Linwood then move off to Clippens Road, Bridge of Weir Road, Bridge Street, Napier Street then disband on coach to Johnstone.
Date, time and reason for public procession: 29 June 2019 at 4.15 pm - local post Boyne celebration parade

Mr Rutherford, Mr McDonald, Mr Hunter and Mr McLeod, on behalf of the applicant, and Mr McLean, the applicant's representative were invited into the meeting together with Ms Gambrell, on behalf of Linwood Community Council, who had submitted an objection to the notice of intention. After consideration of all matters before the Board, the Board adjourned to allow members to consider this notification. The meeting was reconvened and the Convener proposed that no order be made to prohibit the parade and that only the standard conditions applicable to public processions be attached. This was agreed unanimously.

DECIDED: That no order be made to prohibit the parade and that only the standard conditions applicable to public processions be attached.

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Councillor Audrey Doig returned to the meeting.

Councillors Steel, Rodden and Montgomery left the meeting prior to consideration of the following item of business.

9 Grant of Landlord Registrations - Personal Appearances

There were submitted the undernoted applications for grant of Landlord Registrations. The applicants had been asked to appear personally for the first time:-

- (i) Mark McCafferty
- (ii) Gordon Cooley

Mr Cooley, one of the applicants, and his wife, were invited into the meeting. Mr Cooley advised that he was also representing Mr McCafferty. The Convener proposed that both applications be considered together and this was agreed unanimously. Mr Cooley also agreed to this.

After consideration of all matters before the Board, the Board adjourned to allow members to consider the applications. The meeting was reconvened and the Convener proposed that Mr McCafferty's application be granted for a period of three years and further that Mr Cooley's application be granted for a period of three years. This was agreed unanimously.

DECIDED:

- (a) That Mr McCafferty's application be granted for a period of three years; and
- (b) That Mr Cooley's application be granted for a period of three years.

SEDERUNT

Councillor Montgomery returned to the meeting.

- (iii) James Campbell

There was no appearance by or on behalf of Mr Campbell. 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 Hearing into Possible Suspension or Revocation of Booking Office Licence - Personal Appearance

Under reference to item 7 of the Minute of the meeting of this Board held on 22 May 2019 the Board resumed consideration of the possible suspension or revocation of the undernoted Booking Office Licence. The licence holder had been asked to appear personally for the second time together with Angela McCormack, complainer:-

Applicant: Renfrewshire Cab Company
Licence No. BO003

Ms McCulloch and Mr Muir, on behalf of the licence holder, and Ms McCracken, the licence holder's Solicitor were invited into the meeting together with Ms McCormack, complainer and Mr Crawford.

ADJOURNMENT

The meeting adjourned at 3.00 pm and reconvened at 3.15 pm.

The Board resumed its consideration of the possible suspension or revocation of the booking office licence. 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 that the grounds for suspension or revocation of the licence had not been established and that no action be taken. This was agreed unanimously.

DECIDED: That the grounds for suspension or revocation of the licence had not been established and that no action be taken.