

Minute of Meeting Regulatory Functions Board

| Date | Time | Venue |
|------------------------|-------|--|
| Wednesday, 22 May 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), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services) (for item 1 only), C Hunter, Environmental Improvements Manager (for item 1 only), E Currie, Senior Committee Services Officer and G McIntosh, Civic Government Enforcement Officer (all Finance & Resources).

Declarations Of Interest

Councillor Rodden declared a non-financial interest in item 3 of the agenda as the applicant 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.

Councillor Audrey Doig declared a non-financial interest in item 7 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 item 6 of the agenda after item 3 of the agenda; item 8 of the agenda after item 6 of the agenda and item 7 of the agenda after item 10 of the agenda.

1 Review of Licensing of Housing in Multiple Occupation (HMO)

There was submitted a report by the Director of Finance & Resources relative to a review of the Council's Houses in Multiple Occupation Scheme and Licensing Conditions.

The report intimated that the Regulatory Functions Board at its meeting held on 2 October 2003 had approved the Licensing of Houses in Multiple Occupation Scheme and Licensing Conditions which currently applied. Both had undergone piecemeal changes following updates to the 'Statutory Guidance for Local Authorities'. Given changes to housing and tenancy law, officers had undertaken a full review of the Scheme and Conditions not only to update the documents but also to revise these to make it clear what standards were expected of licence holders by Renfrewshire Council. This would facilitate better regulation of HMO Licences issued by the Council.

The revised conditions formed Appendix 1 to the report and the revised Benchmark Standards formed Appendix 2 to the report.

DECIDED:

(a) That the Licensing Conditions for a House in Multiple Occupation, as detailed in Appendix 1 to the report, be approved with the conditions being applied to all applications for a House in Multiple Occupation Licence received after 1 July 2019;

(b) That the Benchmark Standards for a House in Multiple Occupation, as detailed in Appendix 2 to the report, be approved with the benchmark standards being applied to all applications for a House in Multiple Occupation Licence received after 1 July 2019; and

(c) That officers be instructed to make any necessary changes to the House in Multiple Occupation licensing application procedures and practices as required to implement the Conditions and Benchmark Standards.

2 Sexual Entertainment Venue Licensing

There was submitted a report by Director of Finance & Resources relative to the introduction of the provisions of the Air Weapons and Licensing (Scotland) Act 2015 relating to the licensing of sexual entertainment venues.

The report intimated that these provisions came into force on 26 April 2019 and allowed the Council to introduce a licensing regime in respect of these venues. Other provisions of this legislation were brought into force at the same time, which allowed the Council to license theatres as a type of public entertainment. This was as a result of the existing theatre licensing provisions in the Theatres Act 1968 being repealed.

The new legislation allowed, but did not require, the Council to introduce a licensing system for sexual entertainment venues. While the Licensing Board already considered whether such premises were suitable for a liquor licence, the courts had been clear that the liquor licensing system was for the purpose of regulating the sale of alcohol and could not extend to other matters. The new legislation therefore sought to allow Councils to directly license and regulate these venues and to control the number of premises in their area if they wished to do so.

The type of venues that could be regulated under the new provisions were premises at which sexual entertainment was provided before a live audience for, or with a view to, the financial gain of the organiser.

The report recommended that an initial consultation exercise be undertaken allowing consultees and members of the public a reasonable period to respond. This consultation would be designed to assist the Board as to whether a Resolution should be made and, if so, what numbers limits might be appropriate. A list of proposed consultees for the consultation was appended to the report.

DECIDED:

(a) That officers be authorised to carry out a public consultation and evidence gathering process in order to establish a view on whether sexual entertainment venues in Renfrewshire should be licensed and, if so, what the appropriate number of these venues, in Renfrewshire or specified parts of Renfrewshire, should be; and if these venues should be licensed, what should be included in a sexual entertainment venue licensing statement;

(b) That the list of consultees for initial consultation, as detailed in the appendix to the report, be approved; and

(c) That the position regarding the licensing of theatres, as set out at section 4 of 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.

Declaration of Interest

Councillor Rodden, 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.

3 Grant of a Private Hire Driver's Licence - Personal Appearance

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

Craig Callery

There was no appearance by or on behalf of Mr Callery. The Convener proposed that the application be considered in Mr Callery'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.

Sederunt

Councillor Rodden returned to the meeting.

4 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 together with Police Scotland:-

David Houston

There was no appearance by or on behalf of Mr Houston. Sergeant Singh and Ms Stevenson, on behalf of the Chief Constable were invited into the meeting. The Convener proposed that the application be considered in Mr Houston's absence. 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 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: Alexander Gordon

Variation: to vary condition 22 to operate a saloon car

Licence No.:- TX066

Mr Gordon, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Board adjourned to allow members to consider the application. The meeting was reconvened and the Convener proposed that the application be granted and that Mr Gordon be exempt from operating a wheelchair accessible vehicle. This was agreed unanimously.

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

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

Under reference to item 2(d) of the Minute of the meeting of this Board held on 28 March 2019 consideration was resumed of application (e) and there were submitted applications (a), (b), (c), (d) and (f) for exemption from drivers' duties under Section 165 of the Equality Act 2010. Applicant (e) had been asked to appear personally for the second time and applicants (a), (b), (c), (d) and (f) had been asked to appear personally for the first time:-

(a) Alexander Gordon

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

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

(b) David Snell

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

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

(c) Thomas Robertson

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

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

(d) Christopher McMillan

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

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

(e) John Sandells

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

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

(f) Glen Gordon

Mr Gordon, the applicant, was invited into the meeting and advised members that he was seeking this exemption for a period of up to one year. After consideration of all matters before the Board, the Convener proposed that Mr Gordon's application be granted for a period of one year. This was agreed unanimously.

DECIDED: That Mr Gordon's application be granted for a period of one year.

7 Hearing into the Possible Suspension or Revocation of Booking Office Licence - Personal Appearance

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

Licence holder: Renfrewshire Cab Company
Licence No.:- BO003

The Convener advised that this matter had been withdrawn from the agenda for this meeting and would now be considered at the meeting of the Regulatory Functions Board to be held on 6 June 2019.

DECIDED: That it be noted that this matter had been withdrawn from the agenda for this meeting and would now be considered at the meeting of the Regulatory Functions Board to be held on 6 June 2019.

8 Renewal of Late Hours Catering Licences

There were submitted the undernoted applications for renewal of Late Hours Catering Licences: -

(a). Applicant: McDonald's Restaurants Limited
Premises: Phoenix Retail Park, Linwood Road, Paisley
Operating Hours: Monday-Sunday 11.00 pm – 5.00 am

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.

(b) Applicant: JD Wetherspoon plc

Premises: T1 International Departure Lounge (Airside) Glasgow Airport, Paisley

Operating Hours: Monday-Sunday 11.00pm – 5.00 am

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.

(c) Applicant – Malthurst Limited

Premises: Malthurst Elderslie, Main Road, Elderslie

Operating Hours: Monday-Sunday 11.00 pm – 5.00 am

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.

9 Renewal of Second Hand Dealers' Licences and Variation of Condition 4

There were submitted the undernoted applications for renewal of Second Hand Dealers' Licences requesting variation of condition 4 of the licences: -

(a) Applicant: Ramsdens Financial Limited

Premises: 8 Moss Street, Paisley

Authorised goods: Jewellery

The Convener proposed that the application be granted for a period of two years with standard condition 4 amended to allow the records referred to therein to be held electronically. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years with standard condition 4 amended to allow the records referred to therein to be held electronically.

(b) Applicant: Ramsdens Financial Limited

Premises: Unit 13, Intu Braehead Shopping Centre, Kings Inch Road, Glasgow

Authorised goods: Jewellery

The Convener proposed that the application be granted for a period of two years with standard condition 4 amended to allow the records referred to therein to be held electronically. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years with standard condition 4 amended to allow the records referred to therein to be held electronically.

Adjournment

The meeting adjourned at 11.15 am and reconvened at 12 noon.

Sederunt

Councillor Audrey Doig was not in attendance when the meeting reconvened.

10 Public Procession - Personal Appearance

There was submitted the undernoted notice of intention to hold a public procession. The applicant had been asked to appear personally for the first time together with Mary McElhinney who had submitted an objection to the notice of intention:-

Applicant: Geoffrey Prior

Organisation: Apprentice Boys of Derry, Linwood Branch

Public procession route: Napier Street, Bridge Street, Moss Road, Brediland Road, Erskinefauld Road, Clippens Road, Bridge of Weir Road, Bridge Street and Napier Street, Linwood

Date, time and reason for public procession: 1 June 2019 at 8.15 am – Annual relief of Derry Parade

Mr Prior, Mr Rutherford, Mr Palmer and Mr Martin, on behalf of the applicant, were invited into the meeting together with Mr McLean, the applicant's representative. The Assistant Managing Solicitor (Licensing) advised that Ms McElhinney had intimated that she would not be attending the meeting.

After consideration of all matters before the Board, the Board adjourned to allow members to consider this notice of intention to hold a public procession. 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.