

Notice of Meeting and Agenda Regulatory Functions Board

Date	Time	Venue
Thursday, 15 June 2017	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Membership

Provost Lorraine Cameron: Councillor Eddie Devine: Councillor Lisa-Marie Hughes: Councillor Alistair Mackay: Councillor Cathy McEwan: Councillor Kevin Montgomery: Councillor Andy Steel: Councillor Jane Strang:

Councillor John McNaughtan (Convener): Councillor Emma Rodden (Depute Convener):

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx

For further information, please either email democratic-services@renfrewshire.gov.uk or telephone 0141 618 7112.

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

- 1 Civic Government (Scotland) Act 1982: Review of Taxi 5 - 12**

Fares within Renfrewshire

Report by Director of Finance & Resources.

- 2 Proposed Revocation of House in Multiple Occupation 13 - 16**

Licence

Report by Director of Finance & Resources.

EXCLUSION OF PRESS AND PUBLIC

The Board may by resolution exclude the press and public from the meeting during consideration of items 3, 4, 5, 6, 7, 8, 10, 11 and 12 as it is likely, in view of the nature of the business to be transacted, that if members of the press and public are 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.

- 3 Grant of Private Hire Car Drivers' Licences - Personal**

Appearances

Submit the undernoted applications for the grant of Private Hire Car Drivers' Licences. The applicants have been asked to appear personally for the first time together with Police Scotland who has submitted an objection to application (a) and a representation to application (b):-

(a) Ismail Ahmad, 130 Boyd Street, Glasgow

(b) Khalid Mahmud, 1 Morriston Crescent, Renfrew

(c) Ali Mohammed, Flat 2/3, 6 Berrybrun Road, Glasgow

- 4 Renewal of Private Hire Car Driver's Licence - Personal**

Appearance

Submit the undernoted application for renewal of a Private Hire Car Driver's Licence. The applicant has been asked to appear personally for the first time together with Police Scotland who has submitted a representation to the application:-

Stanley Purawec, 1D Manse Court, Barrhead - P0311

5 Grant of Landlord Registration - Personal Appearance

Under reference to item 11 of the Minute of the meeting of this Board held on 19 April 2017 resume consideration of the undernoted application for the grant of Landlord Registration. The applicant has been asked to appear personally for the second time:-

Gillian Feeney, 9 Napier Street, Linwood

6 Request for Exemption from Assisting Wheelchair

Passengers - Personal Appearance

Submit the undernoted request for exemption from assisting wheelchair passengers. The licence holder has been asked to appear personally for the first time:-

William Guthrie, 81 Culzean Crescent, Newton Mearns

7 Renewal of Taxi Operator's Licence - Personal Appearance

Submit the undernoted application for renewal of a Taxi Operator's Licence. The applicant has been asked to appear personally for the first time:-

Stephon Heron, 21 Armour Square, Johnstone

Adjournment

8 Renewal of Private Hire Car Operator's Licence - Personal Appearance

Submit the undernoted application for renewal of a Private Hire Car Operator's Licence. The applicant has been asked to appear personally for the first time:-

Brian Smith, Flat 3/1, 5 Crossflat Crescent, Paisley

9 Grant of Public Entertainment Licence - Personal Appearance

Submit the undernoted application for the grant of a Public Entertainment Licence. The applicant has been asked to appear personally for the first time together with the Director of Community Resources, Renfrewshire Council, who has submitted a representation to the application:-

Applicant: David Paling, 71 Lochwinnoch Road, Kilmacolm

Premises: Tan Tan Tan, 2A Christie Street, Paisley
Activity: Tanning Salon
Operating hours: 7 days per week – 8.00 am to 10.00 pm

10 Grant of Landlord Registration - Personal Appearance

Submit the undernoted application for grant of Landlord Registration. The applicant has been asked to appear personally for the first time together with Police Scotland who has submitted a representation to the application:-

Lorraine McLaren, 13E Laurel Way, Bridge of Weir

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

Under reference to item 10(b) of the Minute of the meeting of this Board held on 19 April 2017 resume consideration of the hearing into the possible removal of the undernoted landlord from the Register of Landlords. The landlord has been asked to appear personally for the second time:-

Terence Feeney, 9 Napier Street, Linwood

12 Surrender and Re-issue of Taxi Operator's Licence

Submit the undernoted application for the surrender and re-issue of a Taxi Operator's Licence:-

Present Operator: William McConnachie, 266 Warriston Street, Glasgow
Proposed Operator: John Corbett, 23 India Drive, Inchinnan
Licence No: TX24

13 Renewal of Late Hours Catering Licence

Submit the undernoted application for renewal of a Late Hours Catering Licence:-

Applicant: Mohammed Haldar, 65 Buchanan Drive, Bearsden, Glasgow
Premises: Papa Johns, 58 Glasgow Road, Paisley
Operating Hours: 7 days per week – 11.00 pm to 2.00 am



To: Regulatory Functions Board

On: 15th June 2017

Report by: Director of Finance and Resources

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

1. Summary

- 1.1. At a meeting of the Regulatory Functions Board on 8th March 2017, there was submitted a report by the Director of Finance and Resources relative to the review of taxi fares applying within Renfrewshire.
- 1.2. At that meeting the Board agreed, after considering responses to an initial consultation, to advertise a proposal to fix a new fare scale. The agreed proposal sought that there be no increase in the taxi fare scale except that the Glasgow Airport Terminal Departure charge be increased from £1.00 to £1.50, and that a Glasgow Airport pick up and drop off charge of £2.00 be introduced. The Board agreed that the proposed scale would be advertised, allowing representations to be made within one month.
- 1.3. The Board agreed a proposed date of 31st July 2017 for the proposed fare scale to come into effect. The Board also agreed that a report would be submitted to a future meeting of the Board to allow a taxi fare scale to be fixed.
- 1.4. An advertisement detailing the proposal appeared within the Paisley Daily Express newspaper on 6th April 2017 and provided that any person wishing to make representations on the proposal must do so in writing no later than 6th May 2017. The advertised proposal is attached at Appendix 1 to this report. The procedure followed as detailed above is set out in Section 17 of the Civic Government (Scotland) Act 1982, as amended ("the Act").
- 1.5. In response to the advertisement, no further representations have been received. The Board now requires to fix a taxi fare scale for Renfrewshire. The

Board is also required, under the Act, to determine a date for the scale to come into effect. It is recommended that the scale comes into effect on Monday 28th August 2017, to allow the required statutory procedures to be completed following the fixing of the scale.

2. Recommendations

2.1 It is recommended that the Board:-

- 2.1.1 Agree a new fares scale for Renfrewshire, in accordance with the advertised scale;
- 2.1.2 Determine that this fares scale shall come into effect on 28th August 2017;
- 2.1.3 Thereafter, authorise officers to give notice to (a) all operators of taxis operating in Renfrewshire and (b) 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 Act, as amended;
- 2.1.4 Authorise officers 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 28th August 2017 (or on such other date agreed by the Board), all in terms of Section 18A of the Act.

3 Background

- 3.1 Section 17 of the Civic Government (Scotland) Act 1982, as amended, requires the Council as licensing authority to fix maximum fares for the hire of taxis as detailed at paragraph 4.1 of this report. A copy of the Board's existing fare scale is attached at Appendix 2. Prior to fixing a new taxi fare scale, the Council requires to review the scales, by formally consulting taxi operators (or persons or organisations representative of them) and thereafter proposing new scales, and to publish these in a newspaper circulating in its area. The report to the Board on 8th March 2017 fully set out the initial consultation which had taken place with organisations representative of the taxi trade within Renfrewshire and also stated that individual taxi operators had been consulted by text alert.
- 3.2 Four proposals were received in response to the initial statutory consultation, details of which were set out in Paragraphs 3.4.1 to 3.4.4 of the report to the Board on 8th March 2017.

- 3.3 The Board agreed on 8th March 2017 to propose a fares scale for consultation as outlined in Paragraph 1.2 of this report. The advertisement which thereafter publicised the proposed scales on 6th April 2017 stated that any representations would require to be made by 6th May 2017. No representations have been received.
- 3.4 The Board now requires to fix a taxi fares scale for Renfrewshire and to determine the date the scale is to come into effect. The Board agreed on 8th March 2017, for the purpose of advertising the proposed scale, a proposed date of 31st July 2017 for the scale coming into effect. It is now apparent that a later date will require to be determined to enable the statutory procedures to be fully completed prior to the new scale coming into effect. Accordingly, it is recommended that the Board determine the scale will come into effect on 28th August 2017.
- 3.5 The Board may note that the Consumer Prices Index for the year to April 2017 was 2.6%, representing an increase from the year to March 2017 (when it was 2.3%).

4. Legal Position

- 4.1 A licensing authority must fix scales for the fares and other charges in relation to the hire of a taxi within 18 months beginning with the date on which the last scales came into effect. Prior to fixing those scales, the licensing authority must consult with the operators of taxis in its area (or persons or organisations representative of them), review the existing scales and propose new ones, publish these in a local newspaper and consider any representations made on or before the date specified in the advertisement.
- 4.2 Once the Board has fixed scales as recommended in this report, the Council requires to give notice within seven days to the operators of taxis and also to those persons representative of them (as initially consulted) of the scale and its effect, the date on which the scale is to come into effect and the rights of appeal to the Traffic Commissioner.
- 4.3 Any operator of a taxi or person or organisation appearing to the Traffic Commissioner to be representative of operators may, within fourteen days of the above notification of the scales being fixed, appeal the decision to the Traffic Commissioner for the Scottish Traffic Area. Following this 14 day appeal period (or the conclusion of an appeal to the Traffic Commissioner), the Council requires to give notice of the scale by newspaper advertisement.

Implications of the Report

1. **Financial** - Minor costs associated with production of new fare scales, cards and advertising costs which will require to be met from existing budgets.
2. **HR & Organisational Development** - – Nil
3. **Community Planning** – Nil

4. **Legal** – As detailed at Paragraph 4 of the report
5. **Property/Assets** – Nil
6. **Information Technology** – Nil
7. **Equality & Human Rights** -

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as it seeks only to fix a taxi fares scale, which the Council has a statutory duty to review at regular intervals. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – Nil
9. **Procurement** – Nil
10. **Risk** – Nil
11. **Privacy Impact** - Nil

List of Background Papers

-None

Author: Douglas Campbell, Assistant Managing Solicitor (Licensing)
douglas.campbell@renfrewshire.gcsx.gov.uk
0141-618-7172

**Civic Government (Scotland) Act 1982
Taxi Fares Scale**

NOTICE IS HEREBY GIVEN in accordance with the provisions of Section 17 of the Civic Government (Scotland) Act 1982 that Renfrewshire Council proposes to fix a new taxi fares scale as follows:

TARIFF

FARES BY DISTANCE

Minimum fare for a distance not exceeding ½ mile.....£3.20
For each additional 239 yards or part thereof.....20p

FARES FOR WAITING TIME

For each period of 2 minutes or part thereof.....34p

EXTRAS

For each passenger in excess of 4, a fifth passenger charge of..... 60p
(applicable to 5,6, or 7 seater taxis)

An additional charge for journeys commencing after midnight and before
5.00am Sunday to Thursday.....60p

An additional charge for journeys commencing after midnight and before
5.00am Friday and Saturday.....£1.00

Glasgow Airport Terminal Departure charge.....£1.50

Glasgow Airport pick up and drop off charge.....£2.00

An additional charge for journeys commencing after midnight on
24 December until midnight on 26 December and from midnight
on 31 December until midnight on 2 January.....£1.00

From midnight on 24 December until midnight on 26 December
the fare chargeable shall be.....normal fare plus 1/3
(Tariff 2)

From midnight on 31 December until midnight on 2 January
the fare chargeable shall be.....normal fare plus 1/3
(Tariff 2)

An additional charge for payment by debit or credit cardsup to a maximum of
10%

SOILING FEE

Soiling in this context includes any soiling by means of food, drink,
vomit, urine or excrement.....up to a maximum of £50.00

FARES TO PLACES BEYOND THE RENFREWSHIRE AREA BOUNDARY

The driver is not obliged to accept the hire. Any hire terminating outwith the Renfrewshire Area will be charged at a rate to be agreed at the time of hire.

Fares chargeable for journeys where a taxi is hired on an exclusive basis shall be charged in accordance with the normal fares scale determined by the Council, but

shall be modified where a taxi is hired on a shared basis according to the number of hirers sharing the vehicle, as follows:-

1. One hirer: 100% of the fare
2. For two hirers: 100% of the first hirer to the point of the second hirer and thereafter both pay 75% of the standard fare each
3. If three hirers: As above to the point of the third hirer and thereafter all pay 65% of the standard fare each.
4. If four hirers: As above to the point of the fourth hirer and thereafter all pay 55% of the standard fare each.
5. If five hirers: As above to the point of the fifth hirer and thereafter all pay 50% of the standard fare each.
6. On departure from the taxi of one or more hirers the fare payable will revert to the rate appropriate to the remaining number of hirers.

The proposal involves an increase of the Glasgow Airport Departure Charge from £1.00 to £1.50.

The proposal also includes a new charge of £2.00 for picking up and dropping off passengers at Glasgow Airport.

It is proposed that the above fares scale will come into effect 31 July 2017.

Any person wishing to make representations in relation to the above proposals must do so in writing to the undernoted address, all within a period of one month after the date of this notice, that is no later than 6 May 2017.

Alan Russell
Director of Finance & Resources
Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley
PA1 1TT

6 April 2017

APPENDIX 2

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARES SCALE - TAXI No.

With effect from 23.59hrs on Sunday 31 January 2016

TARIFF

FARES BY DISTANCE

Minimum fare for a distance not exceeding ½ mile.....£3.20
For each additional 239 yards or part thereof20p

FARES FOR WAITING TIME

For each period of 2 minutes or part thereof34p

EXTRAS

For each passenger in excess of 4, a fifth passenger charge of60p
(applicable to 5,6, or 7 seater taxis)
An additional charge for journeys commencing after midnight and before 5.00am Sunday to Thursday.....60p
An additional charge for journeys commencing after midnight and before 5.00am Friday and Saturday£1.00
Glasgow Airport Terminal Departure charge£1.00
An additional charge for journeys commencing after midnight on 24 December until midnight on
26 December and from midnight on 31 December until midnight on 2 January£1.00

From midnight on 24 December until midnight on 26 December the fare chargeable shall be.....normal
fare plus 1/3 (Tariff 2)

From midnight on 31 December until midnight on 2 January the fare chargeable shall
be.....normal fare plus 1/3 (Tariff 2)

An additional charge for payment by debit or credit cardsup
to a maximum of 10%

SOILING FEE

Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement up
to a maximum of £50.00

FARES TO PLACES BEYOND THE RENFREWSHIRE AREA BOUNDARY

The driver is not obliged to accept the hire. Any hire terminating outwith the Renfrewshire Area will be charged at a rate to be agreed at the time
of hire.

Fares chargeable for journeys where a taxi is hired on an exclusive basis shall be charged in accordance with the normal fares scale determined
by the Council, but shall be modified where a taxi is hired on a shared basis according to the number of hirers sharing the vehicle, as follows:-

1. One hirer: 100% of the fare
2. For two hirers: 100% of the first hirer to the point of the second hirer and thereafter both pay 75% of the standard fare each
3. If three hirers: As above to the point of the third hirer and thereafter all pay 65% of the standard fare each.
4. If four hirers: As above to the point of the fourth hirer and thereafter all pay 55% of the standard fare each.
5. If five hirers: As above to the point of the fifth hirer and thereafter all pay 50% of the standard fare each.
6. On departure from the taxi of one or more hirers the fare payable will revert to the rate appropriate to the remaining number of hirers.

Director of Finance & Resources
Renfrewshire House, Cotton Street
Paisley, PA1 1TT



To: Regulatory Functions Board

On: 15 June 2017

Report by: Director of Finance and Resources

Heading: Proposed revocation of HMO Licence

1. Summary

- 1.1 On 25 May 2017, the Licensing Section within Finance and Resources received a report from Community Resources detailing investigations into complaints made by neighbours of a property which is licensed as a House in Multiple Occupation (HMO).
- 1.2 It is alleged by the complainers that the property has been over occupied which would be a breach of the HMO licensing conditions. It is also alleged that the complainers have been subjected to anti-social behaviour by the occupants of the property.
- 1.3 It is proposed that officers are authorised to issue a notice to initiate a revocation hearing of the HMO Licence. This will allow both the complainers and the licence holder to appear before for the Board and make submissions on whether the HMO Licence should be revoked.
-

2. Recommendations

- 2.1 To determine to hold a revocation hearing under section 139 of the Housing (Scotland) Act 2006 and to authorise officers to serve notices under section 139(2) of the Housing (Scotland) Act 2006 on:

- a. the licence holder of the HMO licence;
- b. any person who has made a written representation which officers consider relevant to the proposed revocation;
- c. the Scottish Fire and Rescue Service; and
- d. the chief constable.

Otherwise

2.2 To note the contents of this Report and take no action.

3. **Background**

- 3.1 This report relates to a property within the licensing area of Renfrewshire Council. An HMO licence was granted in 2016 permitting property to be used to accommodate six persons. The property has been leased to a construction contractor who used the property to accommodate staff. It appears that there has been a turnover of workers staying within the property for short periods.
- 3.2 Since August 2016, occupants of other properties within the building have made numerous complaints in relation to the HMO. The complainers allege that the property has been over occupied which would be a breach of the HMO licensing conditions. They also allege that they have been subject to anti-social behaviour by occupants of the HMO property.
- 3.3 HMO licences are governed by the Housing (Scotland) Act 2006 (the “Act”). Under the Act, a local authority has the power to revoke a HMO licence at any time if it considers that a person is no longer fit and proper to hold a licence; that the accommodation is no longer suitable for use as an HMO property; or that a condition of the HMO licence has been breached. A local authority must consider oral representations at a hearing before deciding whether to revoke the licence. A hearing is initiated by serving a notice of a proposed revocation on the licence holder; persons who have made written representations; the Scottish Fire and Rescue Service and the chief constable.
- 3.4 As stated, the over occupation of a HMO property would constitute a breach of HMO conditions. Moreover, failure to properly manage anti-social behaviour of occupants is a relevant factor when considering whether an HMO licence holder is a fit and proper person.
- 3.5 While the investigations by Community Resources have not substantiated the complaints, it is noted that concerns have been raised by investigating officers in relation to the short time nature of different occupants of the HMO property. This makes it difficult for

officers to take enforcement action against anti-social behaviour caused by individuals.

- 3.6 A meeting was held between officers, the licence holder and some of the complainers on 24 April 2017. No resolution was reached between the parties at this meeting. Given the volume of complaints, the number of complainers and the findings of officers, it is appropriate for the matter to come before the Board so that all parties can make submissions on the matter. The Board will be best placed to decide what action to take following submissions.
- 3.7 Being subjected to anti-social behaviour and living within a building with an HMO property which is non-compliant with licensing conditions could potentially impact on an individual's rights to private life in their home. Similarly, the licence holder will likely receive an income from the HMO property so a revocation would impact the licence holder's right to make a living. The holding of a revocation hearing allows the Board to consider the most appropriate and proportionate action taking into account the submissions, information available and the interest of all parties.

Implications of the Report

1. **Financial - Nil**
2. **HR & Organisational Development - Nil**
3. **Community Planning –**
Empowering our Communities – listening to concerns of the local residents is integral to the concept of community empowerment.
Safer and Stronger – the continued monitoring and enforcement of licensing conditions improves the quality of life for the local community.
4. **Legal** – The Regulatory Functions Board has a duty under the Housing (Scotland) Act 2006 for monitoring HMO licences to ensure that licence holders are fit and proper persons and to take appropriate action against any breach of licensing conditions.
5. **Property/Assets – nil**

6. **Information Technology - nil**

7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. Some negative impacts on equality groups or potential for infringement if individuals' human rights have been identified and not all can be fully mitigated. Despite the potential for adverse impact it is believed that it is reasonable and proportionate to take the action recommended in the report and a full explanation for this decision is contained within section 3.7 of this report.

8. **Health & Safety - nil**

9. **Procurement- nil**

10. **Risk** – the decision to hold a revocation hearing itself carries minimal risk. However, the decision of the Board at the revocation hearing may be appealed by interested parties to the Sheriff court.

11. **Privacy Impact – nil**

List of Background Papers

(a) Background Paper 1 – Report from Community Resources dated 25 May 2017

The foregoing background papers will be retained within legal services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Andrew McLaughlin, Senior Solicitor, 0141 618 7585, and andrew.mclaughlin@renfrewshire.gov.uk

Author: Andrew McLaughlin
andrew.mclaughlin@renfrewshire.gov.uk
0141 618 7585