

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 30 October 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), R Graham, Solicitor (Litigation), P Shiach, Committee Services Officer, N O'Brien, Assistant Committee Services Officer, G McIntosh, Civic Government Enforcement Officer and K Marriott, Administrative Assistant (all Finance & Resources).

Declarations of Interest

There were no declarations of interest 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 items 5a, b, c and d of the agenda prior to item 1 of the agenda.

1 Renewal of Late Hours Catering Licences - Personal Appearances

There were submitted the undernoted applications for renewal of Late Hours Catering Licences. Applicants a to c had been asked to appear personally for the first time: -

(a) Applicant: Shell UK Oil Products Limited
Premises: Shell Erskine, Centreholm Roundabout, Erskine
Authorised activity: convenience store located on petrol forecourt
Operating hours: Monday to Sunday – 11.00pm – 5.00am
Licence No: LHC028

Mr Hunter, Solicitor, representative for Shell UK Oil Products Limited was invited into the meeting.

After consideration of all matters before the Board, 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.

(b) Applicant: Shell UK Oil Products Limited
Premises: Shell Hillington, Hillington Road, Hillington Industrial Estate, Glasgow
Authorised activity: convenience store located on petrol forecourt
Operating hours: Monday to Sunday – 11.00pm – 5.00am
Licence No: LHC025

Mr Hunter, Solicitor, representative for Shell UK Oil Products Limited was invited into the meeting.

After consideration of all matters before the Board, 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.

(c) Applicant: BP Express Shopping Limited
Premises: BP Greenock Road Service Station, 10 Greenock Road, Paisley
Authorised activity: petrol station with retail shop
Operating hours: Monday to Sunday – 11.00pm – 5.00am
Licence No: LHC031

Mr Hunter, Solicitor, representative for BP Express Shopping Limited was invited into the meeting.

After consideration of all matters before the Board, 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.

(d) Applicant: Abdul Ibrahim

Premises: Fazil King, 40 High Street, Paisley

Authorised activity: food

Operating hours: Monday to Thursday and Sunday – 11.00pm – 12 midnight; and Friday and Saturday – 11.00pm – 3.00am

Licence No: LHC 110

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.

2 Grant of Street Trader's Licence - Personal Appearance

Under reference to item 7 of the Minute of the meeting of this Board held on 21 August 2019, the Board resumed consideration of the undernoted application for grant of a Street Trader's Licence. The applicant had been asked to appear personally for the second time: -

Applicant: Andrew Donaldson

Authorised goods: hot and cold food and beverages, milk

Trading from: Huntly Road and Watt Road, Hillington and Maxwell Street, Paisley.

Operating hours: Huntly Road and Watt Road, Hillington – Monday – Friday 6.00am to 2.30pm and Maxwell Street, Paisley – Monday to Sunday 9.00pm – 4.00am.

Mr Donaldson, 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.

Councillor McNaughtan, seconded by Councillor Hughes moved that the application be granted for a period of one year and that the applicant be allowed to be an exception to the Board's policy on trading hours.

Councillor Mackay, seconded by Councillor Strang, 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 the vote being taken, 7 members voted for the motion, 2 members voted for the amendment and 1 member abstained. The motion was accordingly declared carried.

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

3 Variation of Booking Office Licence - Personal Appearance

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

Applicant: Gryffe Radio Cars

Premises: Bridgend Compound, Bridge Street, Linwood

Variation: to increase private hire vehicles from 20/30 to 100

License No: B0-018

Mr Hainey (senior) together with Mr Hainey (junior), representing Gryffe Radio Cars, the applicant, were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application be granted for the duration of the current licence. This was agreed unanimously.

DECIDED: That the application be granted for the duration of the current licence.

4 Grant of Skin Piercing and Tattooing Licence - Personal Appearance

There was submitted the undernoted application for grant 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: Signet Trading Limited

Premises: H Samuel, Braehead Shopping Centre

Authorised activity: ear piercing

Operating hours: Monday – Friday – 10.00am – 9.00pm; Saturday
9.00am – 6.30pm; and Sunday – 10.00am – 6.00pm

There was no appearance by or on behalf of Signet Trading Limited. Mr Hunter, on behalf of the Director of Communities, Housing & Planning Services, who had submitted an objection to the application, was invited into the meeting. 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.

5 Temporary Public Entertainment Licence - Personal Appearance

There was submitted the undernoted application for a temporary Public Entertainment 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: Kifdo Limited

Activity: Paisley Winterfest

Operating dates and times: 22 November to 30 December 2019

Monday – Sunday – 10.00am – 10.00pm

Location: High Street, Paisley, County Square, Gilmour Street and Central Way, Paisley.

Mr Taylor, Mr Hampson and Miss Brady representing Kifdo Limited, the applicant, were invited into the meeting together with Mr Hunter, on behalf of the Director of Communities, Housing & Planning Services who had submitted an objection to the application. 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 subject to standard conditions and the additional condition that the licence holder obtain and exhibit to the Council's licensing section valid and current safety certificates for the buggies and big wheel rides prior to the first day of the event. This was agreed unanimously.

DECIDED: That the application be granted subject to standard conditions and the additional condition that the licence holder obtain and exhibit to the Council's licensing section valid and current safety certificates for the buggies and big wheel rides prior to the first day of the event.

6 Renewal of Street Trader's Licence

There was submitted the undernoted application for renewal of a Street Traders Licence: -

Applicant: Theodorus Johannes Bouwmans,

Location: Middleton Road, Linwood

Authorised activity: Scottish and Dutch snacks

Operating hours: Monday to Saturday – 7.00 am to 5.00 pm

Licence No.; ST171.

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 location. 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 location.

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.

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 together with Police Scotland who had submitted a representation to the application: -

Applicant: David Doonan
Licence No: T2504

Mr Doonan, the applicant, was invited into the meeting together with Sergeant Finnie, 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 two years. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years.

8 Hearing into Possible Suspension of Revocation of Private Hire Car Driver's Licence - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with Police Scotland: -

Licence Holder: Paul Hamilton
Licence No: P0554

Mr Hamilton, the licence holder, was invited into the meeting together with Sergeant Finnie on behalf of the Chief Constable.

After consideration of all matters before the Board, the Convener asked Mr Hamilton if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Hamilton then addressed the Board.

Following consideration of Mr Hamilton's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened.

The Convener proposed that Mr Hamilton's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: That Mr Hamilton's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

9 Hearing into Possible Suspension or Revocation of Private Hire Car Operator's Licence and Private Hire Car Driver's Licence - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Operator's Licence and Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with Police Scotland: -

Licence Holder: Muhammad Kaleem
Licence Nos: PH1027 and P02007

There was no appearance by or on behalf of Mr Kaleem. Sergeant Finnie, on behalf of the Chief Constable was invited into the meeting. The Convener proposed that the matters be considered in Mr Kaleem's absence. This was unanimously agreed. After consideration of all matters before the Board, the Convener proposed that Mr Kaleem's Private Hire Car Operator's Licence and Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licences with immediate effect. This was agreed unanimously.

DECIDED:

(a) That Mr Kaleem's Private Hire Car Operator's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect; and

(b) That Mr Kaleem's Private Hire Car Driver's Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

10 Hearing into Possible Suspension or Revocation of Private Hire Car Driver's Licence - Personal Appearance

The Board considered the possible suspension or revocation of the undernoted Private Hire Car Driver's Licence. The licence holder had been asked to appear personally for the first time together with the complainer, Debbie Anderson, Johnstone TOA: -

Licence Holder: Brendan Farren
Licence No: - P0340

Mr Farren, the licence holder, was invited into the meeting. There was no appearance by or on behalf of Ms Anderson. After consideration of all matters before the Board, the Convener asked Mr Farren if he wished to address the Board on any penalty the Board might impose prior to any motions being made in relation to his Private Hire Car Driver's Licence. Mr Farren then addressed the Board.

Following consideration of Mr Farren's submission, the meeting adjourned to allow members to consider the matter. The meeting was reconvened.

The Convener proposed that Mr Farren's Private Hire Car Driver's Licence be not suspended. This was agreed unanimously.

DECIDED: That Mr Farren's Private Hire Car Driver's Licence be not suspended.

Adjournment

The meeting adjourned at 12.30 pm and reconvened at 1.00 pm.

Sederunt

Councillor Montgomery was not in attendance when the meeting reconvened.

Declaration of Interest

Councillor Devine declared a non-financial interest in relation to the following item of business as the applicant was known to him. Councillor Devine left the meeting and did not take part in any discussion or voting thereon.

11 Temporary Public Entertainment Licence - Personal Appearance

There was submitted the undernoted application for a temporary Public Entertainment Licence. The applicant had been asked to appear personally for the first time together with Gerry McMenemy, on behalf of Mary Toye and Tom Toye, who had submitted objections to the application, and the Director of Communities, Housing & Planning Services, who had submitted a representation to the application: -

Applicant: Amigo Leisure Limited

Premises: Rocknrollas, 5 Wellmeadow Street, Paisley

Activity: live music, weddings, private functions, darts competitions, charity and sportsman's dinners.

Operating dates and times: 16 October to 26 November 2019 – Friday -7.00pm – 1.00am; Saturday – 12.00pm to 1.00am; and Sunday – 12.00pm to 11.00pm

Mr McMahon and Mr McReight, on behalf of the applicant Amigo Leisure Limited were invited into the meeting together with Mr McMenemy representing Ms Toye and Mr Toye who had submitted objections to the application and Mr Hunter representing the Director of Communities, Housing & Planning Services who had submitted a to the application. 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 for a six week period from 30 October subject to standard conditions and a further condition that noise from amplified music and vocals shall be inaudible within any property in the vicinity of the premises at all times during any function. This shall be assessed with windows open for ventilation purposes within the property. This was agreed unanimously.

DECIDED: That the application be granted for a six week period from 30 October subject to standard conditions and a further condition that "Noise from amplified music and vocals shall be inaudible within any property in the vicinity of the premises at all times during any function. This shall be assessed with windows open for ventilation purposes within the property".

Sederunt

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

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

12 Applications for Exemption from Driver's Duties under Section 165 of the Equality Act 2010 - Personal Appearances

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

(a) Thomas Robertson

There was no appearance by or on behalf of Mr Robertson. The Convener proposed that the application be considered in Mr Robertson's absence. 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 Robertson's current Taxi Driver's Licence. This was agreed unanimously.

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

(b) Lyndsey Hynd

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

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

(c) Peter White

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

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

13 Grant of Private Hire Car Driver's Licence - Personal Appearance

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

Mustafa Alhafri

There was no appearance by or on behalf of Mr Alhafri. The Convener proposed that the application be considered in Mr Alhafri's absence. This was agreed unanimously. 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.

14 Grant of Private Hire Car Operator'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: -

Moloy Sarker

There was no appearance by or on behalf of Mr Sarker. The Convener proposed that the application be continued and that Mr Sarker 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.

15 Grant of Private Hire Car Operator's Licence and Private Hire Car Driver's Licence - Personal Appearance

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

Mubashir Hussain

Mr Hussain, the applicant, was invited into the meeting. The Convener proposed that both applications be considered together but that separate decisions be made. This was agreed unanimously. Mr Hussain also agreed to this. After consideration of all matters before the Board, the Convener proposed (i) that the application for a Private Hire Car Operator's Licence be granted for a period of one year, and (ii) that the application for grant of a Private Hire Car Driver's Licence be granted for a period of one year. This was agreed unanimously.

DECIDED:

(a) That the application for grant of a Private Hire Car Operator's Licence be granted for a period of one year; and

(b) That the application for grant of a Private Hire Car Driver's Licence be granted for a period of one year.

16 Grant of Landlord Registration - Personal Appearances

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

(a) Mohammed Younis

Mr Younis the applicant and Mrs Archer, his agent were invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of three years. This was agreed unanimously.

DECIDED: That the application be granted for a period of three years.

(b) Mohammed Ishfaq

Mrs Archer, 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 for a period of three years. This was agreed unanimously.

DECIDED: That the application be granted for a period of three years.

(c) Mohamed Razaq

Mrs Archer, 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 for a period of three years. This was agreed unanimously.

DECIDED: That the application be granted for a period of three years.