

Minute of Meeting Regulatory Functions Board

| Date | Time | Venue |
|-----------------------|-------|--|
| Thursday, 26 May 2016 | 10:00 | Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN |

PRESENT

Councillors B Brown, M Brown, E Devine, M Devine, Provost Hall, Councillors Hood, McEwan, McQuade and Mullin.

CHAIR

Councillor Hood, Convener, presided.

IN ATTENDANCE

M Conaghan, Legal and Democratic Services Manager (for items 1 and 2 only), D Campbell, Assistant Managing Solicitor (Licensing); E Currie, Senior Committee Services Officer, K Whiteside, Licensing Officer (Paralegal) and G McIntosh, Civic Government Enforcement Officer (for items 1 to 6 only) (all Finance & Resources).

DECLARATIONS OF INTEREST

There were no declarations of interest intimated prior to the commencement of the meeting.

OBITUARY

Councillor Hood referred to the recent sad death of Councillor Eddie Grady.

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 9 of the agenda after item 3 of the agenda.

1 DEPUTATION

Under reference to item 1 of the Minute of the meeting of this Board held on 11 May 2016 the Board heard a deputation from Nisbets Solicitors on behalf of Renfrewshire Public Hire Association relative to pending taxi licence applications and unmet demand.

There followed a question and answer session in relation to the matters raised by the deputation.

DECIDED: That the matters raised by the deputation be noted.

2 TAXI LICENSING: UNMET DEMAND

Under reference to item 1 of the Minute of the meeting of this Board held on 4 November 2015 there was submitted a report by the Director of Finance & Resources relative to the report by Vector Transport Consultancy entitled 'Renfrewshire Taxi Unmet Demand Survey', a copy of which was appended to the report.

The report intimated that the Council as licensing authority could, in terms of Section 10(3) of the Civic Government (Scotland) Act 1982, refuse to grant a taxi licence if they were satisfied that there was no significant demand for the services of taxis in their area which was unmet. At the meeting of this Board held on 17 June 2009, the Board accepted the findings of Halcrow Group Limited following their review of the limitation previously in place and decided to increase the limit from 212 taxi licences to 214.

It was incumbent on licensing authorities to keep such a limitation under review and since 2009 various reports had been considered by the Board to supplement the findings of the report prepared by Halcrow and the Board decided that the number of taxi licences remain at 214. After consideration of all matters before the Board the Board adjourned to allow members to consider the report.

The meeting was reconvened and Councillor Hood, seconded by Councillor B Brown moved that it be agreed at this time to limit the number of taxis in Renfrewshire to 235; that it be agreed that the mechanism for allocation of additional licences be the determination of applications in the order they were received; that a report be submitted to a future meeting of this Board relative to proposed changes to existing taxi rank provision in Renfrewshire for the purposes of consultation; that the number of taxis in Renfrewshire be reviewed in January 2017; and that otherwise the report be noted.

Councillor Mullin, seconded by Councillor McQuade, moved as an amendment that it be agreed at this time to limit the number of taxis in Renfrewshire to 214 to allow Renfrewshire Public Hire Association an opportunity to meet the unmet demand referred to in the report by Vector Transport Consultancy.

In terms of Standing Order 30 the Convener intimated that the vote would be by a show of hands.

On a vote being taken, 2 members voted for the amendment and 7 members voted for the motion. The motion was accordingly declared carried.

DECIDED:

- (a) That it be agreed at this time to limit the number of taxis in Renfrewshire to 235;
- (b) That it be agreed that the mechanism for allocation of additional licences be the determination of applications in the order they were received;
- (c) That a report be submitted to a future meeting of the Board relative to changes to existing taxi rank provision in Renfrewshire for the purposes of consultation;
- (d) That the number of taxis in Renfrewshire be reviewed in January 2017; and
- (e) That otherwise the report be noted.

ADJOURNMENT

The meeting adjourned at 11.55 am and reconvened at 12.10 pm.

SEDERUNT

Councillors M Brown, M Devine and McEwan were not in attendance when the meeting reconvened.

3 GRANT OF STREET TRADER'S LICENCE - PERSONAL APPEARANCE

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

Applicant: Elizabeth Donaldson, 30 Langlook Road, Glasgow

Authorised Activity: hot and cold food and beverages, confectionery and milk

Trading From: Watt Road and Huntly Road, Hillington Industrial Estate and Maxwell Street, Paisley

Operating Hours: Watt Road and Huntly Road, Hillington Industrial Estate – 6.00 am to 2.30 pm and Maxwell Street, Paisley – 9.00 pm to 4.00 am

Mr Donaldson, 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 allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of one year. This was agreed unanimously.

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

4 SURRENDER AND RE-ISSUE OF TAXI OPERATOR'S LICENCE - PERSONAL APPEARANCE

There were submitted the undernoted applications for the surrender and re-issue of Taxi Operators' Licences. Applicants (a) had been asked to appear personally for the first time:-

(a) Present Operator: John Steel, 21 Fairfield Drive, Renfrew
Proposed Operator: Mark Mackle, 22 St Marys Crescent, Barrhead
Licence No.: TX083

Mr Steel and Mr Mackle, the applicants, were invited into the meeting together with Mr Banks, Mr Mackle's Solicitor. After consideration of all matters before the Board, the Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

(b) Present Operator: Robert Arnott, 8 Strathdon Avenue, Paisley
Proposed Operator: Robert McCue, 10 Staybrae Grove, Glasgow
Licence No.: TX132

The Convener proposed that the application be granted. This was agreed unanimously.

DECIDED: That the application be granted.

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.

5 GRANT OF LANDLORD REGISTRATIONS - PERSONAL APPEARANCES

Under reference to item 9 of the Minute of the meeting of this Board held on 30 March 2016 consideration was resumed of the undernoted applications for the grant of Landlord Registrations. The applicants had been asked to appear personally for the second time:-

(a) James Irvine, 5 Ewanfield Place, Ayr

Mr Irvine, 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.

(b) Vicky Taff, 19 Boydstone Place, Glasgow

There was no appearance by or on behalf of Ms Taff. The Convener proposed that the application be considered in Ms Taff'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 HEARING INTO POSSIBLE SUSPENSION OF LATE HOURS CATERING LICENCE - PERSONAL APPEARANCE

The Board considered the possible suspension of the undernoted Late Hours Catering Licence. The licence holder had been asked to appear personally for the first time together with Police Scotland:-

Licence holder: Avtar Singh, 8 Duthie Park Place, Glasgow
Premises: East End Tandoori, 3/5 Ladyburn Street, Paisley

Mr Singh, the licence holder, was invited into the meeting together with Inspector Espie and Sergeant Curran, on behalf of the Chief Constable. After consideration of matters before the Board, Mr Singh addressed the Board on any penalty the Board might impose prior to any motions being made in relation to his Late Hours Catering 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 Mr Singh's Late Hours Catering Licence be suspended for the unexpired portion of the duration of the licence with immediate effect. This was agreed unanimously.

DECIDED: Mr Singh's Late Hours Catering Licence be suspended for the unexpired portion of the duration of the licence with immediate effect.

7 GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE - PERSONAL APPEARANCE

There was submitted the undernoted application for the grant of a Private Hire Car 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:-

Steven McGonagle, 36 John Neilson Avenue, Paisley

Mr McGonagle, the applicant, was invited into the meeting together with Inspector Espie 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.

8 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:-

Francis Palmer, 8 Fisher Avenue, Paisley

Mr Palmer, the applicant, was invited into the meeting. The Assistant Managing Solicitor (Licensing) advised that Mr Palmer's DVLA licence was due to expire in November 2017 and Mr Palmer gave an undertaking to the Board that should his Taxi Driver's Licence be granted he would provide evidence of his renewed DVLA licence within 14 days of its receipt. Mr Palmer gave this undertaking to the Board.

After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of two years subject to the undertaking given by Mr Palmer 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 subject to the undertaking given by the applicant that he would provide evidence of his renewed DVLA licence within 14 days of its receipt.

9 **GRANT OF PRIVATE HIRE CAR OPERATOR'S LICENCE - PERSONAL APPEARANCE**

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

Adnan Asif, Flat 1/1, 52 Clifford Street, Glasgow

Mr Asif, the applicant, was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application be allowed to be an exception to the relevant Board policy and that the application be granted for a period of one year. This was agreed unanimously.

DECIDED: That the application be allowed to be an exception to the relevant Board policy and that the application be granted for a period of one year.