

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 28 October 2020	10:00	Remotely by MS Teams ,

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

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Committee Services Officer, A Easdon, Team Leader (Licensing), N Barr, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (all Finance & Resources).

Recording of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting of the Board would be recorded and that the recording would be available to watch on the Council's website.

Apology

Councillor Strang.

Declarations of Interest

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

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of items 11(a) and (b), 12(a) and (b) and 13 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.

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 5, 6(a), 6(b), 7(a), 7(b) 8, 9(a), 9(b) and 10(a) of the agenda before item 1(b) of the agenda; and items 10(b) and 10(c) of the agenda before item 4(c) of the agenda.

1 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: John Simpson
Variation: exemption to standard condition 22
Licence No: TX088

Mr Simpson, the applicant, was not in attendance, having previously indicated that he wished his application to be determined by way of a written submission.

After consideration of all matters before the Board, the Convener proposed that Mr Simpson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Simpson to operate his present vehicle TX1 88 until the date it would be nine years old from first registration, this date being 14 August 2021. This was agreed unanimously.

DECIDED: That Mr Simpson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Simpson to operate his present vehicle TX1 88 until the date it would be nine years old from first registration, this date being 14 August 2021.

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

Under reference to item 2 of the Minute of the meeting of this Board held on 19 August 2020, there was submitted a report by the Director of Finance & Resources relative to a review of taxi fares within Renfrewshire.

The report advised that, 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 involved an increase to the minimum fare from £3.30 to £3.45; increased the additional fare per distance, by introducing a reduced distance of 315 yards (or part thereof) while maintaining the existing 30p charge; and increased the waiting time charge from 34p to 36p per period of two minutes (or part thereof). The Board agreed that the proposed scale would be advertised, allowing representations to be made within one month.

The Board also agreed a proposed date of 14 December 2020 for the proposed fare scale to come into effect and that a report would be submitted to a future meeting of the Board to allow a taxi fare scale to be fixed.

An advertisement detailing the proposal was advertised in the press on 5 September 2020 and provided that any person wishing to make representations on the proposal must do so in writing no later than 5 October 2020. The advertised proposal was appended to the report.

The Board was advised that, in response to the advertisement, no further representations had been received. The Board was therefore required to fix a taxi fare scale for Renfrewshire, and in terms of Section 17 of the Civic Government (Scotland) Act 1982, to determine a date for the scale to come into effect. It was recommended that the scale comes into effect on 14 December 2020, as previously proposed by the Board.

DECIDED:

(a) That a new fares scale for Renfrewshire, in accordance with the advertised scale, be approved;

(b) That it be approved that this fares scale shall come into effect on 14 December 2020;

(c) That thereafter officers be authorised to give notice to (i) all operators of taxis operating in Renfrewshire and (ii) 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; and

(d) That officers be authorised 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 14 December 2020, all in terms of Section 18A of the Act.

Sederunt

Councillor Devine joined the meeting prior to consideration of the following item of business.

3 Grant of Late Hours Catering Licences

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

(a) Applicant: Select Service Partner UK Limited
Premises: M&S Simply Food, Terminal 1, Glasgow Airport
Activity: food, groceries and beverages
Operating hours: 7 days per week from 11.00 pm to 5.00 am during April to October

The Convener proposed 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. This was agreed unanimously.

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.

(b) Applicant: Krispy Kreme UK Limited
Premises: Departures, Glasgow Airport
Activity: doughnuts and drinks
Operating hours: 7 days per week from 4.00 am to 5.00 am

The Convener proposed 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. This was agreed unanimously.

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.

4 Renewal of Late Hours Catering Licences

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

(a) Applicant: Wm Morrison Supermarkets PLC
Premises: Petrol Filling Station, 30 Napier Street, Johnstone
Activity: convenience store
Operating hours: 7 days per week from 11.00 pm to 5.00 am
Licence No.: LHC 099

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: Wm Morrison Supermarkets PLC
Premises: Petrol Filling Station, 16 Thread Street, Paisley
Activity: convenience store
Operating hours: 7 days per week from 11.00 pm to 5.00 am
Licence No.: LHC 101

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.

5 Variation of Private Hire Car Operator's Licence

There was submitted the undernoted application for variation of a Private Hire Car Operator's Licence:-

Applicant: Andrew Hackett
Variation: to carry eight passengers
Licence No.: PH0758

The Convener proposed that the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Hackett's Private Hire Car Operator's Licence and that the vehicle be licensed to carry 8 passengers. This was agreed unanimously.

DECIDED: That the policy which stated that "the MPV shall carry a maximum of 7 passengers" be not applied to Mr Hackett's Private Hire Car Operator's Licence and that the vehicle be licensed to carry 8 passengers.

6 Renewal of Street Traders' Licences

There were submitted the undernoted applications for renewal of Street Traders' Licences:-

(a) Applicant: Kelly McDowall

Authorised goods: hot and cold food, beverages and milk

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

Operating hours: Huntly Road and Watt Road, Hillington – Monday to Friday from 6.00 am to 2.00 pm and Maxwell Street, Paisley – Monday to Sunday from 9.00 pm to 4.00 am

Licence No.: ST089

The Convener proposed that consideration of the application be continued and that the applicant be invited to the meeting of this Board scheduled to be held on 20 January 2021. This was agreed unanimously.

DECIDED: That consideration of the application be continued and that the applicant be invited to the meeting of this Board scheduled to be held on 20 January 2021.

(b) Applicant: Tracy Donaldson

Authorised goods: hot and cold food, beverages and milk

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

Operating hours: Huntly Road and Watt Road, Hillington – Monday to Friday from 6.00 am to 2.00 pm and Maxwell Street, Paisley – Monday to Sunday from 9.00 pm to 4.00 am

Licence No.: ST003

The Convener proposed that consideration of the application be continued and that the applicant be invited to the meeting of this Board scheduled to be held on 20 January 2021. This was agreed unanimously.

DECIDED: That consideration of the application be continued and that the applicant be invited to the meeting of this Board scheduled to be held on 20 January 2021.

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

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

Present operator: James Kilgour

Proposed operator: Crawford Dick

Licence No.: TX023

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

DECIDED: That the application be granted.

8 Variation of Taxi Operators' Licences - Personal Appearances

There were submitted the undernoted applications for variation of Taxi Operators' Licences. The applicants had been asked to appear personally for the first time:-

(i) Applicant: Allan Hill

Variation: exception to standard condition 22

Licence No.: TX021

Mr McConnachie, representing Mr Hill, the applicant, joined the meeting by telephone call. 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 Mr Hill's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Hill to operate his present vehicle NK62 EWN until the date it would be nine years old from first registration, this date being 3 December 2021. This was agreed unanimously.

DECIDED: That Mr Hill's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Hill to operate his present vehicle NK62 EWN until the date it would be nine years old from first registration, this date being 3 December 2021.

(ii) Applicant: Andrew McCallum

Variation: exception to standard condition 22

Licence No.: TX212C

Mr McCallum, the applicant, joined the meeting by telephone call. 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 (i) that Mr McCallum's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McCallum to operate his present vehicle YN62 DBV until the date it would be nine years old from first registration, this being 24 January 2022; and (ii) that standard condition 22 be further amended in that Mr McCallum's present vehicle be subject to three-monthly inspections. This was agreed unanimously.

DECIDED:

(a) That Mr McCallum's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr McCallum to operate his present vehicle YN62 DBV until the date it would be nine years old from first registration, this date being 24 January 2022; and

(b) That standard condition 22 of his licence be further amended in that Mr McCallum's present vehicle be subject to three-monthly inspections.

(iii) Applicant: Mark Stevenson

Variation: exception to standard condition 22

Licence No.: TX203

Mr Stevenson, the applicant, joined the meeting by telephone call. After consideration of all matters before the Board, the Convener proposed (i) that Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to operate his present vehicle SF62 GUE until the date it would be nine years old from first registration, this being 15 October 2021; and (ii) that standard condition 22 be further amended in that Mr Stevenson's present vehicle be subject to three-monthly inspections. This was agreed unanimously.

DECIDED:

(a) That Mr Stevenson's application for variation be granted and that standard condition 22 of his licence be amended to enable Mr Stevenson to operate his present vehicle SF62 GUE until the date it would be nine years old from first registration, this date being 15 October 2021; and

(b) That standard condition 22 of his licence be further amended in that Mr Stevenson's present vehicle be subject to three-monthly inspections.

Declaration of Interest

Prior to consideration of the following item of business, Councillor Hughes declared a non-financial interest in the following item of business as the applicant was known to her, left the meeting and took no part in the discussion or voting thereon.

Order of Business

In relation to items 9 and 10 below, the Convener proposed that both applications be considered together and that separate decisions be made. This was agreed unanimously.

9 Surrender and Re-issue of Taxi Operator's Licence - Personal Appearance

Under reference to item 6 of the Minute of the meeting of this Board held on 17 September 2020, consideration was resumed of the undernoted application for the surrender and re-issue of a Taxi Operator's Licence. The applicants had been asked to appear personally for the second time:-

Present operator: Anthony Stewart
Proposed operator: James Lappin
Licence no.: TX037

10 Renewal of Taxi Operator's Licence - Personal Appearance

Under reference to item 7 of the Minute of the meeting of this Board held on 17 September 2020, consideration was resumed of the undernoted application for renewal of a Taxi Operator's Licence. The applicant had been asked to appear personally for the second time:-

Anthony Stewart TX037

Mr Stewart and Mr Lappin, the applicants, both joined the meeting by telephone call. The Convener advised that both applications would be considered together and that separate decisions would be made. Mr Stewart and Mr Lappin agreed to this.

After consideration of all matters before the Board, the Convener proposed (i) that the application for surrender and re-issue of the Taxi Operator's Licence be granted subject to the additional condition that Mr Lappin license a vehicle which met the Council's policy in relation to specification and age within a period of three months; and (ii) that the application for renewal of the Taxi Operator's Licence be granted for a period of two years subject to the additional condition that Mr Lappin license a vehicle which met the Council's policy in relation to specification and age within a period of three months. This was agreed unanimously. Mr Lappin also agreed to this.

DECIDED:

(a) That the application for surrender and re-issue of the Taxi Operator's Licence be granted subject to the additional condition that Mr Lappin license a vehicle which met the Council's policy in relation to specification and age within a period of three months; and

(b) That the application for renewal of the Taxi Operator's Licence be granted for a period of two years subject to the additional condition that Mr Lappin license a vehicle which met the Council's policy in relation to specification and age within a period of three months.

Adjournment

The meeting adjourned at 11.45 am and reconvened at 11.55 am.

Sederunt

Councillor Montgomery was not in attendance when the meeting reconvened.

Councillor Hughes re-joined the meeting prior to consideration of the following item of business.

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

There were submitted the undernoted applications for grant of Private Hire Car Drivers' Licences. The applicants had been asked to appear personally for the first time.

(a) Ikponwosa Aghahowa

Mr Aghahowa, the applicant, joined the meeting by telephone call. 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.

Sederunt

Councillor McEwan left the meeting before consideration of the following item of business.

(b) Muhammad Hasnain

Mr Hasnain, the applicant, joined the meeting by video call. 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.

12 Surrender and Re-issue of Taxi Operators' Licences

There were submitted the undernoted applications for the surrender and re-issue of Taxi Operators' Licences: -

(a) Present operator: Duncan Colville
Proposed operator: Dermot Curran
Licence No.: TX178

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

DECIDED: That the application be granted.

(b) Present operator: John McIntyre
Proposed operator: Stuart McCulloch
Licence No.: TX144

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

DECIDED: That the application be granted.

Adjournment

The meeting adjourned at 12.15 pm and reconvened at 12.25 pm.

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

There was submit 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 together with Police Scotland who had submitted a representation received outwith the statutory timescale to the application:-

Liam Sheehan

Mr Sheehan, the applicant, was not in attendance, having previously indicated that he wished his application to be determined by way of a written submission. Inspector Hay, on behalf of the Chief Constable who had submitted a representation received outwith the statutory timescale to the application, joined the meeting by video call.

On hearing the reasons for the representation being received outwith the statutory timescale it was decided that the representation be taken into account when the application was being considered.

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.