

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 03 June 2021	10:00	Remotely by MS Teams ,

Present: Councillor Eddie Devine, Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Alistair Mackay, 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, Senior Solicitor (Litigation & Regulatory Services), E Currie, Senior Committee Services Officer, P Shiach, Senior Committee Services Officer, A Easdon, Team Leader (Licensing), G McIntosh, Civic Government Enforcement Officer (for items 1 to 6 only), and R McCallum, Administrative Assistant (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 Cathy McEwan.

Declarations of Interest

There were no declarations of interest intimated 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 item 11 of the agenda before item 7 of the agenda.

1 Public Entertainment Licensing: Proposed Changes to Standard Licence Conditions

There was submitted a report by the Director of Finance & Resources seeking agreement to amend the standard conditions of licence relating to certain public entertainment licences.

The report intimated that it was the view of officers that these conditions required to be updated to reflect the terms of the Council's policy banning the release of balloons or lanterns at Council licensed events.

The report advised that at a meeting of the Council held on 27 February 2020, Council considered a notice of motion relating to the release of balloons and lanterns and agreed that the release of these items posed a risk to wildlife, livestock, humans and property and also agreed a policy banning their release on Council property, Council owned land, and at Council licensed, endorsed or supported events, including those not on Council land. Officers had reviewed the Council's existing public entertainment licence conditions and proposed that an additional standard condition be attached to these licences when they related to an event, as detailed in paragraph 2.1.1 of the report. If agreed, the additional condition would be included in public entertainment licences granted for the first time following the Board's decision.

DECIDED:

(a) That the following condition be agreed for public entertainment licences which related to events: "The licence holder shall not release, or allow the release of, balloons or lanterns during any licensed event.";

(b) That the above condition be attached to new public entertainment licences relating to events and to existing licences when they next fell to be renewed; and

(c) That otherwise the terms of the report be noted.

2 Public Procession Conditions: Proposals for Consultation

There was submitted a report by the Director of Finance & Resources seeking approval to consult on a proposal to change the standard conditions imposed on public processions which related to music being played outside places of worship.

The report intimated that the Council imposed a number of standard conditions in relation to public processions and these were detailed in Appendix 1 to the report. Standard condition 7 was intended to prevent music being played outside places of worship while a service was in progress. However, questions had arisen in relation to

the interpretation and application of this condition and officers were of the view that it would be desirable to replace it with a condition which made the requirements of the Council clearer.

The report provided information relating to reports published in this regard and the conditions and codes of conduct put in place in neighbouring authorities.

It was noted that should the Board agree that the proposed condition be put to consultation, officers would commence a consultation exercise for a period of four-weeks and Appendix 2 to the report detailed the consultation questions. A report would be submitted to a future meeting of this Board following the consultation exercise.

DECIDED:

(a) That it be agreed that the terms of the proposed condition, as detailed in paragraph 4.8 of the report, in relation to prohibiting music being played outside a place of worship, was suitable for the purposes of consultation;

(b) That the consultation questions, which formed Appendix 2 to the report, be approved; and

(c) That officers be instructed to undertake a public consultation on the proposed condition, to include all persons who had, in the past two years, notified the Council of their intention to hold a public procession, all statutory and non-statutory consultees who were notified of public processions within Renfrewshire and such other persons or groups as officers considered appropriate and to report the responses to the consultation to the Board thereafter.

3 Variation of Private Hire Car Operator's Licence - Personal Appearance

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

Applicant: Iain Waddell

Variation: exception to policy and standard condition 1

Licence No.: PH0943

Mr Waddell, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that Mr Waddell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Waddell to operate his present vehicle, registration number SB14 NYZ, until 6 June 2022, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021. This was agreed unanimously.

DECIDED: That Mr Waddell's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Waddell to operate his present vehicle, registration number SB14 NYZ, until 6 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021.

4 **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:-

(a) Applicant: David Robertson

Variation: exception to policy and standard condition 22

Licence No.: TX002

There was no appearance by or on behalf of Mr Robertson, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Robertson's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Robertson to operate his present vehicle, registration number DV13 RRZ, for a period of one year from 3 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021. This was agreed unanimously.

DECIDED: That Mr Robertson's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Robertson to operate his present vehicle, registration number DV13 RRZ, for a period of one year from 3 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021.

(b) Applicant: William Mottram

Variation: exception to policy and standard condition 22

Licence No.: TX176

There was no appearance by or on behalf of Mr Mottram, the applicant, who had previously indicated that he wished his application to be determined by way of written submissions. After consideration of all matters before the Board, the Convener proposed that Mr Mottram's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Mottram to operate his present vehicle, registration number SH13 GXB, for a period of one year from 3 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021. This was agreed unanimously.

DECIDED: That Mr Mottram's application for variation be granted and that standard condition 1 of his licence be amended to enable Mr Mottram to operate his present vehicle, registration number SH13 GXB, for a period of one year from 3 June 2021, subject to the vehicle being tested at three-monthly intervals with the first inspection being carried out within 28 days from 3 June 2021.

5 **Grant of Taxi Driver's Licence - Personal Appearance**

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

John Allan

Mr Allan, the applicant, joined the meeting by video call. After consideration of all matters before the Board, the Convener proposed that consideration of the application be continued to allow Mr Allan to complete the taxi knowledge test and that, if required, Mr Allan be invited to appear personally at a future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of the application be continued to allow Mr Allan to complete the taxi knowledge test and that, if required, Mr Allan be invited to appear personally at a future meeting of the Board.

6 **Grant of Private Hire Car 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:-

Annalie Bellshaw

There was no appearance by or on behalf of Ms Bellshaw. The Convener proposed that consideration of the application be continued and that the applicant be invited to appear personally at the next meeting of this Board. This was agreed unanimously.

DECIDED: That consideration of the application be continued and that the applicant be invited to appear personally at the next meeting of this Board.

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.

Sederunt

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

7 **Grant of Street Trader's Licence - Personal Appearance**

There was submitted the undernoted application for grant of a Street Trader'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 received outwith the statutory timescale to the application:-

Applicant: Dorjan Rabija

Authorised goods: fish and chips

Trading from: Mobile unit, Reg. No. SH62 AWY - Ferguslie, Hunterhill, Gallowhill, Foxbar areas of Paisley and Renfrew

Operating hours: Monday to Sunday - 3.00 pm to 11.00 pm – Monday and Friday in Ferguslie; Tuesday in Hunterhill; Wednesday and Saturday in Gallowhill; Thursday in

Renfrew; and Sunday in Foxbar

There was no appearance by or on behalf of Mr Rabija, the applicant. Mr Kinloch, Solicitor, joined the meeting by video call and advised that he would be representing Mr Rabija at the meeting. Sergeant Robertson, on behalf of the Chief Constable who had submitted a representation to the application received outwith the statutory timescale also joined the meeting by video call.

On hearing the reasons for the lateness of the representation, the Convener proposed that the representation be taken into account when the application was being considered. This was agreed unanimously.

After consideration of all matters before the Board, the meeting adjourned to allow members to consider the application. The meeting was reconvened and 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 **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 together with Police Scotland who had submitted an objection to application (c) received outwith the statutory timescale to the application:-

(a) Hussain Safdar

Mr Safdar, 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.

(b) Mohammad Mangal

Mr Mangal, 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.

(c) Thomas McDonald

Mr McDonald, the applicant, joined the meeting by video call together with Sergeant Robertson, on behalf of the Chief Constable who had submitted an objection to the application received outwith the statutory timescale to the application, who also joined by video call.

On hearing the reason for the lateness of the objection, the Convener proposed that the objection be taken into account when the application was being considered. This was agreed unanimously.

After consideration of all matters before the Board, the meeting adjourned to allow members to consider the application. The meeting was reconvened and the Convener proposed that the application be refused. This was agreed unanimously.

DECIDED: That the application be refused.

Sederunt

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

9 Renewal of Private Hire Car Driver's Licence - Personal Appearance

There was submitted the undernoted application for renewal 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 has submitted a representation to the application:-

Applicant: Aminul Islam

Licence No.: P0234

Mr Islam, the applicant, joined the meeting by video call together with Sergeant Robertson, on behalf of the Chief Constable who had submitted a representation to the application, who also 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 two years. This was agreed unanimously.

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

10 Grant of Taxi Driver's Licence - Personal Appearance

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

Christopher Ritchie

Mr Ritchie, 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.

11 Application for Exemption from Driver's Duties under Section 165 of the Equality Act 2010 - Personal Appearance

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

Applicant: David McDonald
Licence No.: T0454

Mr McDonald, 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 the duration of Mr McDonald's current Taxi Driver's Licence. This was agreed unanimously.

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