

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 31 October 2018	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 John McNaughtan, Councillor Kevin Montgomery, Councillor Emma Rodden, Councillor Andy Steel, Councillor Jane Strang

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

M Conaghan, Legal & Democratic Services Manager (for item 10h only), A McLaughlin, Senior Solicitor (Litigation and Regulatory Services), M Hughes, Senior Solicitor, P Shiach, Committee Services Officer, G McIntosh, Civic Government Enforcement Officer (for item 1 only), N O'Brien, (Assistant Committee Services Officer) and K Marriot, Administrative Assistant (all Finance & Resources).

Apologies

Councillors Mackay and McEwan.

Declarations of Interest

Councillors Devine and Montgomery declared a non-financial interest in item 9 of the agenda as the objector was known to them and indicated their intention to leave the meeting during consideration of this item and not to take part in any discussion or voting thereon.

1 List of Wheelchair Accessible Vehicles

There was submitted a report by the Director of Finance & Resources relative to certain provisions of the Equality Act 2010 and seeking authorisation to publish a list of wheelchair accessible taxis and private hire cars in accordance with section 167 of the Act.

The report advised that the Equalities Act 2010 provided local authorities with the discretion to produce a list of wheelchair accessible taxis and private hire cars. Drivers of those vehicles listed were then required to carry and provide assistance to passengers in wheelchairs and were prohibited from applying an additional charge.

The report highlighted the duties placed on drivers in terms of the Act and provided a definition of mobility assistance as outlined in the Act. Those drivers who wished to be exempt from these duties could apply to the Council for an exemption certificate and a notice of exemption could only be issued if the Council was satisfied that it was appropriate to do so on medical grounds; or the ground that the driver's physical condition made it impossible or unreasonably difficult for them to comply with those duties.

The report stated that the holder of an exemption certificate would only be exempt from the duties if the notice of exemption issued by the Council was displayed clearly in the vehicle and in the manner prescribed by the relevant regulations. A driver refused an exemption certificate was entitled to appeal the decision to the Sheriff Court within 28 days from the date of the refusal.

The report intimated that any driver who failed to comply with the above duties without an exemption notice displayed properly would be committing an offence. It was noted that the exemption would be from all the duties under the Act; there was no provision for making partial exemptions. As such, given that the Board allowed exemptions to drivers which were limited to assisting wheelchair passengers, the introduction of a designated list could potentially reduce the availability of vehicles able to carry wheelchair passengers.

The report indicated that it was a matter of discretion for each local authority to decide whether to publish a designated list under the 2010 Act. Adopting the list would mean that any wheelchair passenger who believed a driver had failed to comply with their duties under the 2010 Act would be able to report the matter to Police Scotland as well as to the licensing department of the Council. This could give some passengers added assurance that they would have proper access to travel in the Renfrewshire area.

The report proposed that, should the Board agree to publish and maintain a designated list, the make and model of vehicles, whether the vehicle was taxi or private hire and the name of the operator be included in the list. It would also be beneficial to the travelling public if a contact telephone number could also be published on the list in respect of any vehicle. To publish this information, the consent of licence holders would be required. It was anticipated that officers would seek this consent in advance of any designated list being published and would amend the terms of licence application forms to enable this information to be updated.

The Statutory Guidance published by the Department for Transport recommended that prior to publishing a list, local authorities should inform owners that their vehicles would be placed on the list and alert drivers to their upcoming duties. Drivers should also be given an opportunity to apply for exemptions where necessary before the publication of the list.

DECIDED:

(a) That officers be authorised to publish, on 31 May 2019 and maintain a designated list of wheelchair accessible taxis and private hire cars licensed by the Council, in accordance with section 167 of the Equalities Act 2010; and

(b) That officers be instructed to make any necessary changes to licensing application procedures and practices as required to enable publication of the above list on 31 May 2019 and maintenance of the list thereafter.

2 Renewal of Late Hours Catering Licence

There was submitted the undernoted application for renewal of a Late Hours Catering Licence: -

Applicant: WWCM Limited, 2 Broomland Street, Paisley

Premises: Kilty Kilty, 16 New Street Paisley

Authorised Goods: Bar and eatery

Operating hours: Friday and Saturday – 2.00 am to 4.00 am and Sunday (Bank Holidays only) 2.00 pm to 4.00 pm

Licence No.: LHC103

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.

3 Grant of Private Hire Car Operator's Licence

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

Allan Sneddon, 3 Ben Oss Place, Glasgow

There was no appearance by or on behalf of Mr Sneddon. The Convener proposed that consideration of 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.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of the following items 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

4 Request for Exemption from Assisting Wheelchair Passengers - Personal Appearance

There was submitted the undernoted request for exemption from assisting wheelchair passengers. The applicant had been asked to appear personally for the first time: -

David Snell, 44 Abbotsford Crescent, Paisley

There was no appearance by or on behalf of Mr Snell. The Convener proposed that consideration of 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 Grant of Private Hire Car Driver's Licence - Personal Appearance

Under reference to item 2(c) of the Minute of the meeting of this Board held on 6 September 2018 the Board resumed consideration of the undernoted application for the grant of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to the application: -

Ihsanullah Sahil, Flat 4/1, 50 Kings Way Court, Glasgow

There was no appearance by or on behalf of Mr Sahil. Sergeant Hay, on behalf of the Chief Constable who had submitted a representation to the application was invited into the meeting.

The Convener proposed that consideration of 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.

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

Under reference to item 4 of the Minute of the meeting of this Board held on 2 August 2018, the Board resumed consideration of the undernoted application for the renewal of a Private Hire Car Driver's Licence. The applicant had been asked to appear personally for the second time together with Police Scotland who had submitted a representation to the application: -

Alexander McConville, 1 Helmsdale Drive, Paisley

Mr McConville was invited into the meeting together with Sergeant Hay, 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.

7 Grant of Taxi Drivers' Licences - Personal Appearances

There were submitted the undernoted applications for grant of Taxi Drivers' Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to application (b): -

(a) Scott Linton, 25 Ellisland Road, Busby.

Mr Linton, 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 one year. This was agreed unanimously.

DECIDED: That the application be granted for a period of one year.

(b) Naveed Iqbal, 9 Brent Way, Thornliebank, Glasgow

Mr Iqbal, the applicant was invited into the meeting together with Sergeant Hay 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 Drivers' Licences - Personal Appearances

Under reference to item 7 of the Minute of the meeting of this Board held on 22 August 2018 the Board resumed consideration of application (a) for the renewal of a Taxi Driver's Licence and considered applications (b) and (c) for the renewal of Taxi Drivers' Licences. Applicant (a) had been asked to appear personally for the second time together with Police Scotland, who had submitted a representation to the application. Applicants (b) and (c) had been asked to appear personally for the first time together with Police Scotland who had submitted a representation in respect of application (b): -

(a) Thomas McGarrell, 287 Main Road, Elderslie T0352

Mr McGarrell, the applicant was invited into the meeting together with Sergeant Hay 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.

(b) John Connolly, Flat 1/2, 4 Brediland Road, Paisley T1555

There was no appearance by or on behalf of Mr Connolly. Sergeant Hay, on behalf of the Chief Constable who had submitted a representation to the application, was invited into the meeting. The Convener proposed that consideration of 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.

(c) Andrew Lamont, 137 Hillside Road, Paisley T0111

Mr Lamont, the applicant was invited into the meeting and gave undertakings in relation to the renewal of his DVLA licence.

After consideration of all matters before the Board, the Convener proposed that the application be granted for a period of two years in light of the aforementioned undertakings. This was agreed unanimously.

DECIDED: That the application be granted for a period of two years in light of undertakings given in relation to Mr Lamont's DVLA licence.

Declarations of Interest

Councillors Devine and Montgomery having declared a non-financial interest in the following application left the meeting and took no part in any discussion and voting thereon.

9 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 Councillor Sharkey who had submitted an objection to the application in relation to trading in the Ralston area of Paisley: -

Applicant: Alexander Brannigan, 5 Stoddart Square, Elderslie

Authorised goods: Soft ice cream, soft drinks and confections

Trading from: Renfrewshire Council area excluding Paisley Town Centre, Lochfield and Hunterhill

Operating hours: Seven days per week – 11.00 am to 10.00 pm.

There was no appearance by or on behalf of Mr Brannigan or Councillor Sharkey

Councillor Doig, seconded by Councillor Rodden, moved that the application be granted

Councillor McNaughtan, seconded by Councillor Steel, moved as an amendment that consideration of the application be continued to a future meeting of the Board and that the applicant and the objector be invited to attend.

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

On a vote being taken, three members voted for the amendment and three members voted for the motion. There being an equality of votes cast, the Convener used his second and casting vote in favour of the amendment. The amendment was accordingly declared carried.

DECIDED: That the application be continued to a future meeting of the Board and that the applicant and the objector be invited to attend.

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Councillors Devine and Montgomery re-entered the meeting prior to consideration of the following item of business.

10 Grant of Landlord Registrations - Personal Appearances

Under reference to item 4 of the Minute of the meeting of this Board held on 23 May 2018, the Board resumed consideration of applications (a) and (b) for grant of Landlord Registration and considered applications (c), (d), (e), (f), (g) and (h) for grant of Landlord Registrations. Applicants (a) and (b) had been asked to appear personally for the second time and applicants (c), (d), (e), (f), (g) and (h) had been asked to appear personally for the first time together with Police Scotland who had submitted representations to applications (c), (d), (e) and (f); the Director of Communities, Housing and Planning Services, Renfrewshire Council, who had submitted a representation to application (g) together with Matthew Blaikie and Kerryann Clark who had submitted complaints to application (g); and the Director of Communities, Housing and Planning Services, Renfrewshire Council, who had submitted a representation to application (h) and the Director of Finance and Resources, Renfrewshire Council, who had contributed to the representation to application (h):-

(a) Sophia Ahmed, 18 Fairfield Drive, Renfrew

Mr Irshad Ahmed, representing the applicant Sophia Ahmed, 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) Gurjit Lally, 27 McMillan Crescent, Beith

Mrs Lally, the applicant was invited into the meeting. After consideration of all matters before the Board, the Convener proposed that the application be continued to allow the applicant to obtain and provide a completion certificate from the First-tier Tribunal for Scotland. This was agreed unanimously.

DECIDED: That the application be continued.

(c) Mark Troup, 2 Niamh Court, Inchinnan

Mr Troup, the applicant was invited into the meeting together with Sergeant Hay on behalf of the Chief Constable who had submitted a representation to the application.

Sergeant Hay advised the Board that the applicant was known to him, and this was noted.

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.

(d) Craig Morris, Holly Lodge, Hazlewood Road, Bridge of Weir (Joint owner Grant Morris)

Mr Craig Morris, the applicant, Mr Grant Morris and Mrs Hegg Morris 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.

(e) Shahid Abdullah, 10 Tulloch-Ard Place, Rutherglen (Joint owner Aziza Qozat)

Mr Abdullah, the applicant and Mrs Qozat, wife and joint owner were invited into the meeting together with Sergeant Hay on behalf of the Chief Constable who had submitted a representation to the application.

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

DECIDED: That the application be refused.

(f) Paul Doherty, 91 Glenapp Avenue, Paisley

There was no appearance by or on behalf of Mr Docherty. The Convener proposed that the application be continued to a future meeting of the Board. This was agreed unanimously.

DECIDED: That the application be continued.

(g) Stuart McIlree, 3 Beinn Dubh View, Luss, Alexandria

Mr McIlree was invited into the meeting together with C Hunter, B Kettle and P Heaney representing the Director of Communities, Housing and Planning Services who had submitted a representation to the application. There was no appearance by or on behalf of M Blaikie and K Clark who had submitted complaints to the application.

After consideration of all matters before the Board, the Board adjourned the Board adjourned to allow members to consider this application. The meeting was reconvened. Councillor Devine, seconded by Councillor Montgomery moved that the application be refused. This was agreed.

DECIDED: That the application be refused.

(h) John Owens, 6 Kincaig Park, Newton Abbey

Mr Owens, the applicant and Ms Canning, his agent were invited into the meeting together with C Hunter, B Kettle and P Heaney representing the Director of Communities, Housing and Planning Services who had submitted a representation to the application, and J Kane representing the Director of Finance & Resources, who had contributed to the representation to application

After consideration of all matters before the Board, the Board adjourned to allow members to consider this application. The meeting was reconvened.

Councillor McNaughtan, seconded by Councillor Steel, moved that the application be granted for a period of three years.

Councillor Devine, seconded by Councillor Montgomery, 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 a vote being taken, three members voted for the amendment and five members voted for the motion. The motion was accordingly declared carried.

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