

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Thursday, 07 June 2018	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present

Councillor Eddie Devine, 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

A McLaughlin, Senior Solicitor (Litigation and Advice), E Currie, Senior Committee Services Officer and D Cunningham, Administrative Assistant and G McIntosh, Civic Government Enforcement Officer (for item 1 only) (all Finance & Resources).

Apology

Provost Lorraine Cameron.

Declarations of Interest

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

1 Taxi Licensing: Unmet Demand

There was submitted a report by the Director of Finance & Resources relative to recent observations by the Civic Government Enforcement Officer in relation to the demand for taxis.

The report advised that the Council had a policy of limiting the number of taxis within Renfrewshire and kept the demand for taxis under review. Section 10 (3) of the Civic Government (Scotland) Act 1982 empowered the Council as licensing authority to refuse to grant new taxi licences in its area in order to limit the number of taxis in the area provided it was satisfied that there was no significant demand for taxi services in its area which was unmet.

The report indicated that in May 2016, the Board had considered a detailed report, carried out externally by Vector Transport Consultancy, in relation to demand for taxi services in Renfrewshire. The Board had agreed at that time to increase the limit in relation to the number of taxis in Renfrewshire to 235. On 1 November 2017 the Board considered a report by the Civic Government Enforcement Officer setting out her findings following taxi stance observations at Gilmour Street, Paisley and at Glasgow Airport in April and August 2017 and following consideration of that report, the policy maintaining the limit of 235 taxis was retained.

The report stated that in February and April 2018, the Civic Government Enforcement Officer carried out surveys at the main taxi stances in Paisley and at Glasgow Airport to assess whether there was any significant unmet demand. A copy of the Civic Government Enforcement Officer's findings was appended to the report. The Civic Government Enforcement Officer found that there were no waiting times during the surveys and accordingly the surveys indicated that there was no unmet demand.

Members accepted the findings of the Civic Government Enforcement Officer during the surveys. However, members expressed concerns of waiting times in Paisley outwith the periods surveyed and the impact this may have.

The Convener proposed that the report be noted and that the numbers limit be kept under review; and that a more detailed report be submitted to a future meeting of this Board to investigate the number of taxis operating in Paisley town centre after midnight. This was agreed unanimously

DECIDED:

(a) That the report be noted and that the numbers limit be kept under review; and

(b) That a more detailed report be submitted to a future meeting of this Board to investigate the number of taxis operating in Paisley town centre after midnight.

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

There was submitted 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 first time:-

Present Operator: Allan Inches, Flat 1/2 1 Friarshall Gate, Paisley
Proposed Operator: James Robertson, 109 Donaldswood Park, Paisley
Licence No.: TX97

Mr Robertson, one of the applicants, was invited into the meeting and advised that he would be representing Mr Inches also. 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.

3 Renewal of Street Trader's Licence

There was submitted the undernoted application for renewal of a Street Trader's Licence:-

Applicant: Kelly Anne McDowell, 5F Henderson Street, Paisley
Authorised Goods: hot and cold food, beverages, confectionery and milk
Trading From: Watt Road and Huntly Road, Hillington and Maxwell Street, Paisley
Operating Hours: Hillington – Monday to Friday – 6.00 am to 2.30 pm and Paisley – 7 days per week – 9.00 pm to 4.00 am
Licence No.: ST089

The Convener proposed that the applicant continue to be allowed to be an exception to the Board's policy on trading hours and that the application be granted for a period of two years. This was agreed unanimously.

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

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.

4 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: William Love, 237 Talla Road, Hillington, Glasgow
Authorised Goods: hot and cold food, beverages, confectionery and milk
Trading From: Watt Road and Huntly Road, Hillington and Maxwell Street, Paisley
Operating Hours: Hillington – Monday to Friday – 6.00 am to 2.30 pm and Paisley – 7 days per week – 9.00 pm to 4.00 am

There was no appearance by or on behalf of the applicant. 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 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 (a) and an objection and further letter to application (b) :-

(a) Bryan MacEwan, 11 Breck Avenue, Paisley

Mr MacEwan, the applicant, was invited into the meeting together with Inspector MacLaren, 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.

(b) Charles McMahon, 113B Kintyre Avenue, Paisley

Mr McMahon, the applicant, was invited into the meeting together with Inspector MacLaren, on behalf of the Chief Constable who had submitted an objection and further letter of objection to the application.

The Senior Solicitor (Litigation and Advice) advised that the objection from Police Scotland was in the form of two letters, one of which had not been circulated to members of the Board as it contained details of matters which were now spent.

After consideration of the age, nature and seriousness of the matters contained in the second letter of objection, the Convener proposed that the Board consider these matters as the interests of justice so required. This was agreed unanimously.

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 Devine, moved that the application be granted for a period of one year.

Councillor Steel, seconded by Councillor MacEwan, 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, 3 members voted for the amendment and 6 members voted for the motion. The motion was accordingly declared carried.

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

ADJOURNMENT

The meeting adjourned at 11.20 am and reconvened at 11.25 am.

(c) Ryan Lynch, 6 Morven Avenue, Paisley

The Senior Solicitor (Litigation and Advice) advised that Mr Lynch had advised that he would be unable to attend the meeting and had submitted a written submission for members consideration. The Convener proposed that the application be considered in Mr Lynch's absence and 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.

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

There were submitted the undernoted applications for grant of Private Hire Car Driver's Licences. The applicants had been asked to appear personally for the first time together with Police Scotland who had submitted a representation to application (a) and an objection received outwith the statutory timescale to application (b) together with a further letter:-

(a) William McCallum, 57 Wenlock Road, Paisley

There was no appearance by or on behalf of Mr McCallum. Inspector MacLaren, 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.

(b) Kenneth Richards, 33 Moorfoot Avenue, Paisley

There was no appearance by or on behalf of Mr Richards. Inspector MacLaren, on behalf of the Chief Constable who had submitted an objection received outwith the statutory timescale to the application together with a further letter, 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.

7 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:-

Alexander McAuley, 26 Spinners Gardens, Paisley – P4620

Mr McAuley, the applicant, was invited into the meeting. The Senior Solicitor (Litigation and Advice) advised that Mr McAuley's DVLA licence was due to expire on 15 November 2018. Mr McAuley gave an undertaking to the Board that should his Private Hire Car Driver's Licence be granted he would provide evidence of his renewed DVLA licence within 14 days of its receipt.

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 McAuley 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.

Adjournment

The meeting adjourned at 11.40 am and reconvened at 11.45 am.

8 Hearing into Possible Removal from the Register of Private Landlords - Personal Appearance

The Board considered the possible removal of the undernoted landlord from the Register of Private Landlords. The landlord had been asked to appear personally for the first time together with Police Scotland. Seema Kareer had also been invited to the meeting as joint owner:-

Gurmit Kareer, 15 Ventnor Road South, Leicester

Mr Kareer, the landlord, and Inspector MacLaren, Police Scotland, were invited into the meeting. 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 no action be taken at this time. This was agreed unanimously.

DECIDED: That no action be taken at this time.

Adjournment

The meeting adjourned at 12.05 pm and reconvened at 12.10 pm.

9 Grant of Late Hours Catering Licence - Personal Appearance

There was submitted the undernoted application for grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the first time together with Police Scotland who had submitted an objection to the application outwith the statutory timescale:-

Applicant: Avtar Singh, 8 Duthie Park Place, Glasgow

Premises: East End Tandoori, 3A Ladyburn Street, Paisley

Authorised Goods: hot food takeaway

Operating Hours: Monday to Thursday – 11.00pm to 12 midnight and Friday, Saturday and Sunday – 11.00 pm to 2.00 am

Mr Singh, the applicant, was invited into the meeting together with Sergeant Hay, on behalf of the Chief Constable who had submitted an objection to the application received outwith the statutory timescale.

The Senior Solicitor (Litigation and Advice) intimated that Mr Singh's solicitor had requested that consideration of his client's application be continued to a future meeting of the Board. 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.

10 Grant of Landlord Registration - Personal Appearance

There was submitted the undernoted application for the grant of Landlord Registration. The applicant had been asked to appear personally for the first time together with Police Scotland:-

Gordon Jack, 44 Hillcrest Avenue, Wishaw

Mr Jack, the applicant, and Sergeant Hay, Police Scotland were invited into the meeting. 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 granted for a period of three years subject to the condition that a reputable agent be appointed to act for Mr Jack in relation to any lease or occupancy agreement in place for any property owned by Mr Jack which was on the register. This was agreed unanimously.

DECIDED: That the application be granted for a period of three years subject to the condition that a reputable agent be appointed to act for Mr Jack in relation to any lease or occupancy agreement in place for any property owned by Mr Jack which was on the register.