

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 04 November 2015	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 Mylet.

CONVENER

Councillor Hood, Convener, presided.

IN ATTENDANCE

M Conaghan, Legal & Democratic Services Manager (for item 1); D Campbell, Assistant Managing Solicitor (Licensing); P Shiach, Committee Services Officer; K Whiteside, Paralegal Administrative Officer and G McIntosh, Civic Government Enforcement Officer (for item 1) (all Finance & Resources).

APOLOGY

Councillor Mullin.

DECLARATIONS OF INTEREST

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

ADDITIONAL ITEM

The Convener intimated that there was an additional item in relation to a request from Police Scotland for a hearing into the possible suspension of a Taxi Drivers Licence which had not been included in the notice calling the meeting. The Convener, being of the opinion that the item, which is dealt with at item 8 of this Minute, was urgent in view of the need to determine the matter timeously authorised its consideration.

1 TAXI LICENSING - UNMET DEMAND

There was submitted a report by the Director of Finance & Resources relative to taxi demand within the Renfrewshire Council area. The report intimated that the Civic Government (Scotland) Act 1982 empowered the Council as licensing authority to refuse to grant new taxi licences in order to limit the number of taxis operating in the area providing it could demonstrate that there was no significant unmet demand for taxi services.

A review of the limitation had been carried out by Halcrow and at the meeting of this Board held on 17 June, 2009 it had been decided that the limitation be fixed at 214 taxi licences. At further meetings of this Board held on 17 June, 2010, 22 June, 2011, 8 May, 2013 and 5 February, 2014 it had been decided that the number of taxis remain at 214.

During the period February to March 2015 the Council's Civic Government Enforcement Officer carried out rank observations at both Paisley Gilmour Street and Glasgow Airport to assess any significant unmet demand. The Civic Government Enforcement Officer's observations were detailed in appendix 1 to the report, however, no issues of unmet demand were identified at either rank at that time.

In May and June 2015 officers had received anecdotal evidence that there were insufficient cars working in Paisley Town Centre to meet demand. The Civic Government Enforcement Officer carried out further observations in June and July 2015 both at Glasgow Airport and Paisley Town Centre including observations at Gilmour Street between 11.30pm and midnight. Further observations were carried out in August and September 2015 between 10.00pm and 1.00am on Friday and Saturday evenings. The result of the Civic Government Officer's observations were that there remained no change in the general position regarding significant unmet demand since the Board last considered the position in 2014, but that there appeared to be a shortage of licensed vehicles in relation to journeys at peak times from Paisley Town Centre, particularly after midnight, which appeared to arise at least in part from a lack of Private Hire vehicles working at these times.

The report indicated that given that the last external survey was considered by the Board in 2009 and the issues identified at peak times, officers would proceed to obtain a further detailed external survey which would be the subject of a further report to the Board in due course.

Provost Hall, seconded by Councillor Hood, moved that the Board continue to limit the number of taxis in Renfrewshire to 214; and note that a detailed external study would be obtained and a further report submitted to the Board thereafter at which time a decision on the number of taxis in Renfrewshire would be taken.

Councillor Mylet, seconded by Councillor McEwan, moved as an amendment that the number of taxis be increased to 224.

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

On a vote being taken two members voted for the amendment and five members voted for the motion. Two members abstained. The motion was accordingly declared carried.

DECIDED:

(a) That the number of taxis in Renfrewshire continue to be limited to 214; and

(b) That it be noted that a detailed external study would be obtained and a further report submitted to the Board thereafter at which time a decision on the number of taxis in Renfrewshire would be taken.

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.

2 RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE – PERSONAL APPEARANCE

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

Daya Prasad Sharma, Flat 0/1, 22 Netherhill Crescent, Paisley.

Mr Sharma, the applicant and Mrs N Prasad, his representative 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 two years. This was agreed unanimously.

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

3 GRANT OF STREET TRADER (EMPLOYEE) LICENCES – PERSONAL APPEARANCES

There were submitted the undernoted applications for Street Trader (Employee) Licences. The applicants had been asked to appear personally for the first time, together with Police Scotland who had submitted an objection to application 3(b).

(a) Leonard Begaj, 24 Hillrigg, Greengairs, Airdrie

Mr Begaj, 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) Craig Cowan, 53 Dalskeith Crescent, Paisley

Mr Cowan, the applicant, was invited into the meeting together with Inspector Espie, Sergeant Curran and Sergeant McLaren on behalf of the Chief Constable who had submitted an objection 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.

Councillor Hood, seconded by Provost Hall, moved that the application be refused.

Councillor McQuade, seconded by Councillor Mylet, moved, as an amendment, that the application be granted for a period of one year.

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

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

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

ADJOURNMENT

The meeting adjourned at 11.30 am and reconvened at 11.40 am.

4 GRANT OF LANDLORD REGISTRATION – PERSONAL APPEARANCE

There was submitted the undernoted application for Grant of a Landlord Registration. The applicant had been asked to appear personally for the first time, together with Police Scotland who had submitted a representation to the application.

David Brian Kinnear, 13 Union Street, Largs.

Mr Kinnear, the applicant was invited into the meeting together with Inspector Espie, Sergeant Curran and Sergeant McLaren 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 three years. This was agreed unanimously.

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

SEDERUNT

Councillors M Brown and McEwan left the meeting during the following item of business and took no part in the decision thereon.

5 RENEWAL OF A LATE HOURS CATERING LICENCE – PERSONAL APPEARANCE

There was submitted the undernoted application for the renewal 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 received outwith the statutory timescale to the application.

Raja Paisley Limited, 57 Old Sneddon Street, Paisley

Mr Aslam on behalf of the applicant Raja Paisley Limited and Mr Thorburn, representative, were invited into the meeting together with Chief Inspector Espie, Sergeant Curran and Sergeant McLaren, on behalf of the Chief Constable who had submitted an objection outwith the statutory timescale to the application.

In terms of preliminary matters, Mr Thorburn confirmed he took issue with the late receipt of the objection from Police Scotland which the Assistant Managing Solicitor had already stated would have to be considered as a preliminary item. The Board adjourned to allow members to consider this. The meeting was reconvened.

On considering the reason for the objection being received outwith the statutory timescale it was decided that the objection would be taken into account when the application was being considered.

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.

ADJOURNMENT

The meeting adjourned at 1.50 pm and reconvened at 2.05 pm.

SEDERUNT

Prior to consideration of the following item of business, Councillor E Devine left the meeting.

6 GRANT OF A 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 a representation, and the Director of Community Resources who had submitted a letter of objection to the application.

Fiaza Asghar, 222 Titwood Road, Glasgow

Mrs Asghar, the applicant was invited into the meeting together with her husband, Mr Asghar. Inspector Espie and Sergeant Curran on behalf of the Chief Constable who had submitted a representation to the application were invited to the meeting together with R Marshall, Business Regulation Manager on behalf of the Director of Community Resources who had submitted a letter of objection to the application.

The Assistant Managing Solicitor (Licensing) advised the Board that the applicant had confirmed his intention to amend the requested extended hours to the current policy hours:-

Sunday to Thursday 11.00 pm to 12 midnight; and
Friday and Saturday 11.00 pm to 2.00am.

Inspector Espie indicated that the representation from Police Scotland was therefore withdrawn.

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

Councillor Hood, seconded by Councillor B Brown, moved that consideration of the application be continued to allow the applicant to demonstrate compliance with food hygiene regulations.

Provost Hall, seconded by Councillor Mylet, 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, two members voted for the motion, and four members voted for the amendment. The amendment was accordingly declared carried.

DECIDED: That the application be refused.

SEDERUNT

Prior to consideration of the following item of business, Councillor E Devine re-entered 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 7(b) of the agenda before item 7(a) of the agenda.

7 GRANT OF PRIVATE HIRE CAR DRIVERS' LICENCES – PERSONAL APPEARANCES

There were submitted the undernoted applications for the 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 objections received outwith the statutory timescale to the applications.

(a) William Larsen, 69D Newmains Road, Paisley

Mr Larsen, the applicant, was invited into the meeting together with Inspector Espie and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection outwith the statutory timescale to the application. On hearing the reasons for the objection being received outwith the statutory timescale it was decided that the objection be taken into account when the application was being considered.

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

Councillor Hood, seconded by Councillor M Devine, moved that the application be refused.

Provost Hall, seconded by Councillor McQuade, moved as an amendment that the application be granted for a period of one year.

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 motion and four members voted for the amendment. The amendment was accordingly declared carried.

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

(b) Neil Robertson, Flat 1/2, 47 Morar Drive, Paisley

There was no appearance by or on behalf of Mr Robertson. Inspector Espie and Sergeant Curran, on behalf of the Chief Constable who had submitted an objection outwith the statutory timescale to the application were invited into the meeting. The Convener proposed that the application be considered in Mr Robertson's absence and this was agreed unanimously. On hearing the reasons for the objection being received outwith the statutory timescale it was decided that the objection 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 refused. This was agreed unanimously.

DECIDED: That the application be refused.

8 HEARING INTO POSSIBLE SUSPENSION OF A TAXI DRIVERS LICENCE T2396

Archibald Graham Douglas, 20 Cuillin Way, Barrhead, East Renfrewshire

There was no appearance by or on behalf of Mr Douglas. Inspector Espie and Sergeant Curran, on behalf of the Chief Constable who had requested the hearing into the possible suspension of the Taxi Driver's Licence, were invited into the meeting. The Convener proposed that the application be considered in Mr Douglas' absence and this was agreed unanimously. After consideration of all matters before the Board, the Convener proposed that Taxi Driver's Licence T2396 be suspended immediately for the unexpired portion of the Licence. This was agreed unanimously.

DECIDED: That Taxi Driver's Licence T2396 be suspended immediately for the unexpired portion of the Licence.