

Minute of Meeting Regulatory Functions Board

Date	Time	Venue
Wednesday, 08 June 2022	10:00	Remotely by MS Teams ,

Present: Councillor Audrey Doig, Councillor Lisa-Marie Hughes, Councillor Cathy McEwan, Councillor John McNaughtan, Councillor Sam Mullin, Councillor Andy Steel

Chair

Councillor McNaughtan, Convener, presided.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing), C Panton, Senior Solicitor, E Gray, Senior Committee Services Officer, D Cunningham, Assistant Committee Services Officer, G Dickie, Partnering & Commissioning Manager , D Pole, End User Technician, A Easdon, Team Leader (Licensing), G McIntosh, Civic Licensing Standards Officer, and K Marriott, Administrative Assistant (all Finance & Resources).

Recording of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting would be recorded for subsequent broadcast via the Council's internet site.

Apologies

Councillors N Graham, Hood and Rodden.

Declarations of Interest

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

1 Registration of Private Landlords: Applications Refused under Delegated Authority

Under reference to item 3 of the Minute of the meeting of this Board held on 18 August 2021, there was submitted a report by the Director of Finance & Resources providing an update in relation to applications for landlord registration refused by officers under delegated powers.

The report intimated that on 18 August 2021, the Board recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the Antisocial Behaviour etc. (Scotland) Act 2004 were not met and that regular reports be submitted to this Board detailing the applications refused.

The report advised that 34 applications for landlord registration had been refused by officers due to landlords' failure to confirm full compliance with their legal responsibilities. It was noted that three of these applications were by landlords seeking registration for the first time with the remainder applying to renew a previous landlord registration. Further, that since refusal, three landlords had addressed their previous outstanding compliance issues and had now reapplied for registration.

DECIDED: That the report be noted.

2 Licensing of Short-term Lets: Proposals for Implementation

There was submitted a report by the Director of Finance & Resources which provided the Board with an update on new legislation which required local authorities to regulate short-term lets in the form of a licensing scheme.

The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 ("the Licensing Order"), brought short-term lets within the scope of licensed activities covered by the statutory provisions of the Civic Government (Scotland) Act 1982 ("the 1982 Act"). The report detailed the mandatory and discretionary controls provided under the terms of the Licensing Order.

The report also set out the preparatory work required to implement the licensing scheme and the main issues the Council required to consider in relation to the Licensing Order. Details were provided of recommended consultation arrangements in relation to the short-term lets licensing framework which required to be introduced.

DECIDED:

(a) That the proposed consultation exercise, as detailed at section 4 of the report and in Appendices 2 and 3 to the report, be approved; and

(b) That, otherwise, the terms of the report be noted.

3 **Grant of Late Hours Catering Licence - Personal Appearance**

Under reference to item 2 of the Minute of the meeting of this Board held on 16 March 2022, consideration was resumed of the undernoted application for grant of a Late Hours Catering Licence. The applicant had been asked to appear personally for the second time:-

Applicant: Exotic Kitchen Limited
Premises: 23 Causeyside Street, Paisley
Activity: takeaway
Operating hours: Monday to Sunday – 11.00 pm to 2.00 am

There was no appearance by or on behalf of Exotic Kitchen Limited. 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.

4 **Renewal of Late Hours Catering Licences**

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

(a) Applicant: Select Service Partner UK Limited
Premises: Burger King, Glasgow Airport
Activity: catering, including, but not limited to, alcohol, hot and cold food and drinks
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 093

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

(b) Applicant: Select Service Partner UK Limited
Premises: James Martin Kitchen, Glasgow Airport
Activity: catering, including, but not limited to, alcohol, hot and cold food and drinks
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 094

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

(c) Applicant: Krispy Kreme
Premises: Krispy Kreme, Glasgow Airport
Activity: doughnuts and drinks
Operating hours: Monday to Sunday – 4.00 am to 5.00 am
Licence No.: LHC 118

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

(d) Applicant: Select Service Partner UK Limited
Premises: M&S Simply Food, Glasgow Airport
Activity: supermarket chain
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 119

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

(e) Applicant: Tesco Stores Limited
Premises: Tesco Express, Rockfield Service Station
Activity: supermarket
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 064

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

(f) Applicant: Tesco Stores Limited
Premises: Tesco, East Lane, Paisley
Activity: supermarket
Operating hours: January to November - Monday to Saturday – 11.00 pm to 12 midnight and December – Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 061

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

(g) Applicant: Asda Stores Limited
Premises: Asda, Phoenix Retail Park, Linwood
Activity: supermarket
Operating hours: Monday to Sunday – 11.00 pm to 5.00 am
Licence No.: LHC 050

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

5 **Grant of House in Multiple Occupation Licences - Personal Appearances**

Under reference to item 7 of the Minute of the meeting of this Board held on 11 November 2021, consideration was resumed of application (a) for grant of a House in Multiple Occupation Licence and there were submitted applications (b) and (c) for the grant of House in Multiple Occupation Licences. Applicant (a) had been asked to appear personally for the second time and applicants (b) and (c) had been asked to appear personally for the first time together with the Director of Communities & Housing Services, Renfrewshire Council:-

(a) Applicant: Lauren Fraser
Property: Flat 2/2, 87 Causeyside Street, Paisley

The Assistant Managing Solicitor (Licensing) advised that this application had been granted under delegated authority for a period of three years.

DECIDED: That it be noted that the application had been granted under delegated authority for a period of three years.

(b) Applicant: MyPad Paisley Limited
Property: 26 Gilmour Street, Paisley

The Assistant Managing Solicitor (Licensing) advised that this application had been granted under delegated authority for a period of three years.

DECIDED: That it be noted that the application had been granted under delegated authority for a period of three years.

(c) Applicant: University of the West of Scotland
Property: 35 Storie Street, Paisley - 49 applications

Ms Sweeney, Mr Joyce and Mr Gilmour, representatives of the applicant, joined the meeting by video call together with Mr Hunter, who also joined by video call, representing the Director of Communities & Housing Services, Renfrewshire Council. After consideration of all matters before the Board, the Convener proposed that the applications be granted for a period of three years. This was agreed unanimously.

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

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

Under reference to items 10(a) and 11 of the Minute of the meeting of this Board held on 16 March 2022, consideration was resumed of applications (a) and (b) for the grant of Private Hire Car Drivers' Licences and there was submitted application (c) for the grant of a Private Hire Car Driver's Licence. Applicants (a) and (b) had been asked to appear personally for the second time and applicant (c) had been asked to appear personally for the first time, together with Police Scotland who had submitted an objection and a further letter in relation to that objection to application (b) and an objection to application (c):-

(a) Shamsulrahman Rahimi

Mr Rahimi, 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) Barry Wood

There was no appearance by or on behalf of Mr Wood. Inspector Graham joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection and a further letter in relation to that objection to the application. The Convener proposed that consideration of the application be continued to allow Mr Wood to attend and that Mr Wood be invited to a future meeting of the Board. This was agreed unanimously.

DECIDED: That consideration of the application be continued to allow Mr Wood to attend and that Mr Wood be invited to a future meeting of the Board.

(c) Ryan McLeod

Mr McLeod, the applicant, joined the meeting by video call together with Inspector Graham, who also joined the meeting by video call, on behalf of the Chief Constable who had submitted an objection 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.

Adjournment

The meeting adjourned at 11.15 am and reconvened at 1.30 pm.

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Councillors Audrey Doig and McEwan left the meeting at this point.

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:-

Kenneth Hair P0152

There was no appearance by or on behalf of Mr Hair, 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 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 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:-

Gurwinder Singh

Mr Singh, 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 six months. This was agreed unanimously.

DECIDED: That the application be granted for a period of six months.

9 Grant of Private Hire Car Operator's Licence - Personal Appearance

Under reference to item 13(b) of the Minute of the meeting of this Board held on 16 March 2022, consideration was resumed of the undernoted application for grant of a Private Hire Car Operator's Licence. The applicant had been asked to appear personally for the second time:-

Pashtoon Barak

Mr Barak, 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 subject to the correct insurance documents being submitted to officers within seven days. This was agreed unanimously.

DECIDED: That the application be granted for a period of one year subject to the correct insurance documents being submitted to officers within seven days.