



**MINUTES OF MEETING of the REGULATORY COMMITTEE held within the Council
Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on TUESDAY 25 AUGUST 2015
at 10.00 am.**

PRESENT

Councillor Walter McAdam, MBE (Convenor)
Councillor Alastair Campbell
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Kathleen Martin
Councillor Graham Watt (*S)

IN ATTENDANCE

Alastair MacKenzie, Team Leader, Building Standards and Licensing
June Andison, Licensing Administrator
Janice McCrum, Solicitor, Clerk to the Committee
Gillian White, Business Support to the Committee

RC.90 APOLOGIES

Apologies for absence were received from Councillor Les Sharp and Councillor Derek Stewart. Councillor Graham Watt attended as substitute for Councillor Stewart.

RC.91 DECLARATION OF INTERESTS

None.

RC.92 MINUTES OF MEETING: 30 JUNE 2015

The minutes of the Regulatory Committee meeting held on Tuesday 30 June 2015 were submitted for approval.

Moved by Councillor Kenneth Earle. Seconded by Councillor Kathleen Martin.

Decision

The minutes of the Regulatory Committee meeting held on Tuesday 30 June 2015 were agreed as a correct record and signed by the Convenor.

RC.93 APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE

A report which asked the Committee to consider a application for the renewal of a taxi driver's licence was submitted by the Regulatory Services Manager. The Council's Scheme of Delegation allows the Head of Development and Environment to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there have been any objections or representations received from any party. A letter of objection from Police Scotland had been received by the licensing authority, therefore the Committee had been asked to consider the application for the renewal of a taxi driver's licence.

Attending

Mr Alastair MacKenzie, Team Leader Licensing and Building Standards
Sergeant Iain McGregor, Licensing Manager, Police Scotland
PC Andrew Kane, Police Scotland

Having been cited to attend, the applicant, [REDACTED] was not present.

Sergeant McGregor asked if the Committee could hear this application in private as part of Police Scotland's representation involved a pending case.

The Clerk confirmed that it was legal to take the matter in private.

Following discussion, the Committee agreed to defer the hearing of this item until the conclusion of the other committee business.

RC.94 APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE

A report which asked the Committee to consider an application for the grant of a Taxi Operator Licence was submitted by the Head of Development and Environment. Committee was asked to consider this application as it had attracted nine objections.

Attending

Mr Alastair MacKenzie, Team Leader, Licensing and Building Standards
Mr Alastair McKay, Applicant
[REDACTED], Objector, representing the Taxi Owners' Association

The Clerk advised that a letter had been received by the Committee from [REDACTED] asking for permission to speak to the Committee on behalf of the Taxi Owners' Association.

The Convenor granted [REDACTED] request to speak to the Committee.

The Committee heard submissions from all of the parties attending and had opportunity to put questions to them.

Motion

Having considered all of the information set out in the report and the representations made, that the Committee approves the application for the grant of a Taxi Operator's Licence.

Moved by Councillor Graham Watt. Seconded by Councillor Alastair Campbell.

Decision

Having considered all of the information set out in the report and the representations made, the Committee agreed unanimously to approve the application for the grant of a Taxi Operator's Licence ([REDACTED]).

Following representations from both the applicant and the objector, the Committee asked that the Unmet Demand Survey is carried out as a matter of urgency to establish whether there is a significant unmet demand for taxi operators in Clackmannanshire. The Team Leader,

Building Standards and Licensing, confirmed that it is intended that the Unmet Demand Survey report will come to the next meeting of the Regulatory Committee being held on 22 September 2015 for consideration.

Action

Regulatory Services Manager

RC.95 APPLICATION FOR THE GRANT OF SECOND HAND DEALER'S LICENCE

The application for the Grant of a Second Hand Dealer's Licence, had attracted a letter of objection from the Council's Trading Standards Service. Therefore, in accordance with the Council's Scheme of Delegation, the Committee was asked to consider the application for the grant of Second Hand Dealer's Licence.

Attending

Mr Alastair MacKenzie, Team Leader, Licensing and Building Standards

Mr Paul Fair, Licensing Standards Officer

Ms Rosemary McLellan, Team Leader, Trading Standards

██████████, Applicant

The Committee heard submissions from all of the parties attending and had the opportunity to put questions to them.

The Committee was not satisfied with the submissions provided by both Trading Standards and the Licensing Standards Officers in so far as the verbal submissions made at the Committee provided information which had not been contained within their written submissions.

The Committee asked that consideration of the application was deferred to allow further written submissions to come from Trading Standards and the Licensing Standards Officer.

The Clerk confirmed that the application would require to be determined by 6 September 2015 or the application would be deemed to be granted. As the application had been received on 6 March 2015, the Council have six months to determine the application.

The Team Leader, Licensing and Building Standards, advised that if the Committee is to re-convene to consider additional information, ██████████ will have to be given seven days notice of the new information.

Motion

To defer consideration of the application for the Grant of a Second Hand Dealer's Licence for ██████████ to allow for further written submissions from Trading Standards and the Licensing Standards Officer and that a Special Meeting of the Regulatory Committee is convened on Friday 4 September 2015 to consider the application.

Moved by Councillor Kathleen Martin. Seconded by Councillor Alastair Campbell.

Decision

The Committee unanimously agreed to defer consideration of the application for the Grant of a Second Hand Dealer's Licence for ██████████ to allow for further written submissions from Trading Standards and the Licensing Standards Officer. The Committee further agreed that a Special Meeting of the Regulatory Committee is convened on Friday 4 September 2015* to consider the application.

(Subsequent to the meeting, the Special Meeting of the Regulatory Committee was arranged for 10.00 am on Friday 4 September 2015.)*

Action

Regulatory Services Manager

The Convenor adjourned the meeting at this point in the proceedings (1120 hrs). The meeting resumed at 1130 hrs. Seven (7) members remained present.

The undernoted item had been deferred from earlier in the meeting.

RC.96 APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE

A report which asked the Committee to consider a application for the renewal of a taxi driver's licence was submitted by the Regulatory Services Manager. The Council's Scheme of Delegation allows the Head of Development and Environment to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there have been any objections or representations received from any party. A letter of objection from Police Scotland had been received by the licensing authority, therefore the Committee had been asked to consider the application for the renewal of a taxi driver's licence.

Attending

Mr Alastair MacKenzie, Team Leader, Licensing and Building Standards
Sergeant Iain McGregor, Licensing Manager, Police Scotland
PC Andrew Kane, Police Scotland

Having been cited to attend, the applicant, [REDACTED], was not present.

The Committee heard submissions from all of the parties attending and had the opportunity to put questions to them.

Motion

Having considered all of the information set out in the report and the representations made, the Committee refuses the application for the grant of a Taxi Operator's Licence on the grounds that under Paragraph 5(3)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, the applicant is not a fit and proper person to hold a Taxi Driver Licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Graham Watt.

Decision

Having considered all of the information set out in the report and the representations made, the Committee unanimously agreed to refuse the application for the grant of a Taxi Operator's Licence on the grounds that under Paragraph 5(3)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, the applicant is not a fit and proper person to hold a Taxi Driver Licence.

Action

Regulatory Services Manager

Ends 1143 hrs