



**Clackmannanshire
Council**

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**THIS PAPER RELATES TO
ITEM 03
ON THE AGENDA**

MINUTES OF MEETING of the REGULATORY COMMITTEE held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on TUESDAY 22 MARCH 2016 at 10.00 am.

Present

Councillor Walter McAdam, MBE, Convenor (In the Chair)
Councillor Derek Stewart, Vice Convenor
Councillor Alastair Campbell
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Irene Hamilton
Councillor Kathleen Martin
Councillor Les Sharp

In Attendance

Gordon McNeil, Head of Development and Environment
Ian Doctor, Service Manager
Janice G McCrum, Solicitor, Legal Services (Clerk to the Committee)

RC.118 APOLOGIES

None

RC.119 DECLARATIONS OF INTERESTS

None

RC.120 MINUTES OF MEETING: REGULATORY COMMITTEE 26 JANUARY 2016

The minutes of the meeting of the Regulatory Committee held on Tuesday 26 January 2016 were submitted for approval.

Moved by Councillor Kenneth Earle. Seconded by Councillor Ellen Forson.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 26 January 2016 were agreed as a correct record and signed by the Vice Convenor as Chair of that meeting.

RC.121 TAXI OPERATOR LICENCES

A report was submitted by the Head of Development and Environment which considered the conclusions and recommendations contained within the Significant Unmet Demand Report, commissioned to establish if there is a need to set a limit on the number of taxi operator licences issued by Clackmannanshire Council.

The power to set an upper limit on taxi operators is contained within Section 10(3) of the Civic Government (Scotland) Act 1982 which provides licensing authorities with the power to set an upper limit for taxi operator licenses only after it is satisfied that there is no significant unmet demand for the services of a taxi.

Motion

That Committee agrees the recommendations set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Ellen Forson.

Amendment

That Committee agrees the paper subject to amendment at paragraph 2.1, that Committee agrees to the introduction of an upper limit on the number of taxis and agrees to set an upper limit of 55 for taxi operator licences issued by Clackmannanshire Council.

Moved by Councillor Ellen Forson. Seconded by Councillor Les Sharp.

Voting

The amendment was carried unanimously by 8 votes to 0.

Decision

The motion as amended was agreed without division (8 votes for). Accordingly, the Committee agreed unanimously:

- (1) to the introduction of an upper limit on the number of taxis to be set at 55 for taxi operator licences issued by Clackmannanshire Council.
- (2) to carry out cyclical "significant unmet demand" surveys in accordance with Scottish Government best practice guidance, the occurrence of which will be on a 5 year cycle or at such time as is deemed appropriate by the Committee.
- (3) that the desired number of wheelchair accessible taxi vehicles licensed be no less than 10% of the total number of operator licences issued.
- (4) to increase taxi operator fees from 1 April 2016 to cover the cost of the current and future Significant Unmet Demand surveys.
- (5) to actions to progress the further recommendations as set out in paragraphs 4.4 to 4.8 of the report regarding disability awareness training for drivers, taxi and private hire car livery, taxi rank markings and signage and peaks in demand for taxi services.

Action

Head of Development and Environment

RC.122 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's Licence was submitted by the Head of Development and Environment. In accordance with the Council's Scheme of Delegation, the Committee was asked to consider this application as it had attracted 10 objections. The objections were appended to the report as Appendix 2.

The application was originally placed before the Regulatory Committee on 26 January 2016 when a decision was deferred until the unmet demand survey had been carried out. The report had been amended as to the number of taxi plates issued as a taxi plate had been returned to the Council.

Attending

Mr Richard Walsh, Applicant

Mr Colin Hood, Objector, representing the Taxi Owners' Association

Mr Steven Baird, Objector, representing the Taxi Owners' Association

Mr Ian Doctor, Service Manager

Motion

Having considered all of the information set out in the report and representations made, that the application for a taxi operator's licence be refused based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

Moved by Councillor Ellen Forson. Seconded by Councillor Les Sharp.

Decision

Having considered all of the information set out in the report and representations made, the Committee agreed unanimously to refuse the application for a taxi operator's licence based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

The Committee also agreed that a waiting list be created to register expressions of interest for those who wish to be considered for a taxi operator's licence.

Action

Head of Development and Environment

RC.123 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's Licence was submitted by the Head of Development and Environment. In accordance with the Council's Scheme of Delegation, the Committee was asked to consider this application as it had attracted 10 objections. The objections were appended to the report as Appendix 2.

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Attending

Mr Colin Hood, Objector, representing the Taxi Owners' Association

Mr Steven Baird, Objector, representing the Taxi Owners' Association

Mr Ian Doctor, Service Manager

Mr David Brown, Applicant, did not attend.

Motion

Having considered all of the information set out in the report and representations made, that the application for a taxi operator's licence be refused based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

Moved by Councillor Les Sharp. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information set out in the report and representations made, the Committee agreed unanimously to refuse the application for a taxi operator's licence based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

The Committee also agreed that a waiting list be created to register expressions of interest for those who wish to be considered for a taxi operator's licence.

Action

Head of Development and Environment

RC.124 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's Licence was submitted by the Head of Development and Environment. In accordance with the Council's Scheme of Delegation, the Committee was asked to consider this application as it had attracted 6 objections. The objections were appended to the report as Appendix 2.

Attending

Ms Heather Buchan, Applicant

Mr Stanley Stewart, Applicant

Mr Colin Hood, Objector, representing the Taxi Owners' Association

Mr Steven Baird, Objector, representing the Taxi Owners' Association

Mr Ian Doctor, Service Manager

A written submission from the Applicants in support of the application and in response to the objections was made available to the Committee. The Committee was given opportunity to read the written submission.

Motion

Having considered all of the information set out in the report and representations made, that the application for a taxi operator's licence be refused based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

Moved by Councillor Ellen Forson. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information set out in the report and representations made, the Committee agreed unanimously to refuse the application for a taxi operator's licence based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

The Committee also agreed that a waiting list be created to register expressions of interest for those who wish to be considered for a taxi operator's licence.

Action

Head of Development and Environment

RC.125 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's Licence was submitted by the Head of Development and Environment. In accordance with the Council's Scheme of Delegation, the Committee was asked to consider this application as it had attracted 6 objections. The objections were appended to the report as Appendix 2.

Attending

Ms Heather Buchan, Applicant

Mr Stanley Stewart, Applicant

Mr Colin Hood, Objector, representing the Taxi Owners' Association

Mr Steven Baird, Objector, representing the Taxi Owners' Association

Mr Ian Doctor, Service Manager

A written submission from the Applicants in support of the application and in response to the objections was made available to the Committee. The Committee was given opportunity to read the written submission.

Motion

Having considered all of the information set out in the report and representations made, that the application for a taxi operator's licence be refused based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

Moved by Councillor Ellen Forson. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information set out in the report and representations made, the Committee agreed unanimously to refuse the application for a taxi operator's licence based on the unmet demand survey and the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council.

The Committee also agreed that a waiting list be created to register expressions of interest for those who wish to be considered for a taxi operator's licence.

Action

Head of Development and Environment

On the basis of what had been agreed in respect of the introduction of an upper limit on the number of taxis set at 55 for taxi operator licences issued by Clackmannanshire Council, in respect of the creation of a waiting list for registration of expressions of interest, the Committee confirmed that no fee would be incurred to register expressions of interest and on that basis, any fees incurred by the applications before Committee today would be refunded to the applicants.

Ends 1155 hrs.

