



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

**Kilncraigs, Greenside Street, Alloa, FK10 1EB
(Tel.01259-450000)**

Regulatory Committee

Thursday 27 January 2022 at 1.00 pm

Via Video Conference (MS Teams)



Regulatory Committee

The Regulatory Committee, subject to the Council's approved policies, has responsibility for:

1. Determining applications for the grant or renewal of any licences to be issued under the Civic Government (Scotland) Act 1982, including the imposition of conditions on any licence granted.
2. Determining whether to suspend or alter any licence issued under the Civic Government (Scotland) Act 1982.
3. Determining whether to recall a suspension made pursuant to the terms of the Civic Government (Scotland) Act 1982.
4. Setting, approving and reviewing any policies in respect of the operation of the licensing regime under the Civic Government (Scotland) Act 1982.
5. Discharging the Council's statutory licensing function in respect of all legislation that imposes the duty on the Council as the appropriate authority to determine applications or to grant regulatory consents in respect of any licensable activities prescribed by statute.
6. Holding hearings and determining HMO Licence applications in terms of Schedule 4 of the Housing (Scotland) Act 2006.
7. Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Environmental Health, Licensing (other than alcohol licensing) and Trading Standards.
8. Taking decisions on suspending or altering a premises approval as provided for under the Marriage (Scotland) Act 2002.
9. Holding hearings for the purposes of paragraph 7 of Schedule 1 of the Smoking Health and Social Care (Scotland) Act 2005 (the SHSCA 2005).
10. Hearing appeals against officers' decisions to refuse or remove a landlord's or agent's registration under part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacks.gov.uk

If you require further information about Council or Committee meetings, please contact Committee Services by e-mail at committees@clacks.gov.uk or by telephone on 01259 452006 or 452004.

19 January 2022

A MEETING of the REGULATORY COMMITTEE will be held via MS Teams, on THURSDAY 27 January 2022 at 1.00 pm.



**RICHARD THOMSON
Solicitor
Clerk to the Regulatory Committee**

B U S I N E S S

	Page No.
1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meeting held on 23 September 2021 (Non-Exempt) (Copy herewith)	07
4. List of Applications (Copy herewith)	11
a. Application for the Grant of Taxi Driver's Licence (Danielle Stephen) - Application Form and Representations from Licensing Standards Officer and Police Scotland attached.	13
b. Application for the Grant of Taxi Driver's Licence (David Muir) - Application Form and Representation from Licensing Standards Officer attached.	19
c. Breach of Licence Conditions, Taxi and Private Car Driver (Robert Riddock) - Representation from Licensing Standards Officer and confirmation of points attached.	23
d. Renewal Private Hire Operators Licence PH45 (Buchan Town Cars) Application form and Representation from Police Scotland attached.	27
e. Renewal Taxi Operators Licence T44 (Buchan Town Cars) Application form and Representation from Police Scotland attached.	37
f. Renewal Taxi Operators Licence T46 (Buchan Town Cars) Application form and Representation from Police Scotland attached.	41

EXEMPT INFORMATION

It is considered that the undernoted minute be treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraph 3 of the Local Government (Scotland) Act 1973. It is anticipated (although this is not certain) that the Committee will resolve to exclude the press and public during consideration of this item.

- | | | |
|----|--|-----|
| 5. | Confirm Exempt Minutes of Meeting held on 23 September 2021
(Copy herewith) | 51 |
| 6. | Review of Regulatory Committee Procedure – discussion facilitated
by Lee Robertson, Legal Services Team Leader. | - - |

Regulatory Committee – Committee Members (Membership 8 – Quorum 4)

Councillors

Wards

Councillor	Graham Lindsay (Convenor)	5	Clackmannanshire East	SNP
Councillor	Donald Balsillie (Vice Convenor)	2	Clackmannanshire North	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Darren Lee	1	Clackmannanshire West	CONS
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via MS TEAMS on
THURSDAY 23 SEPTEMBER 2021 at 9.30 AM**

PRESENT

Councillor Donald Balsillie (Vice Convenor) (Chair)
Councillor Martha Benny
Councillor Chris Dixon
Councillor Kenneth Earle
Councillor Kathleen Martin
Councillor Les Sharp

IN ATTENDANCE

June Andison, Licensing Administrator
Richard Thompson, Solicitor, Legal and Governance (Clerk to the Committee)
Gillian White, Committee Services, Legal and Governance

RC(21)14 APOLOGIES

Apologies for absence were received from Councillor Graham Lindsay (Convenor) and Councillor Darren Lee. In the absence of the Convenor, Vice Convenor Councillor Donald Balsillie took the Chair.

RC(21)15 DECLARATIONS OF INTERESTS

None.

**RC(21)16 MINUTES OF MEETING: REGULATORY COMMITTEE –
27 MAY 2021**

The minutes of the meeting of the Regulatory Committee held on Thursday 27 May 2021 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Thursday 27 May 2021 were agreed as a correct record and signed by the Vice Convenor.

Preliminary Matter

The Clerk advised the Committee that two letters had been received from Police Scotland in relation to Item 4d (Application for the Grant of Taxi Driver's Licence - Stephen Honeyman), only one of which had been circulated as part of the agenda. The second letter was withheld from the circulated papers as it contained information about spent convictions and the preliminary matter which had to be determined by the Committee was whether to admit that letter and whether the applicant or his representative had been given fair notice of the content of the second letter. The Clerk advised that the matter could be dealt with separately as part of that item of business.

The Committee resolved in terms of Section 50(a) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of item 4d

on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 3.

RC(21)17 APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE

The Licensing Authority had received an application for renewal of a taxi driver's licence from Mr David Lee. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO). No objections were received from Police Scotland. The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence with conditions or to refuse the application.

Attending

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Mr David Lee, Applicant

The Committee heard representation from the CLSO and the Applicant. The Committee then had the opportunity to put questions to both parties.

Motion

Having considered all of the information presented to it and having had the opportunity for questions, that the Committee grants the application for renewal of Taxi Driver Licence.

Moved by Councillor Chris Dixon. Seconded by Councillor Kenneth Earle .

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Committee agreed unanimously to grant the application for the renewal of Taxi Driver's Licence.

Action

Clerk to the Committee

RC(21)18 APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE

The Licensing Authority had received an application to grant a taxi driver's licence from Mr John Stein Gold McDonald. Representations had been received from Police Scotland and from the Council's Civic Licensing Standards Officer (CLSO), therefore the Committee were asked to consider all the information before them and having done so to determine whether to grant the licence with conditions or to refuse the application.

Attending

Mr John Stein Gold McDonald, Applicant
Mr Paul Fair, CLSO
Sergeant Liam Livingstone, Police Scotland

The Committee heard representation from all parties attending. The Committee then had the opportunity to put questions to them.

The Committee agreed to adjourn at this point in the proceedings (10.21 am) to take legal advice. When the Committee resumed at 10.45 am, 6 members remained present.

Motion

Having considered all the information presented to it, and having had the opportunity to put questions to all parties, that the Committee grants the application for a Taxi Driver Licence, subject to an additional condition that that the applicant liaises with the CLSO to undertake an advanced driver training course; and that the Licence will not take effect until such time as the applicant has completed and passed the advance driver training course.

Moved by Councillor Chris Dixon. Seconded by Councillor Les Sharp.

Voting

For the motion	5 votes
Against the motion	1 vote
Abstain from voting	0 votes

Decision

On a division of 5 votes to 1 with 0 abstentions, having considered all the information presented to it, and having had the opportunity to put questions to all parties, the Committee granted the application for a Taxi Driver Licence, subject to an additional condition that that the applicant liaises with the CLSO to undertake an advanced driver training course; and that the Licence will not take effect until such time as the applicant has completed and passed the advance driver training course.

Action

Clerk to the Committee

RC(21)19 APPLICATION FOR THE RENEWAL OF PRIVATE HIRE CAR LICENCE AND GRANT OF NEW PRIVATE HIRE CAR OPERATORS LICENCE

The Licensing Authority had received applications for the renewal of a private hire car licence and for the grant of a new private hire car operators licence from Mr Eamon Sweeney. A representation on the applications had been received from the Civic Licensing Standards Officer (CLSO). No objections were received from Police Scotland. The Committee were asked to consider all the information before them and having done so to determine whether to grant the licences with conditions or to refuse the applications.

Attending

Mr Eamon Sweeney, Applicant
Mr Phil Bonnar, Solicitor, Russel and Aitken, Applicant's Representative
Mr Paul Fair, CLSO

The CLSO confirmed that he had circulated additional information to the Board – a letter concerning a breach of condition 17.1 of the Clackmannanshire Council, Licence Standard Conditions – Taxi/Private Hire Car Operator; and e-mail concerning a complaint.

The Committee heard representation from all parties attending. The Committee then had the opportunity to put questions to them.

The Committee agreed to adjourn at this point in the proceedings (11.42 am) to take legal advice. When the Committee resumed at 12.36 pm, 6 members remained present.

Motion

That, having considered all the information provided and representations made, and having had the opportunity to put questions to all parties that the Committee refuse to grant the application for the renewal of a private hire car licence and for the grant of a new private hire car operators licence as the applicant, Mr Sweeney, is not a fit and proper person to hold such licences.

Moved by Councillor Chris Dixon. Seconded by Councillor Les Sharp.

Decision

Having considered all the information provided and representations made, and having had the opportunity to put questions to all parties the Committee unanimously agreed to refuse to grant the application for the renewal of a private hire car licence and for the grant of a new private hire car operators licence as the applicant, Mr Sweeney, is not a fit and proper person to hold such licences.

The reasons for the decision were given as:

1. The convictions combined made Mr Sweeney not a fit and proper person to hold such licences; and
2. The failure to disclose these convictions also made Mr Sweeney not a fit and proper person to hold such licences.

Action

Clerk to the Committee

The Committee had previously resolved in terms of Section 50(a) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the next item of business (Item 4d) on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 3, therefore the remainder of the minute is exempt.



REGULATORY COMMITTEE

Civic Government (Scotland) Act 1982

MEETING 27 January 2022 at 1:00pm Via MS Teams

Applicant	Application Type	Comments
Danielle Stephen	Grant Taxi Driver's Licence	<p>Application, LSO and Police Scotland representations. (copies attached)</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1. Grant the licence subject to conditions or 2. to refuse the application
David Muir	Grant Taxi Driver's Licence	<p>Application, LSO representations (copies attached).</p> <p>No objections received from Police Scotland</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1 Grant the licence subject to conditions or 2 to refuse the application

Robert Riddock	Breach of Licence Conditions, Taxi and Private Car Driver	<p>LSO representation. (copy attached).</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1 Revoke or suspend the licence for the unexpired portion of the licence or 2 take no further action
<p>Buchan Town Cars Inchview House Kellie Bank Alloa FK10 1NT</p>	Renewal Private Hire Operators Licence PH45	<p>Application, Police Scotland representations (copies attached).</p> <p>No objections received from LSO</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1 Grant the licence subject to conditions or 2 to refuse the application
<p>Buchan Town Cars Inchview House Kellie Bank Alloa FK10 1NT</p>	Renewal of Taxi Operators Licence T44	<p>Application, Police Scotland representations (copies attached).</p> <p>No objections received from LSO</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1. Grant the licence subject to conditions or 2. to refuse the application
<p>Buchan Town Cars Inchview House Kellie Bank Alloa FK10 1NT</p>	Renewal of Taxi Operators Licence T46	<p>Application, Police Scotland representations (copies attached).</p> <p>No objections received from LSO</p> <p>The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to:-</p> <ol style="list-style-type: none"> 1. Grant the licence subject to conditions or 2. To refuse the application