



**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.