



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Tuesday 31 January 2023 at 9.30 am**

**Venue: 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.

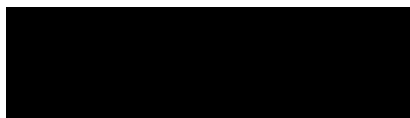
**Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.**

**Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacks.gov.uk](http://www.clacks.gov.uk)**

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**23 January 2023**

**A MEETING of the REGULATORY COMMITTEE will be held via VIDEO CONFERENCE (MS TEAMS) on TUESDAY 31 JANUARY 2023 at 9.30 AM.**



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

**B U S I N E S S**

	<b>Page No.</b>
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. Minute of Regulatory Committee held on Wednesday 23 November 2022 (Copy herewith)	05

**EXEMPT INFORMATION**

**It is anticipated (although this is not certain) that the Committee will resolve to exclude the press and public during consideration of these items.**

It is considered that the undernoted reports are treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraphs 3, 6, and 14 of the Local Government (Scotland) Act 1973.

4. Application List (Copy herewith)	09
a. Application to Grant Taxi Driver's Licence (Stephen Honeyman) – Application Form and Representation from the Civic Licensing Standards Officer and Police Scotland attached.	11
b. Referral Private Hire Operator Licence and Taxi Driver Licence (Eamon Sweeney) - Civic Licensing Standards Officer Submission and Background Information attached.	21

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

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### Councillors

### Wards

Councillor	Martha Benny (Chair)	2	Clackmannanshire North	CONSERVATIVE
Councillor	Kathleen Martin (Vice Chair)	5	Clackmannanshire East	LABOUR
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Darren Lee	1	Clackmannanshire West	CONSERVATIVE
Councillor	Wendy Hamilton	3	Clackmannanshire Central	SNP
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR
Councillor	Scott Harrison	5	Clackmannanshire East	SNP



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via VIDEO  
CONFERENCE (MS TEAMS) on WEDNESDAY 23 NOVEMBER 2022 at 9.30 AM**

**PRESENT**

Councillor Martha Benny (Chair)  
Councillor Kenneth Earle  
Councillor Phil Fairlie  
Councillor Scott Harrison  
Councillor Darren Lee  
Councillor Jane McTaggart

**IN ATTENDANCE**

Paul Fair, Civic Licensing Standards Officer (from 9.40 am)  
June Andison, Licensing Administrator  
Richard Thompson, Solicitor, Legal and Governance (Clerk to the Committee)  
Gillian White, Committee Services, Legal and Governance

**RC(22)25 APOLOGIES**

Apologies for absence were received from Councillor Kathleen Martin and Councillor Wendy Hamilton.

**RC(22)26 DECLARATIONS OF INTERESTS**

None.

The Chair advised she would move consideration of the previous minute to the end of the meeting as she considered it to be an exempt item.

**EXEMPT ITEMS**

Following discussion, the Clerk advised that the decision on whether or not items of business are exempt is taken by resolution at each Committee meeting and depended on what is being presented. He advised that great care has to be taken as some information has to be protected under General Data Protection Regulation (GDPR) and that if there is any risk; the safe course of action is for the item not to be discussed in public.

**The Committee resolved in terms of Section 50A of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 3, 6 and 14.**

Councillor Earle asked that it be noted in the minute that he did not agree with the items being exempt as he did not consider that any of the items disclosed information of a personal or financial nature.

The Committee agreed that a report is to be submitted to the next meeting of the Regulatory Committee setting out the background and reasons for items of business being considered as exempt.

**Action**

Clerk to the Committee

**RC(22)27 APPLICATION FOR NON STANDARD VEHICLE APPROVAL**

The Licensing Authority had received a request for approval of a one-off exemption from Policy condition 1.2 of the Clackmannanshire Council, Licence Standard Conditions (Taxi and Private Hire Car Operator) to allow a vehicle to be re-licensed. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO).

The Committee were asked to consider all the information before them and having done so to determine whether to grant the approval unconditionally; grant the approval subject to Conditions; or refuse the approval.

**Attending**

Mr Richard Lee, Applicant

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

The Committee heard representation from the Applicant and the CLSO. 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 approves a one-off exemption from Policy condition 1.2 of the Clackmannanshire Council, Licence Standard Conditions (Taxi and Private Hire Car Operator) which will allow the vehicle to be re-licensed.

Moved by Councillor Kenneth Earle. Seconded by Councillor Phil Fairlie.

**Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Committee agreed unanimously to approve a one-off exemption from Policy condition 1.2 of the Clackmannanshire Council, Licence Standard Conditions (Taxi and Private Hire Car Operator) which will allow the vehicle to be re-licensed.

**Action**

Clerk to the Committee

**RC(22)28 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 James Malcolm. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO). The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence unconditionally, grant the licence with conditions or to refuse the application.

Mr Malcolm was not in attendance and had sent his apologies as he was attending a bus training course.

The Committee heard representation from the CLSO, who also presented information made available to him by Mr Malcolm prior to the Committee. The Committee then had the opportunity to put questions to him.

**Motion**

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

Moved by Councillor Darren Lee. Seconded by Councillor Jane McTaggart.

## **Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Renewal of Taxi Driver Licence with the standard conditions.

## **Action**

Clerk to the Committee

## **RC(22)29 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 McGregor Thomson. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO). The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence unconditionally, grant the licence with conditions or to refuse the application.

Mr Thomson was not in attendance and had sent his apologies as he was unable to attend

The Committee heard representation from the CLSO. The Committee then had the opportunity to put questions to him.

## **Motion**

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

Moved by Councillor Kenneth Earle. Seconded by Councillor Phil Fairlie.

## **Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Renewal of Taxi Driver Licence with the standard conditions.

## **Action**

Clerk to the Committee

## **RC(22)23 CONFIRM MINUTE OF MEETING HELD ON 25 OCTOBER 2022**

The minutes of the meeting of the Regulatory Committee held on Tuesday 25 October 2022 were submitted for approval.

## **Decision**

The minutes of the meeting of the Regulatory Committee held on Tuesday 25 October 2022 were agreed as a correct record and agreed by Committee.

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The CLSO advised that he is seeking committee members to participate in a working group to review taxi fares and that he would be in touch with potential dates.

Ends 10.20 am

