



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Tuesday 26 August 2025 at 9.30 am**

**Venue: Council Chamber, Kilncraigs, Alloa, FK10 1EB**



## **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)**

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

**18 August 2025**

**A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 26 AUGUST 2025 at 9.30 AM.**



**DALE BELL**  
**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. Minutes of Regulatory Committee held on Tuesday 27 May 2025 (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 and 6 of the Local Government (Scotland) Act 1973.

4. Application for Private Hire Car Driver Licence (C McAlpine) - Application Form; Representation from the Civic Licensing Standards Officer; and Objection from Police Scotland (Copies herewith)	09
5. Application for Taxi Driver Licence (S Wilson) - Application Form and E-mail Representation from the Applicant; and Representation from the Civic Licensing Standards Officer (Copies herewith)	19

## **NON-EXEMPT INFORMATION**

6. Public Entertainment Licensing Guidance Note – Verbal Update and Final Guidance Document submitted by the Civic Licensing Standards Officer (CLSO) (Copy herewith)	27
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**Regulatory Committee – Committee Members (Membership 8 – Quorum 4)**

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



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via MS TEAMS on  
TUESDAY 27 MAY 2025 at 9.30 AM**

**PRESENT**

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

**IN ATTENDANCE**

Paul Fair, Civic Licensing Standards Officer (CLSO)  
Lezli-Anne Sharp, Licensing Paralegal Administrator  
Shaun Carrol, Licensing Paralegal  
Dale Bell, Solicitor, Legal and Governance (Depute Clerk to the Committee)  
Gillian White, Committee Services, Legal and Governance  
Melanie Moore, Committee Services, Legal and Governance (Minutes)

**RC(25)07      APOLOGIES**

None.

**RC(25)08      DECLARATIONS OF INTERESTS**

None.

**RC(25)09      MINUTES OF REGULATORY COMMITTEE – 28 JANUARY 2025**

The minutes of the meeting of the Regulatory Committee held on Tuesday 28 January 2025 were submitted for approval.

**Decision**

The minutes of the meeting of the Regulatory Committee held on Tuesday 28 September 2025 were agreed as a correct record and signed by the Chair.

**EXEMPT ITEMS**

**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 and 6.**

**RC(25)10      APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE**

The Licensing Authority had received an application for the renewal of a Taxi Driver Licence from Mr Stuart Polley. Representation on the application had been received from the Civic Licensing Standards Officer (CLSO). No representation had been received from Police Scotland.

**Attending**

Mr Stuart Polley (Applicant)  
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Sergeant David Bellingham, Police Scotland

The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence; grant the licence subject to additional conditions; or refuse the application.

The Committee heard representation from the Civic Licensing Standards Officer (CLSO) and the applicant; and had the opportunity to put questions to both. The Committee also heard from Police Scotland who gave different details of what happened.

Following questions, the Chair adjourned the meeting to consider the application (9.44am). The Committee resumed at 9.50am with 8 members present.

**Motion**

Having considered all of the information presented to it and having had the opportunity for questions that the Committee grants the renewal application for a Taxi Drivers Licence with an additional condition that a Taxi Proficiency Course should be completed within 3 months and proof of completion should be confirmed to the Licensing Team.

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

**Decision**

Having considered all of the information presented to it and having had the opportunity for questions that the Committee grants the renewal application for a Taxi Drivers Licence with an additional condition that a Taxi Proficiency Course should be completed within 3 months and proof of completion should be confirmed to the Licensing Team.

**Action**

Depute Clerk to the Committee

**RC(25)11 APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE**

The Licensing Authority had received an application for a renewal for a late hours catering licence from McDonalds. Representation on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland.

**Attending**

Mr Elliot Jardine (Applicant)  
Mr Thomas Healy (Day Manager)  
Mr Paul Fair, 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; grant the licence subject to additional conditions; or refuse the application.

The Committee heard representation from the Civic Licensing Standards Officer (CLSO) and the applicant; and the day manager and had the opportunity to put questions to all.

Following questions, the Chair adjourned the meeting to consider the application (10.20am). The Committee resumed at 10.30 am with 8 members present.

**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 Late Hours Catering Licence

Moved by Councillor Jane McTaggart. Seconded by Councillor Kenneth Earle.

**Decision**

Having considered all the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Late Hours Catering Licence.

**Action**

Depute Clerk to the Committee

**RC(25)12      AOCB**

Councillor Harrison asked about the practice of "Bring Your Own Bottle" (BYOB) at events. He had been approached by Community Groups and sought clarity on it as the groups have mentioned frequently that there is no such option.

Paul Fair (CLSO) advised that BYOB is not banned and social media in Clackmannanshire had provided misinformation. The CLSO advised that any enquiries can be forwarded to him, and he can give guidance, support and assistance. The CLSO will draft wording to add to the Council's website in terms of BYOB events.

Councillor Earle asked that this should be added to the next Licensing Board Agenda. The CLSO advised that a report will be brought to the next Licensing Board and Regulatory Committee with an update.

Councillor Harrison asked that our website should be clear and concise with the information regarding BYOB.

**Action**

CLSO

Ends 11.02 am





## **Public Entertainment Licensing (PEL) Guidance Note**

### **Last Updated: 15 August 2025**

Places of public entertainment require to be licensed under the Civic Government (Scotland) Act 1982.

#### **A “Place of Public Entertainment” is defined as: -**

*“Any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation”*

#### **In Clackmannanshire, the following types of Public Entertainment require a Licence: -**

- 1. All performances of live and recorded music with or without any form of dancing.*
- 2. Film screenings, Plays, Dramatic Productions, and other live performances.*
- 3. Firework displays, pyrotechnic, light and laser shows.*
- 4. Fetes & Galas, Exhibitions and Displays, Highland Games, and agricultural shows or festivals.*
- 5. Fun Fairs Circuses and carnivals.*
- 6. Paint Ball, Airsoft, Laser tag & laser Games, War Games; imitation or replica firearms target shooting; firearms simulations, Archery & crossbow target shooting; axe, knife or implement throwing.*
- 7. Bungee Jumping, abseiling, ice or rock climbing involving artificial or man-made climbing surfaces.*
- 8. All activities involving the use, to any extent, of motorised vehicles or vessels.*
- 9. Simulators, fairground type rides (when not part of a funfair or carnival), bouncy castles and other inflatable amusements.*
- 10. Activities involving the use of remote-control vehicles, vessels, aircraft, drones or rockets.*
- 11. Indoor and outdoor sporting events [subject to exemptions contained within the Civic Government (Scotland) Act, 1982].*

#### **In the following “places”:-**

1. *Public and Private Halls.*
2. *Clubs*
3. *Barns, Fields, grazings, parkland and other Agricultural premises and land*
4. *Marquees and other temporary erections.*
5. *Any venue where sporting activities of the type included in the list above (Classes of Activity) can take place.*
6. *Warehouses, industrial units, and industrial land.*
7. *Indoor Shopping Centres, Arcades and Malls.*
8. *Factories and other Industrial Premises.*
9. *All Public Places (as defined in Section 133 of the Civic Government (Scotland) Act, 1982.*
10. *Athletic and Sports Grounds, while not being used as such.*
11. *Educational establishments, while not being used as such.*
12. *Premises belonging to or occupied by any religious body, while not being used wholly or mainly for purposes connected with that body.*
13. *Premises in respect of which there is a permit under the Gambling Act 2005, or any replacement or amending legislative provision, while not being used in pursuance of the permit.*
14. *Premises holding a premises licence within the meaning of the Licensing (Scotland) Act 2005 or any replacement or amending legislative provision in which Public Entertainment is being provided outwith the permitted hours within the meaning of that Act.*
15. *Private Car Parks.*
16. *Rivers, lochs, lakes, lagoons, and other waterways.*

Although members of the public may attend an event that has entertainment included to require a licence, Clackmannanshire Council acknowledges that the primary purpose of the event must be to provide entertainment or recreation.

The following events would not ordinarily require a Public Entertainment Licence: -

- Birthday parties, weddings and other family celebrations do not fall into the scope of a public entertainment licence, even if they have a DJ or live band providing entertainment.

- Small scale organised recreational activity using accessible public open spaces, that do not involve the provision of equipment by an event organiser (for example, a running club, hillwalking group, cycling group or open water swimming club who engage in activities in accessible public open spaces would not need a licence).

However, larger scale recreational or sporting events may require for example, road closures, the creation of marked routes or courses or the provision of equipment to facilitate the activity may require a public entertainment licence. Organisers should seek advice well in advance of planning such an event.

To assess whether an activity or event may need a Public Entertainment licence you should follow these steps:-

**1.** Is the event or activity going to take place in one of the places (listed 1-16) above?

If YES consider Question 2 below, if NO, a PEL is not required.

**2.** Is the purpose of the event to provide entertainment or recreational activity, of a type listed in one of the categories above for **the benefit of members of the public**?

If YES you will require either a temporary or full PEL. If NO, consider question 3 below

**3.** Does the entertainment or activity fall into one of the exemptions listed below?

If YES, then you will not require a PEL.

However, if you are in any doubt, please contact the Civic Licensing Standards Officer (CLSO) at Clackmannanshire Council for further advice.

## **Exemptions**

- a. an athletic or sports ground while being used as such;
- b. premises in respect of which an indoor sports entertainment licence is required while such premises are being used for that purpose.
- c. a licensed sexual entertainment venue, while being used as such;
- d. educational establishment while being used as such;
- e. premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;
- f. a licensed cinema.
- g. premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect, and in which public entertainment is being provided during licensed hours.
- h. premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

## **Clarifications:**

### **1. Educational premises**

The remit of the education system is wide ranging and as such almost all School events that involve a degree of public entertainment will be exempt when they take place on School premises or where they are organised by School staff, or School groups such as a Parent Council. End of year concerts, end of term family days, and other similar events where the attendees are from an exclusive group with connections to the school (such as parents of children, siblings, etc).

In most cases it will only be when part of an education establishment is let out and opened to the general public for purposes of entertainment or recreation that a PEL may be required (subject to answering the assessment questions above).

### **2. Religious premises**

Religious premises are exempt from the PEL requirements if-

- 1. They are buildings or land owned or occupied by the religious body, and
- 2. The normal regular use of the place is connected to the purposes of that religious body.

Community engagement is a large part of the role of most religious bodies, and as such even most hall lets to community groups etc would be exempt.

However, private letting of buildings or land, for the purposes of a commercial event may still require a PEL and you should seek advice from the CLSO if you are in any doubt.

### **Note on Existing Public Entertainment Licences and Bring Your Own Bottle (BYOB) conditions.**

This section relates only to premises that hold a current Public Entertainment Licence, or to events that have been granted a Temporary Public Entertainment Licence

All existing PELs in Clackmannanshire have a standard Licence condition as follows:-

*“No alcohol can be sold or consumed on the premises without the written permission of the Council, except when sold or supplied under the authority of a premises licence or occasional licence granted under the Licensing (Scotland) Act 2005. For advice and guidance about the sale or supply of alcohol at events contact the Council’s Licensing Standards Officer.”*

The purpose of this condition is to impose controls on the unregulated consumption of alcohol. This followed incidents of disorderly behaviour and underage drinking in Clackmannanshire which were connected to BYOB public entertainment events.

However, this condition was not intended to impose a ban on all BYOB events, where the moderate consumption of alcohol is ancillary to the event or the entertainment provided.

The assessment criteria for granting written permission for BYOB is in two parts.

Part 1 will consider whether the event is a “licensable event” which would not normally include private family celebrations, committee meetings and information events. If it is not a licensable event then the terms of the existing licence do not apply, and BYOB is permitted without the need for written consent .

Part 2 will assess whether the event is suitable for BYOB, by applying a reasoned consideration of each event on its own merits. However, in general terms, small scale non-commercial events are likely to be approved where the consumption of alcohol will be in moderate quantities and ancillary to the entertainment provided. are

The question to ask yourself when considering whether the event is suitable to run as a BYOB event is – ‘if there was no alcohol consumption permitted at the event, would the event go ahead’? If the answer to that question is ‘no’ or ‘probably not’ then it is unlikely to be approved as a BYOB event. However, each enquiry seeking consent for BYOB will be considered on its individual merits.

If the event is approved for BYOB and is a repeating event you will be given written consent for BYOB at the specified event and all future identical events.

If written consent is not given, then you will be provided with information about the options available including the process for applying for an Occasional Licence.

**Paul Fair, Civic and Alcohol Licensing Standards Officer**  
**01259 450000**  
**Email [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)**