



**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, Greenfield, Alloa, FK10 2AD, on TUESDAY 3 SEPTEMBER 2013 at 10.00 am.**

**PRESENT**

Councillor Derek Stewart, Vice Convenor (In the Chair)  
Councillor Donald Balsillie (S)  
Councillor Alastair Campbell  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor Irene Hamilton  
Councillor Kathleen Martin  
Councillor Les Sharp

**IN ATTENDANCE**

Mark Easton, Solicitor, Legal Services (Clerk to the Committee)  
Paul Fair, Licensing Standards Officer  
Alastair MacKenzie, Team Leader, Licensing and Building Standards

**RC.38 APOLOGIES**

Apologies for absence were received from Councillor Walter McAdam, MBE. Councillor Donald Balsillie attended as substitute for Councillor McAdam.

In the absence of the Convenor (Councillor Walter McAdam), the meeting was chaired by the Vice Convenor (Councillor Derek Stewart)

**RC.39 DECLARATIONS OF INTEREST**

None.

**RC.40 MINUTES OF MEETING: 25 July 2013**

The minutes of the Regulatory Committee meeting held on Thursday 25 July 2013 were submitted for approval.

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

**Decision**

The minutes of the Regulatory Committee meeting held on Thursday 25 July 2013 were agreed as a correct record and signed by the Vice Convenor.

## **RC.41 APPLICATION FOR THE RENEWAL OF TAXI BOOKING OFFICE LICENCE**

A report submitted by the Regulatory Services Manager asked the Committee to consider an application for the renewal of a taxi booking office licence which had attracted an objection from the Civic Licensing Enforcement Officer (CLEO) in terms of Schedule 1, Paragraph 3 of the Civic Government (Scotland) Act 1982, on the grounds that the kind of persons likely to be in the premises made it unsuitable.

### **Attending**

Mr Alastair MacKenzie, Team Leader, Licensing and Building Standards  
Mr Paul Fair, Civic Licensing Enforcement Officer  
Inspector David Gibson, Police Scotland (on behalf of the Chief Constable)  
Mr Ian Logan Connarty, Applicant

The Committee heard submissions from Mr Alastair MacKenzie, Mr Paul Fair and Mr Ian Connarty, Applicant. The Committee had further information before it received from Police Scotland. Inspector David Gibson attended but did not speak to the Committee.

Having heard submissions and having had opportunity to put questions to the Applicant and the Civic Licensing Enforcement Officer, the Committee adjourned at 10.17 am to consider its decision. The meeting resumed at 10.30 am.

### **Motion**

Having considered all of the information presented and the submissions made, and given the nature of the complaints and the applicant's acceptance and willingness to prevent further occurrences, that the Committee grants the application for a shortened period of six months with the condition that no person under the influence of alcohol be permitted within the part of the premises being used as a taxi booking office.

Moved by Councillor Derek Stewart. Seconded by Councillor Irene Hamilton.

### **Decision**

The Committee agreed to grant the application for the renewal of a taxi booking office licence for a shortened period of six months with the condition that no person under the influence of alcohol be permitted within the part of the premises being used as a taxi booking office.

The Committee determined that any subsequent application for grant or renewal for these premises required to be referred to Committee for decision.

The Clerk to write formally to the applicant to confirm the Committee's decision.

### **Action**

Regulatory Services Manager/Clerk to the Committee

## **RC.42 APPLICATION FOR THE GRANT OF WINDOW CLEANER'S LICENCE**

A report submitted by the Regulatory Services Manager asked the Committee to consider an application for the grant of a window cleaner's licence.

A typographical at paragraph 3.2 (page 23) of the report was pointed out; sentence 2 of paragraph 3.2 to be amended to read:

"The Licensing Inspector on behalf of the Chief Constable responded to advise that due to the applicant's previous convictions they recommend that the Council refuse the application on the grounds that the applicant is not a fit and proper person to hold a *window cleaner's* licence"

In terms of Paragraph 3 of Schedule 1 to the Civic Government (Scotland) Act 1982, the Chief Constable, Police Scotland, had lodged an objection to the grant of a window cleaner's licence on the grounds provided for under Paragraph 5(3)(a)(ii) that the applicant is not a fit and proper person to be the holder of a window cleaner's licence.

### **Attending**

Mr Alastair MacKenzie, Team Leader, Licensing and Building Standards  
Inspector David Gibson, Police Scotland (on behalf of the Chief Constable)

Having been cited to attend, the applicant, Mr Stephan Milne, was not present. Following procedural advice from the Clerk, the Committee determined that it had sufficient information before it to proceed to make a determination in the absence of the applicant.

The Committee heard submissions from Mr Alastair MacKenzie, Team Leader Licensing and Building Standards, and Inspector David Gibson, Police Scotland (on behalf of the Chief Constable).

### **Motion**

Having considered all of the information presented and submissions made, and having taken account of the length and nature of the applicant's previous convictions, that the Committee refuses the application for a window cleaner's licence.

Moved by Councillor Alastair Campbell. Seconded by Councillor Kenneth Earle.

### **Decision**

Having considered all of the information presented and submissions made, the Committee agreed unanimously to refuse the application on the grounds that the applicant is not a fit and proper person to be the holder of a window cleaner's licence.

### **Action**

Regulatory Services Manager

ENDS 10.40 am

