



MINUTES OF MEETING of the REGULATORY COMMITTEE held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on MONDAY 17 DECEMBER 2018 at 9.30 AM.

PRESENT

Councillor Kenneth Earle
Councillor Martha Benny
Councillor Les Sharp
Councillor Darren Lee
Councillor Kathleen Martin

IN ATTENDANCE

Andrew Crawford, Team Leader (Environmental Health and Licensing)
Paul Fair, Civic Licensing Standards Officer
June Andison, Licensing Administrator
Lindsay Thomson, Senior Manager, Partnership and Performance (Clerk to the Committee)
Gillian White, Committee Services

In the absence of the Convenor and Vice Convenor, the Committee agreed that Councillor Kenneth Earle would take the Chair.

RC(18)31 APOLOGIES

Apologies for absence were received from Councillor Graham Lindsay (Convenor), Councillor Donald Balsillie (Vice Convenor) and Councillor Chris Dixon.

RC(18)32 DECLARATIONS OF INTERESTS

None

RC(18)33 MINUTES OF MEETING: REGULATORY COMMITTEE 22 NOVEMBER 2018

The minutes of the meeting of the Regulatory Committee held on 22 November 2018 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on 22 November 2018 were agreed as a correct record.

**RC(18)34 APPLICATION FOR VARIATION OF SECOND HAND DEALER'S LICENCE
CONDITIONS**

A report, which asked the Committee to consider an application by Ramsdens Financial Limited for exemption from Conditions 4 and 5 of their Second Hand Dealer's Licence and for a variation to Condition 1(a), Condition 1(b) and Condition 8, was submitted by the Regulatory Services Manager.

Attending

Mr Paul Fair, CLSO
Andrew Crawford, Team Leader (Environmental Health and Licensing)

The Committee heard representation from the CLSO and the Team Leader (Environmental Health and Licensing) and had the opportunity to put questions to both.

Motion

That the Committee agrees the recommendations as set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Les Sharp

Decision

Having considered all the information provided and representation made, and having had the opportunity to put questions to both parties the Committee agreed unanimously:

1. To permit an exemption for Ramsdens Financial Limited from Condition 4 of their Second Hand Dealer's Licence relating to the prohibiting the receiving or taking of a pawn ticket (or negotiating) for the purchase of any article that ticket relates to;
2. That the Committee grant an exemption to Condition 5 prohibiting the carrying on second hand dealer activities in any premises where pawn broker business is carried out.
3. That the Committee varies Condition 1(a) to read:

“The Dealer shall keep or cause to be kept a record of all items bought and sold. The record must be in the form of either a properly bound book with consecutively numbered pages and each article purchased by the Dealer must be numbered or on an electronic device capable of storing and printing the records. The records must be kept on the premises specified in the Licence at all times.”
4. That the Committee varies Condition 1(b) to read:

“Records must be preserved for at least three years, and the record must include the following details:-

 - Date and time of purchase;
 - A full description of each article;
 - The name and address of the seller;
 - Date and time of sale or disposal by the Dealer;
 - Description of the article at the time of sale by the Dealer; and
 - The name and address of the purchaser or other place or method of disposal.”

5. That the Committee varies Condition 8 to read:

“The Dealer shall keep the records mentioned in Condition 1 and 2 hereof available for inspection by any Police Constable, Civic Licensing Standards Officer or any Officer authorised by the Licensing Authority at all times when the premises are open for business. Any person left in charge of the premises must be capable and authorised to operate any electronic device used for storing records and must be able to produce those records in such a form so that they can be removed from the premises, either in print or in some other electronic form as required”.

Action

Regulatory Services Manager

RC(18)35 APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

A report which asked the Committee to consider an application for the renewal of a Taxi Driver's Licence was submitted by the Regulatory Services Manager. The Council's Scheme of Delegation allows the Head of Development and Environment Services to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there had been any objections or representations received from any party. The Licensing Authority had received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority.

Attending

Mr Paul Fair, CLSO
Andrew Crawford, Team Leader (Environmental Health and Licensing)
Mr Stuart Brown, Applicant
Mr Angus McIver, Chair of the Institute of Advanced Motorist's Group, representing the Applicant.

The Committee heard representation from the CLSO and the Team Leader (Environmental Health and Licensing). The applicant and his representative also had the opportunity to make representation and outlined Mr Brown's progress towards passing his advanced driver training course. The Committee had the opportunity to put questions to all parties.

Motion

That the Committee agrees to grant the application for the renewal of a Taxi Driver's Licence for a period of one year, subject to the condition that the applicant completes and passes the advanced driver training course which he is currently undertaking.

Moved by Councillor Les Sharp. Seconded by Councillor Kathleen Martin.

Decision

Having considered all the information provided and representations made, and having had the opportunity to put questions to all parties the Committee agreed unanimously to grant the application for the renewal of a Taxi Driver's Licence for a period of one year, subject to the condition that the applicant completes and successfully passes the advanced driver training course which he is currently undertaking.

Action

Regulatory Services Manager

RC(18)36 APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

A report which asked the Committee to consider an application for the renewal of a Taxi Driver's Licence was submitted by the Regulatory Services Manager. The Council's Scheme of Delegation allows the Head of Development and Environment Services to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there had been any objections or representations received from any party. The Licensing Authority had received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority.

Attending

Mr Paul Fair, CLSO
Andrew Crawford, Team Leader (Environmental Health and Licensing)
Mr Leslie Malcolm, Applicant
Mr Bramley Eccles, Bramms Premier Executive, representing the Applicant.

The Committee heard representation from the CLSO and the Team Leader (Environmental Health and Licensing). The applicant and his representative also had the opportunity to make representation and advised that Mr Malcolm had passed his advanced driving test on Friday 14 December 2018 and a copy of this had been sent by e-mail to the CLSO.

The Committee adjourned at 9.56 am to allow the CLSO to check e-mail correspondence. On the CLSO's return, he advised that he had received no e-mail's relating to Mr Malcolm's test.

The Committee continued the adjournment to allow the CLSO to telephone the driving company to check the outcome of Mr Malcolm's advanced driving test.

When the Committee reconvened at 10.12 am, the CLSO confirmed that he had received feedback from the driving company regarding the outcome of the advanced driving test and that Mr Malcolm had achieved a standard of low risk which was the equivalent of a pass.

Motion

That the Committee agrees to grant the application for the renewal of a Taxi Driver's Licence for a period of one year.

Moved by Councillor Kenneth Earle. 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 agreed unanimously to grant the application for the renewal of a Taxi Driver's Licence for a period of one year.

Action

Regulatory Services Manager

RC(18)37 REVOCATION OF TAXI DRIVER'S LICENCE

A report submitted by the Regulatory Services Manager advised that on 19 November 2018, the Team Leader for Environmental Health and Licensing had received a representation from Police Scotland regarding Taxi Driver's Licence T1484, asking for the licence to be revoked. A further representation was received on 5 December 2018 from the Council's Licensing Standards Officer (CLSO).

Following an alleged incident on Monday 10 December 2018, the CLSO submitted an additional representation with appended witness statements.

The Committee was required to hold a hearing to determine whether to revoke Taxi Driver Licence T1484 (expiry date 28 February 2019) with immediate effect.

Having reviewed the additional representation from the CLSO, 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 this item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 14.

Attending

Mr Paul Fair, CLSO
Andrew Crawford, Team Leader (Environmental Health and Licensing)
Mr Stephen Nicol, holder of Taxi Driver's Licence Number T1484 and Taxi Operator's Licence Number T58
Mrs Amanda Nicol, Support for Mr Nicol
PS Claire MacKenzie, Forth Valley Licensing, Police Scotland
Mr Gary Wilson, Witness
Ms Martha Walsh, Witness

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

Following questions, the Committee agreed to adjourn at this point in the proceedings (10.41 am) to consider the all the information provided. The Committee resumed at 11:22 am with all 5 members present.

Motion

That the Committee revoke Mr Nicol's Clackmannanshire Council Taxi Drivers Licence Number T1481 with immediate effect as Mr Nicol is not a fit and proper person to hold such a licence. Mr Nicol's Clackmannanshire Council Taxi Operators Licence T58 is not to be revoked.

Moved by Councillor Martha Benny. 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 agreed unanimously to revoke Mr Nicol's Clackmannanshire Council Taxi Drivers Licence Number T1481 with immediate effect as Mr Nicol is not a fit and proper person to hold such a licence. Mr Nicol's Clackmannanshire Council Taxi Operators Licence T58 is not to be revoked.

Action

Regulatory Services Manager

Ends 11:23 am

