



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Thursday 19 September 2019 at 1 pm**

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

Date	Time
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## **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.

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**10 September 2019**

**A MEETING of the REGULATORY COMMITTEE will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 19 SEPTEMBER 2019 at 1.00 PM.**



**LINDSAY THOMSON  
Senior Manager  
Partnership and Performance**

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

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3. Confirm Minutes of Meeting held on 30 May 2019 (Copy herewith)	05
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## Regulatory Committee – Committee Members (Membership 8 – Quorum 4)

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### Councillors

### Wards

Councillor	Graham Lindsay (Convenor)	5	Clackmannanshire East	SNP
Councillor	Donald Balsillie (Vice Convenor)	2	Clackmannanshire North	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Darren Lee	1	Clackmannanshire West	CONS
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB

**MINUTES OF MEETING of the REGULATORY COMMITTEE held within the Council  
Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 30 MAY 2019  
at 1 PM.**

**PRESENT**

Councillor Donald Balsillie (Vice Convenor)  
Councillor Martha Benny  
Councillor Darren Lee  
Councillor Kathleen Martin  
Councillor Les Sharp

**IN ATTENDANCE**

Ian Doctor, Service Manager Regulation  
Paul Fair, Civic Licensing Standards Officer  
Anne McPherson, Business Support Officer  
Lindsay Thomson, Senior Manager Partnership and Performance (Clerk to the Committee)  
Melanie Moore, Committee Services

**RC(19)10      APOLOGIES**

Apologies for absence were received from Councillor Graham Lindsay, Councillor Chris Dixon and Councillor Kenneth Earle.

In the absence of the Convenor, Councillor Donald Balsillie as Vice Convenor would Chair the meeting.

**RC(19)11      DECLARATIONS OF INTERESTS**

None.

**RC(19)12      MINUTES OF MEETING: REGULATORY COMMITTEE 5 MARCH 2019**

The minutes of the meeting of the Regulatory Committee held on 5 March 2019 were submitted for approval.

Moved by Councillor Donald Balsillie. Seconded by Councillor Martha Benny.

**Decision**

The minutes of the meeting of the Regulatory Committee held on 5 March 2019 were agreed as a correct record and signed by the Vice Convenor.

The Vice Convenor advised that items 6,7 and 8 would be at the start of the agenda.

### **RC(19)13 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE**

The report, submitted by the Regulatory Services Manager, asked the Committee to consider an application for the grant of a taxi driver's licence.

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 have been any objections or representations received from any party.

The Licensing Authority had received representations from the Civic Licensing Standards Officer (CLSO).

#### **Attending**

Mr Paul Fair, CLSO  
Mr Ross Wilson, Applicant  
Mr Bramley Eccles, Applicants Representative

The Committee heard representation from the CLSO, the Applicant and the Applicant's Representative. The Committee also had the opportunity to put questions to all parties.

Following questions, the Committee agreed to adjourn at this point in the proceedings (1:19 pm) to take legal advice. When the Committee resumed at 1:32 pm, 5 members remained present.

#### **Motion**

That the Committee agrees to grant the application for a Taxi Driver's Licence for a period of one year, subject to the condition that the applicant has a contract with Brams Taxis.

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

#### **Decision**

Having considered all of the information provided and the representations made, the Committee granted the application for a Taxi Driver's Licence for a period of one year, subject to the condition that the applicant is contracted with Brams Taxis.

#### **Action**

Regulatory Services Manager

The Convenor agreed to take item 8 as the next item.

### **RC(19)14 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  
Mr Owen McParland, Applicant

Ms Janene Milligan, Applicants Employee

The Committee heard representation from the CLSO, the Applicant and Applicant's Employee. The Committee also had the opportunity to put questions to all parties.

Following questions, the Committee agreed to adjourn at this point in the proceedings (1:45 pm) to take legal advice. When the Committee resumed at 2:00 pm, 5 members remained present.

### **Motion**

Having considered all the information set out in the report and the representation made, and having had the opportunity to put questions to all parties that the Committee grant the renewal with the same condition as before that the applicant undertakes and passes an advanced driver training course within 1 month.

Moved by Councillor Donald Balsillie. Seconded by Councillor Les Sharp.

### **Decision**

Having considered all the information provided and representations made, the Committee agreed unanimously to grant the applicant's application for renewal subject to the same condition as before the applicant undertakes and passes an advanced driver training course within 1 month.

### **Action**

Regulatory Services Manager

## **RC(19)15 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  
Ms Linzi Baird, Applicant  
Mr Colin Hood, Applicants Representative

The Committee heard representation from the CLSO, the applicant and the applicant's representative. The Committee also had the opportunity to put questions to all parties.

Following questions, the Committee agreed to adjourn at this point in the proceedings (2:15 pm) to take legal advice. When the Committee resumed at 2:19 pm, 5 members remained present.

### **Motion**

Having considered all the information set out in the report and the representation made, and having had the opportunity to put questions to all parties that the Committee grant the renewal with an additional condition that the applicant undertakes and passes an advanced driver training course within 3 months.

Moved by Councillor Les Sharp. Seconded by Councillor Martha Benny.

### **Decision**

Having considered all the information provided and representations made, the Committee agreed unanimously to grant the applicant's application for renewal subject to the additional condition the applicant undertakes and passes an advanced driver training course within 3 months.

### **Action**

Regulatory Services Manager

### **RC(19)16 APPLICATION FOR THE EXEMPTION FROM PRIVATE HIRE CAR OPERATOR AND STANDARD LICENCE CONDITIONS**

The report, submitted by the Regulatory Services Manager, presented an application from Chrystal Executive Travel, seeking exemption from Standard Condition 16(6), relating to the display of "Pre Booked Hire Only" door signs and private hire car vehicle plates. The vehicle is to be used exclusively as an executive chauffeur hire car.

### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer  
Mr William Chrystal, Applicant

The Committee heard representation from the Civic Licensing Standards Officer and the applicant and had opportunity to put questions to both.

### **Motion**

That the Committee permits an exemption for Chrystal Executive Travel for their Private Hire Car from condition 16(6) relating to door signs and vehicle plates and attaches alternative conditions relative to its use only as an executive chauffeur driven car, as set out in Appendix A to the Civic Licensing Standards officer's report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Les Sharp.

### **Decision**

The Committee agreed to permit an exemption for Chrystal Executive Travel for their Private Hire Care from condition 16(6) relating to door signs and vehicle plates and attaches alternative conditions relative to its use only as an executive chauffeur driven car, as set out in Appendix A to the Civic Licensing Standards officer's report, namely:

1. A record of all journeys/hires relating to the use of the licensed vehicle will be kept by the operator who must make these records available on request for inspection by the Civic Licensing Standards Officer, and authorised officer of the Licensing Authority or a Constable.
2. All arrangements made to hire the vehicle must be made in advance of the journey commencing. A minimum fare of £30 will be applied to any hire.
3. The gold rear plate supplied by the Licensing Authority must be securely and permanently fitted in such a position inside the rear luggage area of the vehicle so that it can be easily shown to the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Police Constable.



4. The gold front plate will be displayed at all times whilst the vehicle is being used as a private hire car in a position on the front nearside, lower portion of the front windscreen so that it is clearly visible and legible from the outside vehicle.

#### **Action**

Regulatory Services Manager

#### **RC(19)17 APPLICATION FOR THE EXEMPTION FROM PRIVATE HIRE CAR OPERATOR AND STANDARD LICENCE CONDITIONS**

The report, submitted by the Regulatory Services Manager, presented an application from WK Services Limited, seeking exemption from Standard Condition 16(6), relating to the display of "Pre Booked Hire Only" door signs and private hire car vehicle plates. The vehicle is to be used exclusively as an executive chauffeur hire car.

#### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer  
The applicant did not attend

The Committee heard representation from the Civic Licensing Standards Officer and had opportunity to put questions to him.

#### **Motion**

That the Committee permits an exemption for WK Services for their Private Hire Car from condition 16(6) relating to door signs and vehicle plates and attaches alternative conditions relative to its use only as an executive chauffeur driven car, as set out in Appendix A to the Civic Licensing Standards officer's report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Darren Lee.

#### **Decision**

The Committee agreed to permit an exemption for WK Services for their Private Hire Care from condition 16(6) relating to door signs and vehicle plates and attaches alternative conditions relative to its use only as an executive chauffeur driven car, as set out in Appendix A to the Civic Licensing Standards officer's report, namely:

1. A record of all journeys/hires relating to the use of the licensed vehicle will be kept by the operator who must make these records available on request for inspection by the Civic Licensing Standards Officer, and authorised officer of the Licensing Authority or a Constable.
2. All arrangements made to hire the vehicle must be made in advance of the journey commencing. A minimum fare of £30 will be applied to any hire.
3. The gold rear plate supplied by the Licensing Authority must be securely and permanently fitted in such a position inside the rear luggage area of the vehicle so that it can be easily shown to the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Police Constable.
4. The gold front plate will be displayed at all times whilst the vehicle is being used as a private hire car in a position on the front nearside, lower portion of the front windscreen so that it is clearly visible and legible from the outside vehicle.

#### **Action**

Regulatory Services Manager

**RC(19)18      VARIATION OF THE PUBLIC ENTERTAINMENT LICENCE RESOLUTION**

The report, submitted by the Regulatory Services Manager, sought approval for variation of the Public Entertainment Resolution issued under the Civic Government (Scotland) Act 1982. As the variation did not rescind or reduce the scope of the original Resolution it must come into effect on a date not less than nine months from the date the variation is made.

1. The report had a couple of typographical errors on page 57 which the Committee asked to be amended.

**Motion**

That the Committee approves the revised resolution at Appendix 1.

Moved by Councillor Donald Balsillie. Seconded by Councillor Les Sharp.

**Decision**

The Committee agreed to approve the revised resolution at Appendix 1.

**Action**

Regulatory Services Manager

Ends 2.35 pm

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**Report to Regulatory Committee**

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**Date of Meeting: 19 September 2019**

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**Subject: Application to Vary Private Hire Car Operator's Licence from Standard Licence Conditions**

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**Report by: Regulatory Services Manager**

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**1.0 Purpose**

- 1.1. To present to the Regulatory Committee an application from Sterling Travel. To vary a condition for Private Hire Operator's licence PH38 from the exemption from Standard Condition 16(6) relating to the display of "Pre Booked Hire Only" door signs and private hire car vehicle plates.
- 1.2. The Licensing Authority has received a letter from the Council's Civic Licensing Standard's Officer (CLSO) therefore the Committee is asked to consider the application for the exemption from Licensing Standard Condition No 16(6)

**2.0 Recommendations**

- 2.1. That the Committee considers all of the information provided from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

**3.0 Considerations**

- 3.1. Under the terms of the 1982 Act the applicant has applied to vary the licensing condition relating the display of pre booked hire only door signs and private hire car vehicle plates. The applicant was originally granted a Private Hire Operators Licence under delegated powers for PH38 on 22 November 2016. The operator's licence has been renewed annually. A copy of the variation application is provided and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act a copy of the application form was sent to relevant consultee for consultation. The CLSO has responded that the applicant has applied to vary the licence condition for PH38 to remove the condition for the requirement for pre booked hire door signage and the position of private hire plates. The applicant is also seeking approval of have advertising imagery in the form of lettering covering the entire surface of the interior to the rear facing window of the vehicle. The advertising proposed does not appear to be in line with exclusive, executive car hire use.

- 3.3. The purpose of the “pre booked hire only” door signs is to differentiate between private hire cars and taxis. The Committee has previously granted an exemption from this condition where the applicant has demonstrated the signs would be detrimental to the exclusive service they offered to clients..
- 3.4. The applicant has had discussions with the CLSO and has indicated that he still wants to continue on the School Transport Framework. The CLSO is in doubt that the applicant’s business model and operation is consistent with exclusive executive hire. A school transport contract could not be described as executive hire. The requested advertising on the rear window of the vehicle also suggests the vehicle is used as a traditional private hire car.
- 3.5. Conditions relating to the exclusive use of the vehicle as chauffeur driven executive cars can be applied and examples are given at Appendix A to the CLSO’s report. A copy of the letter from the Councils CLSO is provided and marked Appendix 2
- 3.6. The Regulatory Committee therefore asked to consider all the information before them and having done so to determine whether to (1) grant the variation to conditions or (2) to refuse the variation.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

##### *5.3. Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**None**

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes  No

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".
- 10.2 Application form and Letter (Appendix 1)
- 10.3 Letter Civic Licensing Standards Officer dated 03 May 2019 (Appendix 2)



**11.0 Background Papers**

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes  (please list the documents below) No

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

**Approved by**

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Service Manager	
Pete Leonard	Strategic Director (Place)	





16/05/19

**Civic Government (Scotland) Act 1982**  
**Application for the Variation of a Taxi Licence**  
**or Private Hire Car Licence**

**Each question must be answered**

Full Name	Surname	First Name	
	BAIRD	DAVID	
Home Address (Including Postcode)			
Telephone Number(s)			
Email Address			
Trading Name of Company		STERLING TRAVEL	
Licence Type		Licence No.	
PRIVATE HIRE <del>TAXI DRIVER</del> VEHICLE		<del>PH38</del> PH38	
<b><u>Brief Description of variation applied for</u></b> (please see notes overleaf)			
Operate as an Executive Travel Company but continue to be able carry out School Contracts in Clackmannanshire area costing over £30 per Return Journey. Be exempt to normal yellow plates - "prebooked hire only" stickers, instead be granted use of Gold Plates. Allowed to be able to advertise on rear window as per attachment			
Registration Number	Make	Model	Does the application relation to a change of registration No Only ?
SL66 MJX			No

**I hereby make application to Clackmannanshire Council for the variation of the above Licence**

Signature of applicant [REDACTED] Date 20/5/19







**Memo**

To: Andrew Crawford  
Team Leader  
Environmental Health and Licensing  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO/PHO/Sterling Travel  
Your Ref: 18/00586/PHVEH  
Date: 12 July, 2019

**Civic Government (Scotland) Act, 1982**  
**Application to Vary Private Hire Car Operator Licence**  
**David Baird t/a Sterling Travel, PH38**  
**Exemption from Licence Standard Conditions No 16(6)**

1. This report relates to an application to vary a private hire car operators licence, made by David Baird, trading as Sterling Travel, [REDACTED]
2. The application seeks to vary the Licence Standard Conditions attached to Private Hire Car Licence No PH38.
3. The licence relates to a Ford Tourneo 8 seater minibus, which has been licensed and operating as a Private Hire Car in Clackmannanshire since November 2016.
4. The vehicle is a 2016 model, and is currently licensed and subject to a safety inspection in accordance with the Clackmannanshire Council, Licence Standard Conditions.
5. The application seek, to have the Licence Standard Conditions varied to remove condition No 16(6), as it relates to required "pre booked hire" door signage and the position of the required plates.
6. The details of the variation are set out in the application.
7. The application further seeks consent to have advertising imagery in the form of lettering covering the entire surface of the interior of the rear facing window of the vehicle.
8. The Committee are now familiar with applications of this nature, which have been referred to as Gold Plate applications or Executive Hire applications.
9. The purpose as, I understand it, of allowing the exemption is to permit genuine executive hire companies, who exclusively do either that kind of work or exempt hire and reward work, absolute discretion in relation to mandatory (by virtue of standard conditions) signage on Private Hire cars. The primary purpose of the consents previously granted was to allow a clean less obvious but properly licensed Private Hire Car to operate, whilst retaining discreet plates to allow law enforcement agencies to readily identify the vehicle as a properly licensed vehicle.

10. The second scenario was to allow the licensing of a significantly unique vehicle that operates in such a way that the primary business of the vehicle was exempt from licensing requirement; however some ancillary work required licensing.
11. This application differs from either of these two scenarios, first of all I do not believe that the vehicle and service offered is sufficiently unique in nature to warrant grant of the application to vary on that basis.
12. This vehicle is currently operated as a normal and standard private hire car. The applicant does choose to specialise, in higher end journeys such as those to and from airports, weddings, other special events, day trips and tours. In addition the vehicle is enrolled on the School Transport Framework and as such has been used to transport entitled children between home address and school.
13. During a telephone enquiry with the applicant he has indicated that the vast majority of his journeys target that longer specialist and executive service type hires. He states he does not offer a service going to and from licensed venues within Clackmannanshire and that short hires are rarely in demand.
14. The application indicates he wishes to continue on the School Transport Framework should his application to vary be granted.
15. As with other applications of a similar nature I have completed research into the applicant's business model and operation and although there is no doubt that a large part of his business centres on what we now recognises as "Executive Hire". It is not 100% geared to that model.
16. I do not believe that School transport contracts could be described as "Executive Hire".
17. I further believe that the vision held by Clackmannanshire Council in introducing the concept of a Private Hire Car for "Executive Hire" use was that of an exclusive use for executive work, and the licensing of a premium, discreet car with no outwardly obvious markings or livery that indicates that it is available as a hire car.
18. It appears to me that this application seeks to gain the perceived advantage of not having to display external plates and "Pre-Booked Hire" door signs, but retain the advantage of openly advertising its availability and status as a hire car by the display of the graphics on the rear windscreen.
19. It is entirely at the discretion of the Regulatory Committee to decide whether to grant all or part of this variation having considered all of the information presented to them.
20. The Regulatory Committee, in determining this application may wish to consider whether or not it is necessary to impose local conditions which would prevent the future use of the vehicle as a "normal" private hire car for frequent, short and local journeys.
21. A restriction such as local condition imposing a minimum fare for each journey may be an option. If applied it would be desirable that this was an exclusive local condition, thus preventing the vehicle being used for any type of local, short, low fare type journeys. An example of a suitable condition is contained at appendix A
22. In the event that variation sought is granted and it is later identified that the vehicle is being used as a "normal" private hire car, then the Regulatory Committee would

also have the option of varying the conditions of the Operators Licence to reinstate the Standard Conditions in full. Schedule 1, paragraph 10 of the Civic Government (Scotland) Act, 1982, explains this process which allows the Regulatory committee to vary the conditions of a licence at any time and on any grounds it thinks fit.

23. An example of what may be suitable local licence condition is contained at appendix A. The Committee may wish to apply all or some of these conditions in the event that the licence and variation is granted.
24. Other than the matter raised in paragraphs 15-18, I have no concerns about this application.

*Paul Fair*

Civic Licensing Standards Officer

## Appendix A

1 A record of all journeys/hires relating to the use of the licensed vehicle will be kept by the operator who must make these records available on request for inspection by the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Constable. Record must be retained and available for at least 12 months

2 All arrangements made to hire the vehicle must be made in advance of the journey commencing. A minimum fare of £30 will be applied to the any individual journey.

3 The gold rear plate supplied by the licensing Authority must be securely and permanently fitted in such a position inside the rear luggage area of the vehicle so that it can be easily shown to the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Constable.

4 The gold front plate will be displayed at all times whilst the vehicle is being used as a private hire car in a position on the front nearside, lower portion of the front windscreen so that it is clearly visible and legible from outside the vehicle.

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**Report to Regulatory Committee**

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**Date of Meeting: 19 September 2019**

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**Subject: Application for the Renewal of Taxi Driver's Licence**

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**Report by: Regulatory Services Manager**

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**1.0 Purpose**

- 1.1. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for the licences under the Civic Government (Scotland) Act 1982 (the "1982 Act"), except where there has been any objections or representations received from any party.
- 1.2. The Licensing Authority has received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider this application for the renewal of a Taxi Driver's Licence.

**2.0 Recommendations**

- 2.1. That the Committee considers all off the information provided including representations from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

**3.0 Considerations**

- 3.1. Under the terms of the 1982 Act the applicant has applied for the renewal of a Taxi Driver's Licence number T706 on 22 May 2019. As this was submitted before his Taxi Driver's Licence expired he is entitled to drive until his application has been determined. A copy of the application is provided as a background paper and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, a copy of the application form was sent to relevant consultees for consultation. The CLSO has responded that the applicant has a road traffic conviction relating to driving a motor vehicle at excessive speed in a 30 mile per hour built up area. The CLSO has added that the applicant failed to disclose the details and circumstances of the conviction to Clackmannanshire Council in accordance with the licence conditions to which he was subject at the time. A copy of the letter of representation from the CLSO is provided as a background paper marked Appendix 2.

- 3.3. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.4. The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject to conditions or (2) to refuse the application.

**4.0 Sustainability Implications**

- 4.1. None

**5.0 Resource Implications**

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

5.3. *Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

**Exempt Reports**

- 5.5. Is this report exempt? Yes  (please detail the reasons for exemption below) No

**7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

**None**

## 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

10.2 Application Form (Appendix 1)

10.3 Letter Civic Licensing Standards Officer dated 12 July 2019 (Appendix 2)

## 11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

### Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Services Manager	
Pete Leonard	Strategic Director (Place)	







PAID £158  
OT  
21 MAY 2019  
(CASH)

**Civic Government (Scotland) Act 1982**  
**Application for the Grant or Renewal of a Taxi Driver's Licence**  
**or a Private Hire Car Driver's Licence**

Each question must be answered

Surname	SUTHERLAND	First Name	ALISTAIR
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		

Age	[REDACTED]	Date of Birth	[REDACTED]	Place of Birth	[REDACTED]
-----	------------	---------------	------------	----------------	------------

Type of licence applied for? (Please tick only 1)  
 Taxi Driver  or Private Hire Car Driver

If previously licensed, state date and number shown on most recent identification badge	T706
If previously refused a licence give type and date	/
Whether for grant or renewal? (Please tick only 1)	Grant <input type="checkbox"/> Renewal <input checked="" type="checkbox"/>
Which licence are you applying for? (Please tick only 1)	1 year <input type="checkbox"/> 2 years <input checked="" type="checkbox"/>
Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1988?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
How long have you been driving motor vehicles?	35 YEARS
Do you intend to work as a driver as a full time occupation?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If no give further particulars	PART TIME
Name and address of the operator whose vehicle you will drive.	BUCHAN TOWN CARS KELLIBANK ALLOA

Are you subject to any disability likely to affect your fitness as a driver?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, state nature		
Do you suffer from any medical conditions that require you to notify the DVLA?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you have the right to work in the UK?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>


**You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK**

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note it is an offence if you fail to disclose convictions. If you have none please state none in the box below	Yes <input type="checkbox"/>	No <input type="checkbox"/>
---	------------------------------	-----------------------------

If yes, give particulars below

Date	Court	Offence	Sentence
3.4.19		SPEEDING	£100 FINE 3PTS.

**I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.**

Signature of applicant	
Date	21.5.19

Please return the completed form together with the relevant fee to:

**The Licensing Administrator**  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

If you require any further information please contact the Licensing Administrator on tel: **01259 452093** or email [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Clackmannanshire Council has a duty to protect public funds that it administers and may use this information for the protection and detection of fraud. For more details, please contact Senior Auditor, on tel: 01259 452000



**Memo**

To: Andrew Crawford  
Team Leader Environmental Health and  
Licensing  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO/PHD/T706  
Your Ref: 19/00360/TD1  
Date: 12 July, 2019

**Civic Government (Scotland) Act, 1982**  
**Application for the Renewal of a Taxi Drivers Licence**  
Alistair Sutherland, [REDACTED]

1. In terms of Schedule 1, paragraph 3 of the Civic Government (Scotland) Act, 1982 (the Act) I wish to make a representation in relation to the renewal of a Taxi Drivers licence to Alistair Sutherland, [REDACTED].
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-7, before coming to a decision as to whether or not to renew the licence applied for.
3. The applicant has declared a recent and relevant road traffic conviction on his renewal application; however he failed to declare this conviction to the licensing authority in accordance with the Clackmannanshire Council – Licence Standard Conditions – Taxi and Private Hire driver. These conditions state that such matters should be reported in writing to the licensing authority as soon as reasonably possible, and in any case within 7 days. (Condition 4.1 refers)
4. Due to the nature of the conviction, the recent occurrence and the relevancy to the type of licence applied for, along with the apparent breach of the licensing conditions, this application should not be granted under delegated powers, and should be determined by the Regulatory Committee.
5. The conviction relates driving a motor vehicle at excessive speed in a 30 mile per hour built up area.
6. The details and exact circumstances of the offence is not known to the Civic Licensing Standards Officer and he has been unable to make contact with the applicant to discuss the offence and the failure to comply with the licence conditions.
7. I have no further information to add in relation to this matter

*Paul Fair*

Civic Licensing Standards Officer



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**Report to Regulatory Committee**

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**Date of Meeting: 19 September 2019**

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**Subject: Application for the Renewal of Taxi Driver's Licence**

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**Report by: Regulatory Services Manager**

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**1.0 Purpose**

- 1.1. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for the licences under the Civic Government (Scotland) Act 1982 (the "1982 Act"), except where there has been any objections or representations received from any party.
- 1.2. The Licensing Authority has received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider this application for the renewal of a Taxi Driver's Licence.

**2.0 Recommendations**

- 2.1. That the Committee considers all off the information provided including representations from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

**3.0 Considerations**

- 3.1. Under the terms of the 1982 Act the applicant has applied for the renewal of a Taxi Driver's Licence number T1542 on 10 June 2019. As this was submitted before his Taxi Driver's Licence expired he is entitled to drive until his application has been determined. A copy of the application is provided as a background paper and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, a copy of the application form was sent to relevant consultees for consultation. The CLSO has responded that the applicant has a road traffic conviction relating to driving a working taxi at 47 miles per hour in excess of a speed limit of 30 miles per hour in a built up area having dropped off a fare paying passenger. The CLSO has added that the applicant failed to disclose the details and circumstances of both of the convictions to Clackmannanshire Council in accordance with the licence conditions to which he was subject at the time. A copy of the letter of representation from the CLSO is provided as a background paper marked Appendix 2.

- 3.3. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.4. The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject to conditions or (2) to refuse the application.

**4.0 Sustainability Implications**

- 4.1. None

**5.0 Resource Implications**

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

5.3. *Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

**Exempt Reports**

- 5.5. Is this report exempt?    Yes  (please detail the reasons for exemption below)    No

**7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

**None**

## 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

10.2 Application Form (Appendix 1)

10.3 Letter Civic Licensing Standards Officer dated 12 July 2019 (Appendix 2)

## 11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

### Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Services Manager	
Pete Leonard	Strategic Director (Place)	







PAID E361 card  
JUN 2019  
DT

**Civic Government (Scotland) Act 1982**  
**Application for the Grant or Renewal of a Taxi Driver's Licence**  
**or a Private Hire Car Driver's Licence**

T1542

Each question must be answered

Surname	RIDDOCK	First Name	ROBERT
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		

Age	[REDACTED]	Date of Birth	[REDACTED]	Place of Birth	[REDACTED]
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Type of licence applied for? Taxi Driver  or Private Hire Car Driver   
(Please tick only 1)

If previously licensed, state date and number shown on most recent identification badge	30 <sup>th</sup> JUNE 2019	
If previously refused a licence give type and date		
Whether for grant or renewal? (Please tick only 1)	Grant <input type="checkbox"/>	Renewal <input checked="" type="checkbox"/>
Which licence are you applying for? (Please tick only 1)	1 year	3 years <input checked="" type="checkbox"/>
Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1988?	Yes <input checked="" type="checkbox"/>	No
How long have you been driving motor vehicles?	32 yrs	
Do you intend to work as a driver as a full time occupation?	Yes <input checked="" type="checkbox"/>	No
If no give further particulars		
Name and address of the operator whose vehicle you will drive.	BUCHAN'S KELLIEBANK ALLOA	

Are you subject to any disability likely to affect your fitness as a driver?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, state nature		
Do you suffer from any medical conditions that require you to notify the DVLA?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you have the right to work in the UK?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>


**You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK**

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note it is an offence if you fail to disclose convictions. If you have none please state none in the box below	Yes <input type="checkbox"/>	No <input type="checkbox"/>
---	------------------------------	-----------------------------

If yes, give particulars below

Date	Court	Offence	Sentence
JULY 2018	ALLOA	SPEEDING	3 PTS £100 FINE

**I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.**

Signature of applicant	
Date	6/6/19

Please return the completed form together with the relevant fee to:

**The Licensing Administrator**  
 Clackmannanshire Council  
 Kilncraigs  
 Alloa  
 FK10 1EB

If you require any further information please contact the Licensing Administrator on tel: 01259 452093 or email [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Clackmannanshire Council has a duty to protect public funds that it administers and may use this information for the protection and detection of fraud. For more details, please contact Senior Auditor, on tel: 01259 452000



**Memo**

To: Andrew Crawford  
Team Leader Environmental Health and  
Licensing  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO/PHD/T1542  
Your Ref: 19/00430/TD3  
Date: 12 July, 2019

**Civic Government (Scotland) Act, 1982**  
**Application for the Renewal of a Taxi Drivers Licence**  
Robert Riddock, [REDACTED]

1. In terms of Schedule 1, paragraph 3 of the Civic Government (Scotland) Act, 1982 (the Act) I wish to make a representation in relation to the renewal of a Taxi Drivers licence to Robert Riddock, [REDACTED]
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-7, before coming to a decision as to whether or not to renew the licence applied for.
3. The applicant has declared a recent and relevant road traffic conviction on his renewal application; however he failed to declare this conviction to the licensing authority in accordance with the Clackmannanshire Council – Licence Standard Conditions – Taxi and Private Hire driver. These conditions state that such matters should be reported in writing to the licensing authority as soon as reasonably possible, and in any case within 7 days. (Condition 4.1 refers)
4. Due to the nature of the conviction, the recent occurrence and the relevancy to the type of licence applied for, along with the apparent breach of the licensing conditions, this application should not be granted under delegated powers, and should be determined by the Regulatory Committee.
5. The conviction relates driving a motor vehicle at excessive speed in a 30 mile per hour built up area.
6. The exact circumstances of the offences are not known to the Civic Licensing Standards Officer however the applicant explained that the offence related to driving a working taxi at 47 miles per hour in a 30 miles per hour built up area of Menstrie. The applicant conceded that he had noticed the Police Officers carrying out speed checks as he had entered Menstrie (from Tullibody) however as he left Menstrie after dropping off a fare paying passenger, and in a hurry to collect his next fare he had forgotten they were there and was detected at 47 miles per hour. He accepted the fixed penalty notice and paid the fine. Although he initially claimed to have notified the Council of this offence, by email, he was unable to provide any evidence of this.
7. There is no record of any email coming from the applicant having been received or acknowledged by any email address used by the licensing team.
8. Mr Riddock has acknowledged that he failed to follow the proper procedure and has offered a written apology for this failure.
9. I have no further information to add in relation to this matter.

*Paul Fair*

Civic Licensing Standards Officer



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**Report to Regulatory Committee**

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**Date of Meeting: 19 September 2019**

---

**Subject: Application for the Renewal of Taxi Driver's Licence &  
Taxi Operators Licences T19 & T53**

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**Report by: Regulatory Services Manager**

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**1.0 Purpose**

- 1.1. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for the licences under the Civic Government (Scotland) Act 1982 (the "1982 Act"), except where there has been any objections or representations received from any party.
- 1.2. The Licensing Authority has received representations from Police Scotland and the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider the applications for the renewal of a Taxi Driver's Licence and two Taxi Operator's Licences.

**2.0 Recommendations**

- 2.1. That the Committee considers all off the information provided including representations from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

**3.0 Considerations**

- 3.1. Under the terms of the 1982 Act the applicant has applied for the renewal of a Taxi Driver's Licence number T1160 on 30 May 2019, Taxi Operator Licences for T19 and T53 on 30 April 2019. As these were submitted before his Taxi Driver's Licence and Taxi Operator's Licences expired he is entitled to drive and use the vehicles until his applications have been determined. A copy of the applications are provided as a background papers and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, copies of the application forms were sent to relevant consultees for consultation. Police Scotland responded that the applicant had declared two road traffic convictions on his application form for the renewal of his taxi driver's licence. The first offence occurred in Cumbria on the 11 December 2017 which resulted in a fine which was not paid this resulted in a conviction on 17 May 2019 of failing to provide the identity of driver of a motor vehicle at the time of a speeding offence.

The second offence occurred on the 13 October 2018 when the applicant was found to be driving at 48mph in a 30mph speed limit. Letters were sent to the applicant requiring him to provide the identity of the driver of his vehicle at the time of the offence which he failed to do so. Officers from Police Scotland visited the applicant at his home address where he admitted that he had been driving the vehicle, he was issued with a conditional offer of a fixed penalty which he failed to comply with. A report was submitted to the Procurator Fiscal resulting in the conviction. A copy of the letter of representation from Police Scotland provided as a background paper marked Appendix 2. The CLSO has responded that the applicant has declared two road traffic convictions on his Taxi Drivers application and due to the nature and circumstances of the convictions and their relevancy to the type of licence applied for these applications should not be granted under delegated powers and should be determined by the Regulatory Committee. A copy of the letter of representation from The CLSO is provided as a background paper marked Appendix 3.

- 3.3. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.4. The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject to conditions or (2) to refuse the application.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

##### *5.3. Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

#### **Exempt Reports**

- 5.5. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

**None**

**8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

**9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".
- 10.2 Application Form (Appendix 1)
- 10.3 Letter Police Scotland
- 10.3 Letter Civic Licensing Standards Officer dated 12 July 2019 (Appendix 2)



**11.0 Background Papers**

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes  (please list the documents below) No

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
June Andison	Licensing Administrator	2093

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Ian Doctor	Regulatory Services Manager	
Pete Leonard	Strategic Director (Place)	





19/00304/TVEH

**Civic Government (Scotland) Act 1982  
Individual Application  
Application for the Grant or Renewal of a Taxi Licence  
or Private Hire Car Licence**

Each question must be answered

PAID 28 APR 2019  
V. Ferguson

Full Name	Surname		First Name	
	BARR		BRIAN	
Home Address (Including Postcode)	[REDACTED]			
Telephone Number	[REDACTED]			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth	
	[REDACTED]	[REDACTED]	[REDACTED]	
Type of licence applied for?	Taxi or <del>Private Hire Car</del> <b>T19</b>			
If applicant does not propose to operate the vehicle himself, state:  Full name:  Full address of the person or persons who will manage the operation of the vehicle.				
Registration Number	Date of First Registration	cc. Rating		
[REDACTED]	MARCH 2013	2.1		
Make	Model	Estate or Saloon		
MERCEDES	E 220	SALOON		
Number of Doors	Number of Passengers	Fuel Type		
4	4	DIESEL		
Colour	Colour/Artwork Number	Measurements Across Back Seat		
SILVER	N/A	N/A		
Chassis Number	N/A			

Has the vehicle been previously licensed as a taxi or hire car?	Yes/ <del>No</del>
If so, state type of last licence, to whom licensed and date of licence.	TAXI T19 29/2/2019
Address of premises where vehicle is to be kept	[REDACTED]
During what hours and on what days will the vehicle be available for hire	MON - SUN

Please state particulars of any convictions or pending cases, including contraventions of Byelaws, Road Traffic Offences and Environmental Health/Food Hygiene Offences? YES/NO. If so, give particulars below. (If none please state "NONE")

Date	Court	Offence	Sentence
11 DEC 2017	N/A	MS90	6 PTS

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

Signature of applicant [REDACTED]

Date 26/4/19

Please return the completed form together with the relevant fee to:

The Licensing Administrator  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.



**Civic Government (Scotland) Act 1982**  
**Individual Application**  
**Application for the Grant or Renewal of a Taxi Licence**  
**or Private Hire Car Licence**

Each question must be answered

Full Name	Surname		First Name	
	BARR		BRIAN	
Home Address (Including Postcode)	[REDACTED]			
Telephone Number	[REDACTED]			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth	
	[REDACTED]	[REDACTED]	[REDACTED]	
Type of licence applied for?	Taxi or <u>TS3</u> <del>Private Hire Car</del>			
If applicant does not propose to operate the vehicle himself, state:  Full name:  Full address of the person or persons who will manage the operation of the vehicle.	N/A			
Registration Number	Date of First Registration	cc. Rating		
[REDACTED]	1ST MARCH 2015	1.6		
Make	Model	Estate or Saloon		
CITROEN	BERLINGO	MPV		
Number of Doors	Number of Passengers	Fuel Type		
5	6	DIESEL		
Colour	Colour/Artwork Number	Measurements Across Back Seat		
SILVER	N/A	N/A		
Chassis Number	N/A			

PAID 26 APR 2019  
 PAID 26 APR 2019  
 V. Foggo



Has the vehicle been previously licensed as a taxi or hire car?	Yes/No TAYI T53
If so, state type of last licence, to whom licensed and date of licence.	31 APRIL 2014
Address of premises where vehicle is to be kept	[REDACTED]
During what hours and on what days will the vehicle be available for hire	MON - SUN

Please state particulars of any convictions or pending cases, including contraventions of Byelaws, Road Traffic Offences and Environmental Health/Food Hygiene Offences? YES/NO. If so, give particulars below. (If none please state "NONE")

Date	Court	Offence	Sentence
11 DEC 2017	N/A	MS90	6 PTS

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

Signature of applicant ..... [REDACTED] .....

Date 26/4/19 .....

Please return the completed form together with the relevant fee to:

**The Licensing Administrator  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB**

*If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)*

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.



**Civic Government (Scotland) Act 1982**  
**Application for the Grant or Renewal of a Taxi Driver's Licence**  
**or a Private Hire Car Driver's Licence**

Each question must be answered

Surname	BARR	First Name	BRIAN
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		
Age	[REDACTED]	Date of Birth	[REDACTED]
		Place of Birth	[REDACTED]

PAID  
JG 27 MAY 2019

Type of licence applied for? Taxi Driver  or Private Hire Car Driver   
(Please tick only 1)

If previously licensed, state date and number shown on most recent identification badge	T1160 MAY 2019
If previously refused a licence give type and date	N/A
Whether for grant or renewal? (Please tick only 1)	Grant <input type="checkbox"/> Renewal <input checked="" type="checkbox"/>
Which licence are you applying for? (Please tick only 1)	1 year <input checked="" type="checkbox"/> 3 years <input type="checkbox"/>
Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1988?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
How long have you been driving motor vehicles?	17 YEARS
Do you intend to work as a driver as a full time occupation?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If no give further particulars	
Name and address of the operator whose vehicle you will drive.	A/A



Are you subject to any disability likely to affect your fitness as a driver?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, state nature		
Do you suffer from any medical conditions that require you to notify the DVLA?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you have the right to work in the UK?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>


**You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK**

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note it is an offence if you fail to disclose convictions. If you have none please state none in the box below	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
---	---	-----------------------------

If yes, give particulars below

Date	Court	Offence	Sentence
11/12/17		MS90	6 PTS £660 FINE
13/10/18		SP30	4 PTS £350

**I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.**

Signature of applicant	
Date	27/5/19

Please return the completed form together with the relevant fee to:

**The Licensing Administrator**  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

If you require any further information please contact the Licensing Administrator on tel: 01259 452093 or email [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

**N.B.** Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Clackmannanshire Council has a duty to protect public funds that it administers and may use this information for the protection and detection of fraud. For more details, please contact Senior Auditor, on tel: 01259 452000

28/06/2019

Your Ref: T1160

Our Ref: 428822

Andrew Crawford  
Team Leader Building  
Standards & Licensing  
Clackmannanshire Council  
Kilncraig  
Alloa  
FK10 1EB



**POLICE  
SCOTLAND**

Keeping people safe

Dear Sir, Thom McLoughlin MSc CMgr FCMI  
Chief Superintendent  
Divisional Commander

Forth Valley Division Headquarters  
Randolphfield  
St Ninian's Road  
Stirling  
FK8 2HD

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
APPLICATION FOR RENEWAL TAXI DRIVER LICENCE  
APPLICANT: BRIAN BARR, [REDACTED]**

I refer to the above application for the renewal of a Taxi Driver's Licence and in terms of Section 3(1) of Schedule I of the Civic Government (Scotland) Act 1982, make the following representation in relation to the application.

Examination of the application form indicated that the applicant has stated that he has been convicted of offences. These convictions have been declared on the application form but require clarification in order to allow the Committee to consider their decision in relation to the application.

To clarify the applicant has been convicted as follows;

Date	Court	Crime/Offence	Disposal
17/05/2019	Alloa Sheriff Court	Section 172 Road Traffic Act 1988 - Fail to provide identity of driver	Community Payback Order – 100 hours to be completed within 5 months.
08/05/2019	Alloa Justice of the Peace Court	Road Traffic Regulation Act 1984 Section 84 and 89	£350 fine

The first offence listed occurred in the Cumbria area on 11/12/2017 and it would appear that the original fine imposed was not paid which resulted in the conviction on 17/05/2019. This fine was declared on the application form but the subsequent conviction as above has not. Full details of the circumstances of the offence are not available to Police Scotland as this is an offence which occurred in England.

The circumstances of the second conviction are that at 2026 hours on 13/10/2018 Mr Barr was found to be driving at 48mph in a 30 mph speed limit on the B9096 near to Lornhill Academy, Alloa. 2 letters were sent to the applicant requiring him to provide the identity of the driver of his vehicle at the time of the offence. Having received no reply police attended at the home address of Mr Barr at which time he admitted to having been driving the vehicle. He was issued with a conditional offer of fixed penalty which he failed to comply with. A report was thereafter submitted to the Procurator Fiscal resulting in the above conviction.

This representation is brought to your attention when considering this application.

Yours faithfully

A black rectangular redaction box covering the signature of Thom McLoughlin.

Thom McLoughlin MSc CMgr FCMl  
Chief Superintendent  
Divisional Commander

For enquiries please contact the Licensing Department on 01786 456026





**Memo**

To: Andrew Crawford  
Team Leader Environmental Health and  
Licensing  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO/PHD/T1160  
Your Ref: 19/00389/TD1  
Date: 16 July, 2019

**Civic Government (Scotland) Act, 1982**  
**Application for Taxi Drivers Licence and Taxi operators Licences x 2**  
**T1160 (Driver), T19 (Taxi Operator), T53 (Taxi Operator)**  
**Brian Barr, [REDACTED]**

1. In terms of Schedule 1, paragraph 3 of the Civic Government (Scotland) Act, 1982 (the Act) I wish to make a representation in relation to the grant of a Taxi Drivers licence and 2 taxi operators licences to Brian Barr, [REDACTED]
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-11, before coming to a decision as to whether or not these licences should be granted.
3. The applicant has declared 2 road traffic convictions on his most recent Taxi Drivers application.
4. Due to the nature and circumstances of these convictions, their relatively recent occurrence and their relevancy to the type of licence applied for these applications should not be granted under delegated powers, and should be determined by the Regulatory Committee.
5. The first conviction relates to an offence of failing to identify the driver of a motor vehicle at the time of a speeding offence being investigated by the Police. Mr Barr has declared that the penalty imposed was a fine of £660 and 6 penalty points endorsed on his licence
6. The second offence relates to speeding at 48 miles per hour in a 30 miles per hour built up area. This offence was committed whilst driving a taxi on route to a uplift a pre booked hire customer. There was not a fare paying passenger in the car at the time
7. Other than the applicants explanation the circumstances of the offences are not known to the Civic Licensing Standards. However Police Scotland have provided some additional details.
8. On the face of it also appears that the applicant has failed to properly declare details of these convictions on some application forms, as required by the standard conditions of the licence.
9. The table at Appendix A to this report shows details of the type, and dates of the various applications lodged in 2018 and 2019 by the applicant, and the final column shows the details of the convictions that were declared on each application. As can be seen the dates of the convictions would indicate that these matters should have been both notified in writing and declared in earlier applications than they first appeared. It may be that the applicant having had the opportunity to examine this table would want to offer some explanation for what appears to be a failure to comply with the conditions of his licences
10. I can confirm that soon after Mr Barr received notification of the intended prosecution for the second offence he did contact the CLSO and took advice on the notification process, and

although this matter was not finally notified in writing on the application dated 27 May, 2019, this was shortly after the date of conviction for the offence, which was in May 2019.

11. In summary, this applicant has been convicted within a relatively short period of time, of two motoring offences, which have resulted in endorsements on his licence now totalling 10 penalty points. The offences are both connected with speeding offences, although the first conviction does not identify the applicant as the driver at the time.

*Paul Fair*

Civic Licensing Standards Officer

**Appendix A**

**Table Detailing Applications and Declared Convictions – Brian Barr T1160**

Licence Number	Licence Type	Date of application	Convictions declared
T1160	Taxi Driver Renewal 2019	27 May 2019  Signed by applicant	<b>11 December, 2017</b> DVLA Code MS90 Disposal : 6 penalty Points, Fine £660  <b>13 October, 2018</b> DVLA Code SP30 Disposal : 4 penalty points, Fine £350
T1160	Taxi Driver Renewal 2018	31 May 2018  Signed by applicant	None Declared
T19	Taxi Operator (Vehicle) Renewal 2019	26 April 2019  Signed by applicant	<b>11 December, 2017</b> DVLA Code MS90 Disposal : 6 penalty Points, Fine £660
T19	Taxi Operator (Vehicle) Renewal 2018	5 March 2018  Signed by applicant	None Declared
T53	Taxi Operator (Vehicle) Renewal 2019	26 April 2019  Signed by applicant	<b>11 December, 2017</b> DVLA Code MS90 Disposal : 6 penalty Points, Fine £660
T53	Taxi Operator (Vehicle) Renewal 2018	3 September 2018  Signed by applicant	<b>11 December, 2017</b> DVLA Code MS90 Disposal : 6 penalty Points, Fine £660



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**Report to Regulatory Committee**

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**Date of Meeting: 19 September 2019**

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**Subject: Application for the Grant of Taxi Driver's Licence**

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**Report by: Regulatory Services Manager**

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**1.0 Purpose**

- 1.1. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for the licences under the Civic Government (Scotland) Act 1982 (the "1982 Act"), except where there has been any objections or representations received from any party.
- 1.2. The Licensing Authority has received an objection from Police Scotland and a representation from the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider this application for the grant of a Taxi Driver's Licence.

**2.0 Recommendations**

- 2.1. That the Committee considers all off the information provided including representations from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

**3.0 Considerations**

- 3.1. Under the terms of the 1982 Act the applicant has applied for the grant of a Taxi Driver's Licence The applicant has been allocated the number T1663. A copy of the application is provided and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, a copy of the application form was sent to relevant consultees for consultation. Police Scotland has responded that the applicant has been convicted of numerous motoring offences relating to driving without insurance, vehicle condition and no MOT certificate. A copy of the letter is attached and marked as Appendix 2. The CLSO has responded that the applicant has declared 2 road traffic convictions on his application and due to the nature and circumstances of the convictions and their relatively recent occurrence the application should be determined by the Regulatory Committee. A copy of the letter of representation from the CLSO is provided and attached marked Appendix 3.

- 3.3. The applicant has submitted a letter in support of his application to the Regulatory Committee a copy is provided and marked as Appendix 4
- 3.4. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.5. The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject to conditions or (2) to refuse the application.

**4.0 Sustainability Implications**

- 4.1. None

**5.0 Resource Implications**

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

5.3. *Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

**Exempt Reports**

- 5.5. Is this report exempt? Yes  (please detail the reasons for exemption below) No

**7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box )

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

**None**

## 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

10.2 Application Form (Appendix 1)

10.3 Letter Police Scotland dated 02 August 2019 (Appendix 2)

10.3 Letter Civic Licensing Standards Officer dated 02 August 2019 (Appendix 3)

10.4 Letter applicant date stamped 22 August 2019 (Appendix 4)

## 11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

### Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Services Manager	
Pete Leonard	Strategic Director (Place)	







V. Ferguson  
PAID 21 JUN 2019

T1663

**Civic Government (Scotland) Act 1982**  
**Application for the Grant or Renewal of a Taxi Driver's Licence**  
**or a Private Hire Car Driver's Licence**

Each question must be answered

Surname	HONEYMAN	First Name	STEPHEN
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		

Age	[REDACTED]	Date of Birth	[REDACTED]	Place of Birth	[REDACTED]
-----	------------	---------------	------------	----------------	------------

Type of licence applied for?  
(Please tick only 1)

Taxi Driver


or

Private Hire Car Driver

if previously licensed, state date and number shown on most recent identification badge	
If previously refused a licence give type and date	
Whether for grant or renewal? (Please tick only 1)	Grant <input checked="" type="checkbox"/> Renewal <input type="checkbox"/>
Which licence are you applying for? (Please tick only 1)	1 year <input checked="" type="checkbox"/> 3 years <input type="checkbox"/>
Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1988?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
How long have you been driving motor vehicles?	40 yrs
Do you intend to work as a driver as a full time occupation?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If no give further particulars	
Name and address of the operator whose vehicle you will drive.	TILLY TAXIS [REDACTED]

Are you subject to any disability likely to affect your fitness as a driver?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
If yes, state nature			
Do you suffer from any medical conditions that require you to notify the DVLA?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Do you have the right to work in the UK?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK.</b>			
The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note it is an offence if you fail to disclose convictions. If you have none please state none in the box below	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
If yes, give particulars below			
Date	Court	Offence	Sentence
5 7 2017	9420 Alloa GP	T599	6 months dis
9 12 2015	9420 <del>1110</del> Alloa GP	IN 10	colour 300

**I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.**

Signature of applicant	
Date	21/6/19

Please return the completed form together with the relevant fee to:

**The Licensing Administrator**  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

If you require any further information please contact the Licensing Administrator on tel: 01259 452093 or email [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Clackmannanshire Council has a duty to protect public funds that it administers and may use this information for the protection and detection of fraud. For more details, please contact Senior Auditor, on tel: 01259 452000



02/08/2019

Your Ref: T1663

Our Ref: 441347

Andrew Crawford  
Team Leader Building  
Standards & Licensing  
Clackmannanshire Council  
Kilncraig  
Alloa  
FK10 1EB



**POLICE  
SCOTLAND**  
Keeping people safe

Thom McLoughlin MSc CMgr FCMI  
Chief Superintendent  
Divisional Commander

Forth Valley Division Headquarters  
Randolphfield  
St Ninian's Road  
Stirling  
FK8 2HD

Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE  
APPLICANT: STEPHEN HONEYMAN, [REDACTED]**

I refer to the above application for the grant of a Taxi Driver's Licence and intimate that, in terms of Section 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, I make the following objection in relation to the application.

The application has been processed by the Police Service of Scotland and routine checks were carried out which showed that the applicant has previous convictions. The applicant has indicated he has a disqualification of 6 months from 05/07/17 as well as 6 points and £300 fine from 09/12/15. The correct convictions and disposals are as follows.

Date	Court	Crime/Offence	Disposal
05/07/2017	Alloa Justice of the Peace Court	Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)	£400 fine 10 month disqualification

27/01/2016	Alloa Justice of the Peace Court	<p>Charge 1-4; 4 x Section 23(1) Road Vehicle Lighting Regulations 1989</p> <p>Charge 5; Section 47(1) Road Traffic Act 1988 (no MOT)</p> <p>Charge 6; Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)</p>	<p>Charges 1-5 - £50 fine each</p> <p>Charge 6 - £600 fine</p>
11/11/2015	Alloa Justice of the Peace Court	<p>Charge 1 - Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)</p> <p>Charge 2 - Section 41(A) Road Traffic Act 1988 (construction and use requirement)</p>	<p>Sentence deferred to 09/12/15</p> <p>Charge 1 - £300 fine, 6 months disqualification</p> <p>Charge 2 - £60 fine</p> <p>On 24/2/2017 Charges 1-2, Community Payback Order 80 hours unpaid work to be completed within 6 months</p>

The circumstances of the first conviction are that the applicant was stopped by police while driving a motor vehicle and found to have no insurance policy in place for the vehicle.

The circumstances of the second conviction are that the applicant was stopped by police while driving a motor vehicle which had 4 inoperative lights. On further checks being carried out it transpired there was no insurance or MOT in place for the vehicle.

The circumstances of the third conviction are that the applicant was stopped by police while driving a vehicle with no insurance policy in place and with defective tyres.

Police Scotland is of the opinion that, by reason of repeated failure to comply with Road Traffic Law in terms of failing to insure the vehicles he is driving and failure to ensure the upkeep of the vehicles he is driving the applicant is not a fit and proper person to be granted a Taxi Driver's Licence, and in terms of Section 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, objects to the granting of such a licence.

Having carried out the required tests as detailed in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Amendment Order 2015 , it has been established that the applicant has a number of spent convictions, which are considered 'protected' in terms of the Rehabilitation of Offenders Act 1974. It is the Chief Constable's contention that justice cannot be done in this case except by admitting evidence relating the 'protected' convictions.

I must emphasise that this letter is for the information of the Regulatory Committee, solely in connection with this application and not for any other purpose.

Yours faithfully



Thom McLoughlin MSc CMgr FCMI  
Chief Superintendent  
Divisional Commander

For enquiries please contact the Licensing Department on 01786 456026





**Memo**

To: Andrew Crawford  
Team Leader Environmental Health and  
Licensing  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO  
Your Ref: 19/00472/TD1  
Date: 2 August, 2019

**Civic Government (Scotland) Act, 1982  
Application for Taxi Drivers Licence  
Stephen Honeyman, [REDACTED]**

1. In terms of Schedule 1, paragraph 3 of the Civic Government (Scotland) Act, 1982 (the Act) I wish to make a representation in relation to the grant of a Taxi Drivers licence to Stephen Honeyman, [REDACTED]
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-12, before coming to a decision as to whether or not Stephen Honey (the applicant) is a fit and proper person to be granted a Taxi Drivers Licence.
3. The applicant has declared 2 road traffic convictions on his application. Due to the nature and circumstances of these convictions, their relatively recent occurrence and their relevancy to the type of licence applied for this application should not be granted under delegated powers, and should be determined by the Regulatory Committee.
4. One of the matters declared (Code IN10) relates to driving a motor vehicle on a road whilst not insured. A discussion with the applicant reveals that this offence was committed whilst driving a minibus full of passengers. The applicant claims that he was simply doing a favour for a local operator and the passengers were not paying customers. I have no further specific information about the offence.
5. The other matter declared (Code TT99) does not identify the actual nature of the conviction and simply relates to the special DVLA Code applied to a person's driving licence when they have accrued so many penalty points in a 3 year period that he or she has been disqualified from driving under the "Totting" up procedure.
6. During the discussion with the applicant he was unable or unwilling to reveal the nature of the convictions that resulted in his disqualification.
7. The applicant has failed to provide me with a DVLA Enquiry code relating to his driver record, and as such I have been unable to verify the convictions as declared.
8. During the telephone discussion which took place as part of the consultation process the applicant was evasive when asked about specific details of the driving offences and stated categorically that he had no other convictions that he should declare on his application.

9. I have since learned that Police Scotland hold details of a number of other convictions that should have been declared on the application lodged by Mr Honeyman.
10. There is no purpose served or benefit to the Regulatory Committee in my making further enquiry into these matters as I am aware that Police Scotland intend to object to the licence application.
11. In summary, this applicant has been recently convicted within a relatively short period of time, on number separate occasions, of motoring offences so serious that it has resulted in his disqualification.
12. I am aware of the content of the Police objection which clearly shows that the applicant has engaged in an extended pattern of behaviour in relation to driving habits decisions that has no doubt placed other road users at risk.

*Paul Fair*

Civic Licensing Standards Officer





CLACKMANNANSHIRE

22 AUG 2019

COUNCIL

Dear Sir/Madam

With regards to my application for a Taxi Drivers Badge. I have been invited to attend the Regulatory Committee Meeting on the 19<sup>th</sup> September, 2019 where my application will be heard.

After having the opportunity to read the report by the Licensing Standards Officer which you will have, or soon have in your possession I would like to take this moment to clarify some of the major points and facts for your consideration before my application is heard.

I have attached a copy of my licence details for your perusal and as you can see the expired IN10 offence is what the LSO is mostly concerned about which is driving a vehicle without proper insurance.

This lack of insurance was not deliberately made by myself but in fact made by the owner of the vehicle whom I borrowed it from for a family function. I would like to stress and clarify that the said vehicle was empty of people and not for Hire or Reward at the time of the Police check.

The LSO was made fully aware of this during a telephone call regarding the incident explaining the usage of the vehicle at the time of the offence and how the IN10 offence was generated. As you can see this offence was five years ago and has now expired from my license but unfortunately has not yet considered to be a spent offence and so must be submitted during my application of a taxi drivers' licence.

During a conversation with the LSO, I was advised that I did not need to provide an access code for my driving license at the point of application. After further consultation it was deemed and then decided that the best course of action was to provide this code which I diligently presented to Kilncraigs on the 6<sup>th</sup> August 2019 hence the explanation of the IN10 offence.

I have also been informed from the LSO that Police Scotland intend to raise an objection which I cannot comment on as it is unknown to me what this objection is about as no further information has been revealed to me.

Lastly and most importantly, I must stress my deepest apologies for this application to be so drawn out due to misunderstandings and confusing advice. I also desire to stress that I do not condone driving without insurance which I felt embarrassed, ashamed and guilty when the Police Officer explained that I was not a named driver on the owner's insurance policy. I will now endeavour to fully check that I am genuinely insured on the actual policy with any future employers that I may work for if my licence is granted on the 19<sup>th</sup> by the committee.

Yours Faithfully,



Stephen Honeyman



Licence summary

You can share this licence information summary with someone else like your employer or a car hire firm.

# Mr STEPHEN WILLIAM HONEYMAN

Driving licence number:



Check code:



Licence issue number:

15

Licence valid from:

5 May 2018

Licence valid to:

17 October 2026

This code

- is case sensitive
- is valid for 21 days
- can only be used once

Date summary generated:

6 August 2019 9:58



## Penalty points

### TT99

Penalty points:

Offence date:

Expiry date:  
5 July 2020

Description:

'totting-up' - if the total of penalty points reaches 12 or more within 3 years

### IN10

Expired

Penalty points:  
6

Offence date:  
29 September 2014

Expiry date:  
9 December 2018

Description:

Using a vehicle uninsured against third party risks

## Can drive

Category	Start date	End date	Codes
AM	7 January 2015	17 October 2026	01
A	19 January 2013	17 October 2026	01, 79(3)
B1	4 June 1975	17 October 2026	01
B	4 June 1975	17 October 2026	01
BE	4 June 1975	17 October 2026	01
C1	4 June 1975	17 October 2026	01
C1E	4 June 1975	17 October 2026	01, 107
D1	4 June 1975	17 October 2026	01, 101

## Provisionally drive

Category	Start date	End date	Codes
A	4 June 1975	17 October 2026	01
G	4 June 1975	17 October 2026	01
H	4 June 1975	17 October 2026	01

## What to do next

### How to share your licence summary

Give the check code or this licence summary to someone else, like your employer or a car hire firm. They'll also need the last 8 characters of

### Where to view a shared licence summary

Visit <https://www.gov.uk/check-driving-licence> and enter the last 8 characters of the driving licence number and the check code.

### Check code not working?

If the code generated is older than 21 days, or the code has been viewed once before, a new code must be created.



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