



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

**PRESENT**

Councillor Donald Balsillie (Vice Convenor)  
Councillor Martha Benny  
Councillor Chris Dixon  
Councillor Kenneth Earle  
Councillor Darren Lee  
Councillor Les Sharp

**IN ATTENDANCE**

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

**RC(19)19      APOLOGIES**

Apologies for absence were received from Councillor Graham Lindsay and Councillor Kathleen Martin.

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

**RC(19)20      DECLARATIONS OF INTERESTS**

None.

**RC(19)21      MINUTES OF MEETING: REGULATORY COMMITTEE 30 MAY 2019**

The minutes of the meeting of the Regulatory Committee held on 30 May 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 30 May 2019 were agreed as a correct record and signed by the Vice Convenor.

**RC(19)22      APPLICATION TO VARY PRIVATE HIRE CAR OPERATOR'S LICENCE  
FROM STANDARD LICENCE CONDITIONS**

The report, submitted by the Regulatory Services Manager, presented an application from Sterling Travel to vary a condition for Private Hire Operator's Licence PH38 for the exemption from Standard Condition 16(6) relating to the display of "Pre-Booked Hire Only" door signs and private hire vehicle plates.

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

**Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Mr David Baird, Applicant  
Mr Scott Baird, 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 (1:35 pm) to take legal advice. When the Committee resumed at 1:45 pm, 6 members remained present.

**Motion**

That the Committee agrees to vary a condition for Private Hire Operator's Licence PH38 for the exemption from Standard Condition 16(6) relating to the display of "Pre-Booked Hire Only" door signs and private hire vehicle plates, subject to local conditions as set out in Appendix A of the CLSO's report. That the Committee further agrees that consent for advertising imagery in the form of lettering covering the entire surface of the interior of the rear facing window of the vehicle, is not granted.

Moved by Councillor Les Sharp. Seconded by Councillor Kenneth Earle.

**Decision**

Having considered all of the information provided and the representations made, the Committee agreed to vary a condition for Private Hire Operator's Licence PH38 for the exemption from Standard Condition 16(6) relating to the display of "Pre-Booked Hire Only" door signs and private hire vehicle plates, subject to local conditions as set out in Appendix A of the CLSO's report, namely:

1. A record of all journeys/hires relating to the user 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. Records 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 any individual journey;
3. The fold 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; and
4. The gold 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.

The Committee further agreed that consent for advertising imagery in the form of lettering covering the entire surface of the interior of the rear facing window of the vehicle, is not granted.

**Action**

Regulatory Services Manager

**RC(19)23 APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**

The report, submitted by the Regulatory Services Manager, asked the Committee to consider an application for the renewal of a Taxi Driver's Licence . The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there has 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, therefore the Committee was asked to consider the application.

**Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

Mr Alistair Sutherland, Applicant

The Committee heard representation from the CLSO and the Applicant. The Committee also had the opportunity to put questions to both parties.

**Motion**

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee grant the application for the renewal of a taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

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

**Decision**

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, the Committee granted the application for the renewal of a taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

**Action**

Regulatory Services Manager

**RC(19)24 APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**

The report, submitted by the Regulatory Services Manager, asked the Committee to consider an application for the renewal of a Taxi Driver's Licence . The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there has 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, therefore the Committee was asked to consider the application.

### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Mr Robert Riddock, Applicant

The Committee heard representation from the CLSO and the Applicant. The Committee also had the opportunity to put questions to both parties.

### **Motion**

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee grant the application for the renewal of a taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

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

### **Decision**

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, the Committee granted the application for the renewal of a taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

### **Action**

Regulatory Services Manager

### **RC(19)25 APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE AND TAXI OPERATORS LICENCES T19 AND T53**

The report, submitted by the Regulatory Services Manager, asked the Committee to consider an application for the renewal of a Taxi Driver's Licence and two applications for Taxi Operator's Licences. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there has been any objections of representations received from any party. The Licensing Authority had received representations from Police Scotland and from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority, therefore the Committee was asked to consider the application.

### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Mr Brian Barr, Applicant  
Sergeant Claire McKenzie, Police Scotland

The Committee heard representation from the Civic Licensing Standards Officer, Sergeant McKenzie (Police Scotland) and the applicant and had opportunity to put questions to all parties.

## **Motion**

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to all parties, that the Committee grant the two applications for the renewal of Taxi Operators Licences T19 and T53. That the Committee also agrees the renewal of the taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

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

## **Voting**

For the motion	5 votes
Against the motion	1 vote
Abstain from voting	0 votes

## **Decision**

On a division of 5 votes to 1 with 0 abstentions, having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to all parties, the Committee granted the two applications for the renewal of Taxi Operators Licences T19 and T53 and the application for renewal of the taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

## **Action**

Regulatory Services Manager

## **RC(19)26 APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE**

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

## **Attending**

Mr Paul Fair, Civic Licensing Standards Officer  
Sergeant Claire McKenzie, Police Scotland  
Mr Stephen Honeyman, Applicant  
Mr Keiran Ure, Applicant's Representative

## **Preliminary Matter**

The Clerk advised the Committee that two letters had been received from Police Scotland in relation to the application, only one of which had been circulated as part of the agenda. The second letter was withheld from the circulated papers as it contained information about spent convictions and the preliminary matter which had to be determined by the Committee was whether to admit that letter.

The Clerk advised that the second letter contained information about spent convictions. The Committee could only accept that letter if it was satisfied, in the light of any considerations which appear to it to be relevant, that justice cannot be done in the case except by admitting

or requiring evidence relating to a person's spent convictions. The Clerk confirmed the number and period of the spent convictions and invited the Committee to consider whether in the interests of justice that the letter be admitted or not.

The Clerk asked Police Scotland and the applicant to put forward their views regarding the spent convictions.

The Committee heard from Sergeant McKenzie at Police Scotland who confirmed that the view of Police Scotland was that justice could not be done unless the Committee consider previous spent convictions.

Mr Ure, on behalf of Mr Honeyman offered mitigation in that the applicant had suffered personal circumstances which had impacted on his decision making over the 10 year period.

The Committee agreed to adjourn at this point in the proceedings (2:41 pm) to take legal advice. When the Committee resumed at 3:05 pm, 6 members remained present.

The Vice Convenor, Councillor Balsillie advised that the Committee had decided that in the interests of justice, the Committee should consider the content of the second letter from Police Scotland. The Clerk circulated copies of the letter to all present.

### **Consideration**

The Committee then heard representations from the Civic Licensing Standards Officer, Police Scotland, Mr Ure (Applicant's Representative) and Mr Honeyman (Applicant) and had the opportunity to put questions to them.

The Committee agreed to adjourn at this point in the proceedings (3:40 pm) to take legal advice. When the Committee resumed at 3:50 pm, 6 members remained present.

### **Motion**

That, having considered all the information provided and representations made, and having had the opportunity to put questions to all parties that the Committee refuse to grant the application for a taxi driver's licence as Mr Honeyman is not a fit and proper person to hold such a licence.

### **Decision**

Having considered all the information provided and representations made, and having had the opportunity to put questions to all parties the Committee agreed unanimously **to refuse to** grant the application for a taxi driver's licence as Mr Honeyman is not a fit and proper person to hold such a licence.

### **Action**

Regulatory Services Manager

Ends 3:51 pm