



**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Thursday 21 April 2022 at 9.30 am**

**Venue: Via MS Teams**



## **Regulatory Committee**

The Regulatory Committee, subject to the Council's approved policies, has responsibility for:

1. Determining applications for the grant or renewal of any licences to be issued under the Civic Government (Scotland) Act 1982, including the imposition of conditions on any licence granted.
2. Determining whether to suspend or alter any licence issued under the Civic Government (Scotland) Act 1982.
3. Determining whether to recall a suspension made pursuant to the terms of the Civic Government (Scotland) Act 1982.
4. Setting, approving and reviewing any policies in respect of the operation of the licensing regime under the Civic Government (Scotland) Act 1982.
5. Discharging the Council's statutory licensing function in respect of all legislation that imposes the duty on the Council as the appropriate authority to determine applications or to grant regulatory consents in respect of any licensable activities prescribed by statute.
6. Holding hearings and determining HMO Licence applications in terms of Schedule 4 of the Housing (Scotland) Act 2006.
7. Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Environmental Health, Licensing (other than alcohol licensing) and Trading Standards.
8. Taking decisions on suspending or altering a premises approval as provided for under the Marriage (Scotland) Act 2002.
9. Holding hearings for the purposes of paragraph 7 of Schedule 1 of the Smoking Health and Social Care (Scotland) Act 2005 (the SHSCA 2005).
10. Hearing appeals against officers' decisions to refuse or remove a landlord's or agent's registration under part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

**Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.**

**Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacks.gov.uk](http://www.clacks.gov.uk)**

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

**11 April 2022**

**A MEETING of the REGULATORY COMMITTEE will be held via MS Teams, on THURSDAY 21 APRIL 2022 at 9.30 AM.**



**RICHARD THOMSON  
Solicitor  
Clerk to the Regulatory Committee**

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

	<b>Page No.</b>
1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of the Meeting of the Regulatory Committee held on 24 March 2022 (Copy herewith)	05
4. Application for the Grant of Private Hire Operator's Licence with Exception from Licence Standard Conditions No 16(6)(b) (Executive Hire) – Application Form and Representation from the Civic Licensing Standards Officer (Copies herewith). No objections received from Police Scotland.	07

## 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 SPECIAL MEETING of the REGULATORY COMMITTEE held via MS  
TEAMS on THURSDAY 24 MARCH 2022 at 1 PM**

**PRESENT**

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

**IN ATTENDANCE**

Paul Fair, Civic Licensing Standards Officer (CLSO)  
June Andison, Licensing Administrator  
Richard Thompson, Solicitor, Legal and Governance (Clerk to the Committee)  
Melanie Moore, Committee Services, Legal and Governance

**RC(22)04 APOLOGIES**

Apologies for absence were received from Councillor Graham Lindsay (Convenor) and Councillor Kathleen Martin. In the absence of the Convenor, Vice Convenor, Councillor Donald Balsillie took the Chair.

**RC(22)05 DECLARATIONS OF INTERESTS**

None.

**RC(22)06 CONFIRM MINUTES OF THE MEETING OF THE REGULATORY  
COMMITTEE HELD ON 27 JANUARY 2022**

The minutes of the meeting of the Regulatory Committee held on Thursday 27 January 2022 were submitted for approval.

**Decision**

The minutes of the meeting of the Regulatory Committee held on Thursday 27 January 2022 were agreed as a correct record and signed by the Vice Convenor.

**RC(22)07 CONFIRM MINUTES OF THE SPECIAL MEETING OF THE REGULATORY  
COMMITTEE HELD ON 2 MARCH 2022**

The minutes of the Special meeting of the Regulatory Committee held on Wednesday 2 March 2022 were submitted for approval.

**Decision**

The minutes of the Special meeting of the Regulatory Committee held on Wednesday 2 March 2022 were agreed as a correct record and signed by the Vice Convenor.

## **RC(22)08 APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE**

The Licensing Authority had received an application for renewal of a taxi driver's licence from Mr Gordon McClements. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland. The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence subject to conditions or to refuse the application.

### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Sergeant Derek Simpson, Police Scotland  
Mr Gordon McClements, Applicant  
Mr Bramley Eccles, Applicants Representative

The Committee heard representation from the CLSO, Police Scotland, the Applicant and the Applicants Representative. The Committee then had the opportunity to put questions to both parties.

Following questions, the Committee agreed to adjourn at this point in the proceedings (1.58 pm) for 20 minutes. The meeting resumed at 2.20 pm with 5 members present.

### **Motion**

Having considered all of the information presented to it and having had the opportunity for questions, that the Committee grants the application for renewal of Taxi Driver Licence with the condition that the applicant completes a Disability Awareness Training within 3 months and evidence passed onto the Licensing Authority.

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

### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Committee agreed unanimously to grant the application for the renewal of Taxi Driver's Licence with the condition that the applicant has completed a Disability Awareness Training within 3 months and that evidence passed onto the Licensing Authority.

### **Action**

Clerk to the Committee

*The Convenor wanted to thank the members that this was the last Regulatory Committee with the current members. He wanted to thank members for their service and officers for all their support. He wished everyone all the best for the future.*

Ends 14.23 pm



## **REGULATORY COMMITTEE**

**Civic Government (Scotland) Act 1982**

**MEETING 21 April 2022 at 09:30am**

**Via MS Teams**

<b>Applicant</b>	<b>Application Type</b>	<b>Comments</b>
Richard Walsh	Grant Private Hire Operator's Licence with Exception from Licence Standard Conditions No 16(6)(b)  Executive Hire	Application, applicant's letter in support of application, LSO report (copies attached)  No objections received from Police Scotland  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



**Civic Government (Scotland) Act 1982  
 Taxi/Private Hire Car Operator  
 Grant/Renewal Application**

**Please Answer ALL questions on this form**

LITE  
**PAID**  
 23 FEB 2022

<b>Tick One Box Only Below – Is this application for :-</b>	
Taxi Operator Grant	
Private Hire Operator Grant	X
Taxi Operator Renewal	
Private Hire Operator Renewal	
Plate Number of licence to be renewed	
Expiry date of Current Licence (renewal Only)	

**Applicant Details**

<b>Tick One Box Only Below : Is the applicant a</b>	
Individual (Includes Sole Trader)	X
Limited Company	
Partnership (either formal or informal)	

**Please Only Complete One Section of this part**

**Complete this section for individual applicants Only**

Full Name	First Name	Middle Name	Last Name
	RICHARD	ALEXANDER	WALSH
Home Address (Including Postcode)	[REDACTED]		
Age, Date & Place of Birth	Age	Date of Birth	Place of Birth
	[REDACTED]	[REDACTED]	[REDACTED]
Telephone No.	[REDACTED]		
Email	RSWCABS@ [REDACTED]		
Trading Name of sole trader (if used)	RSWCABS		

\*Please Note that a sole trader's trading name will not appear on any licence issued.

**Complete this section for Limited Company Applicants only**

Full Name of Limited Company	
Registered address (Including Postcode)	
Company Registration No	
Telephone No.	
Email	
Number of active directors at time of application	
<p><b>Please complete a personal details form for each director, Continue on separate sheet if required.</b></p>	

**Complete this section for Partnership Applicants only**

How Many People form this Partnership	2
Is this partnership <b>formal</b> (supported by a documented legal agreement) or <b>informal</b>	<del>informal</del>
<p><b>Please complete a personal information form for each Partner, Continue on separate sheet of required.</b></p>	

**Company Directors/Partnership – Personal Information Form**

Director/Partner No 1			
Full Name	First Name	Middle Name	Last Name
Home Address (Including Postcode)			
Age, Date & Place of Birth	Age	Date of Birth	Place of Birth
Telephone No.			
Email			
Director/Partner No. 2			
Full Name	First Name	Middle Name	Last Name
Home Address (Including Postcode)			
Age, Date & Place of Birth	Age	Date of Birth	Place of Birth
Telephone No.			
Email			



## Vehicle Details

Registration Number	Date of First Registration	No of Passenger seats Including Driver	
[REDACTED]	30-9-17	9	
Make	Model	Colour	
VAUXHALL	VIVARO COMBI	GREY	
Number of Doors	Wheelchair Accessible	Fuel Type	
5	NO	DIESEL	
Chassis Number	[REDACTED]		
Address of premises where vehicle is to be kept	[REDACTED] DUNFERMLINE		
Registered Keeper Name and Address	P. A. WALSH [REDACTED] DUNFERMLINE		
Who will be responsible for the day to day operation of the vehicle – Tick box that applies	Self	Another person	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>If you have nominated "Another person" above as the day to day manager of the vehicle to be licensed then in accordance with the requirements of the Civic Government (Scotland) Act 1982 the licence must be issued in joint names with that person.</p> <p>Pease complete a personal information form below for any nominated day to day manager. You must also ensure that you correctly declare any convictions for any day to day manager named on this application form.</p>			
Full Name	First Name	Middle Name	Last Name
Home Address (Including Postcode)			
Age, Date & Place of Birth	Age	Date of Birth	Place of Birth
Telephone No.			
Email			

**CONVICTIONS -Please Read Carefully**

The Rehabilitation of Offenders Act 1974 does not prevent the Licensing Authority considering "spent" convictions for this type of licence unless they are "protected" convictions. **You must include details of all unprotected convictions for all persons referred to in this application**

Please note that it is an offence if you fail to disclose convictions. If there are No convictions to disclose please write "**NONE**" clearly in the box below.

If you are unsure whether or not you should disclose certain convictions you should take professional legal advice as the Licensing Authority will not be able to assist you with advice or guidance in relation to this matter.

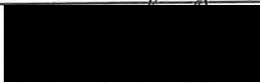
If you are uncertain about the details of your convictions an application can be made to Police Scotland to have these provided.

**Conviction details**

Name of person, Offence or Offence Code	Date	Court	Sentence
	NONE		



**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	
Print Name	RAWALSH
Date	21/2/22

Please return the completed form along with the relevant fee to

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

If you require any further information please contact :

The Licensing Administrator on tel: **01259 450000** or

by email at [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)

#### **IMPORTANT NOTICE**

Any person who in or in connection with the making of this application makes any statement which they know to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence.

#### **Data Protection**

Clackmannanshire Council has a duty to protect public funds that it administers and may use the information provided on this application for the prevention and detection of fraud. The personal Information provided will be handled in accordance with the Clackmannanshire Council data protection policies, the full details of which can be found at [www.clacks.gov.uk/regulation/dataprotectionpolicy/](http://www.clacks.gov.uk/regulation/dataprotectionpolicy/)

# RSW CABS

[REDACTED]  
Dunfermline

Fife  
[REDACTED]

**22/02/22**

Regulatorily committee  
Clackmannanshire Council  
Kilncraigs  
Greenside Street  
Alloa  
FK101EB

**Dear Sir**

I am applying for an executive hire vehicle license.

As part of my application I am also seeking to vary the license standard  
Conditions to remove condition no 16 (6), which relates to required  
“pre booked hire “door signage and the position of the required external plates

It is my intention to operate this private hire car as an executive hire vehicle  
I have discussed this proposal with the Civic Licensing Standards Officer, and  
He has made me aware of the proposed additional local conditions that may be applied  
To the license. I can confirm that I understand the implications of these conditions.

This vehicle will be used for school contracts.

For instance, the school contract we do starts at Kincardine via tullibody, Sauchie,  
Tillicoultry, Dollar then proceeds to Alva primary

We also intend to use this vehicle for airports, golf outings and concerts etc,  
This vehicle will be exclusively for these types of hire only.

**sincerely,**



**Richard A. Walsh**

## Partnership and Performance

Kilncraigs, Greenside Street, Alloa, FK10 1EB  
Telephone: 01259 450000



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

### Memo

To: The Clerk  
Regulatory Committee  
Clackmannanshire Council  
Kilncraigs  
Alloa  
FK10 1EB

From: Paul Fair, Licensing Standards Officer  
Extension: 01259 452091  
Email: pfair@clacks.gov.uk  
Our Ref: PF/CLSO/PHV(X)  
Your Ref: 22/00095/PHVEH  
Date: 30 March, 2022

**Civic Government (Scotland) Act, 1982  
Private Hire Car Operator Licence Application  
Richard Walsh, 39 Blacklaw Road, Dunfermline KY11 4PE  
Exemption from Licence Standard Conditions No 16(6)(b).**

1. This report relates to an application for a private hire car operators licence, made by Richard Walsh;
2. The application seeks to licence a Vauxhall Vivaro Combi motor vehicle, to carry 8 passengers for hire and reward as a private hire car.
3. The vehicle is a 2017 model, and is, subject to a safety inspection, a vehicle which is suitable for use as a private hire car in accordance with the Clackmannanshire Council, Licence Standard Conditions.
4. The application is accompanied by a letter seeking, on grant of the licence, 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 external plates.
5. The reasons for the request for the variation are set out in the letter that accompanies the application.
6. Prior to submitting this application, the applicant engaged in discussions with the Civic Licensing Standards Officer in relation to the variation sought.
7. Having carried out enquiries and in liaison with Mr Walsh, I am satisfied that the application relates to a legitimate, established, and genuine taxi/private hire car operator. The intended use of this vehicle differs significantly from the usual day to day operation of a private hire car operator in Clackmannanshire.
8. Should this application be granted, I would suggest that the use of gold identification plates securely fitted in an agreed internal position, along with the previously approved window display badge, in the vehicle would be adequate to ensure that the vehicle can still be readily identified as a currently licensed private hire car.
9. 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 use of the vehicle as a "normal" private hire car for frequent, short and local journeys. A restriction such as local condition imposing a minimum fare has proven to be a viable 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.
10. 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.

11. 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.
12. 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 Police 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 **except** when the vehicle is being used in connection with a school or other education transport contract awarded by a local authority.

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 outside the vehicle.