



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Regulatory Committee

Tuesday 16 August 2022 at 9.30 am

**Venue: Council Chamber, Kilncraigs,
Greenside Street, 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.

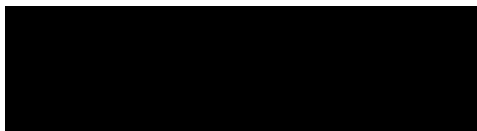
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacks.gov.uk

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

8 August 2022

A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 16 AUGUST 2022 at 9.30 AM.



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

B U S I N E S S

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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. Taxi Fare Review – report by Civic Licensing Standards Officer (Copy attached)	07

EXEMPT INFORMATION

It is anticipated (although this is not certain) that the Council will resolve to exclude the press and public during consideration of these items.

It is considered that the undernoted reports are treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraphs 3, 6, and 14 of the Local Government (Scotland) Act 1973.

4. List of Applications (Copy herewith)	11
a. Application for the Renewal of Taxi Driver's Licence (Brian Tallis) - Application Form and Representations from the Civic Licensing Standards Officer and Police Scotland attached.	13
b. Application for the Renewal of Taxi Driver's Licence (Colin Jackson) - Application Form and Representation from Civic Licensing Standards Officer attached. No representation from Police Scotland	23

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- c. Breach of Licence Conditions, Private Hire Operator and Private Hire Car Driver (Rodney Johnston) – Referral from Civic Licensing Standards Officer attached. 31
- d. Failure to comply with Licensing Conditions Imposed by Regulatory Committee 24 March 2022 (Gordon McClements) Referral from Civic Licensing Standards Officer attached.. 35
- e. Application for the Renewal of Taxi Driver’s Licence (Joseph Erskine) - Application Form (with letter from applicant in lieu of attendance at Committee) and Representation from Civic Licensing Standards Officer attached. No representation from Police Scotland 37

Regulatory Committee – Committee Members (Membership 8 – Quorum 4)

Councillors

Wards

Councillor	Martha Benny (Chair)	2	Clackmannanshire North	CONSERVATIVE
Councillor	Kathleen Martin (Vice Chair)	5	Clackmannanshire East	LABOUR
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Darren Lee	1	Clackmannanshire West	CONSERVATIVE
Councillor	Wendy Hamilton	3	Clackmannanshire Central	SNP
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR
Councillor	Scott Harrison	5	Clackmannanshire East	SNP

Report to Regulatory Committee

Date of Meeting: 16 August 2022

Subject: Taxi Fare Review

Report by: Civic Licensing Standards Officer

1.0 Purpose

- 1.1. The Civic Government (Scotland) Act 1982 (the “1982 Act”), at Section 17(2) sets out that a Licensing Authority must fix scales for the fares and other charges mentioned connected with the hire of a taxi within 18 months beginning with the date on which the scales came into effect..
- 1.2. In fixing scales under section 17(2), the licensing authority may
 - (a) alter fares or other charges,
 - (b) fix fares or other charges at the same rates.
- 1.3. The last fare review carried out by Clackmannanshire Council (the “Licensing Authority”) set scales to take effect from 3 December, 2018.
- 1.4. For reasons connected to the SARS-CoV-2 pandemic, no fare review was carried out, and it was agreed with the local taxi owners association that this was an agreeable course of action.
- 1.5. No other interested party suggested that a fare scale review should be carried out.
- 1.6. The Licensing Authority was approached in July 2022 by an independent taxi operator requesting that a review of the fare scales now takes place.

2.0 Recommendations

- 2.1. That the Committee carries out a fare scale review exercise and consultation in accordance with the requirements of the Civic Government (Scotland) Act, 1982 and use the findings of that exercise to fix new scales as appropriate.

3.0 Considerations

- 3.1. Under the terms of the 1982 Act the Licensing Authority must consult with persons or organisations appearing to it to be, or to be representative of, the

operators of taxis operating within its area, and following such consultation review the existing scales, and

- (a) propose new scales (whether at altered rates or the same rates),
- (b) publish those proposed scales in a newspaper circulating in its area—
 - (i) setting out the proposed scales,
 - (ii) explaining the effect of the proposed scales,
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
- (c) consider any such representations.

- 3.2. The Regulatory Committee are therefore asked to consider the information before them and having done so to determine a timeline and method of carrying out the required review.
- 3.3. Appendix A proposes a suggested method and timeline for carrying out the required review

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 Method and Timeline Proposal (Appendix A)

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
Paul Fair	Civic Licensing Standards Officer	2091

Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director, Partnership and Performance	

Appendix A

Proposed Timeline and Method Statement for Taxi Fare Review

Task	Description of task and Actions	Date Commenced	Date Complete
Agree Process	Regulatory committee to agree process, timeline and members of any required "Working Group" Set Consultation Period (suggest 6 weeks)	16 August 2022	
Working Group	Create working Group and confirm participation of members	By 30 August 2022	
Consultation Letter	Agree terms of consultation letter, Distribute letter of consultation to representative parties	14 September 2022	
Consultation Period	Collate responses received during consultation period. (6 Weeks)	30 October 2022	
Working Group Meeting/Discussion	Meeting of working Group to discuss consultation responses.	16 November 2022	
Agree Revised Scales	Agree and set revised scales – set effective date for new scales coming into force.	TBC – end November 2022	
Publication of Scales	Publish Scales in accordance with requirements of the 1982 Act along with relevant date for representations (Relevant date Must be at least 1 month after publication.	December 2022 (TBC)	
Representations	Check and take consideration of any representation received prior to the "relevant date"	January 2023 ? TBC	
Statutory Notice	Prepare and circulate the required statutory Notice as required by Section 17(4D) of the 1982 Act	Within 7 days of	
Note Completion of task		TBC	

NB : All dates are proposed target dates and are open to variation and discussion.