



**MINUTES OF MEETING of the REGULATORY COMMITTEE held in the COUNCIL  
CHAMBER on TUESDAY 16 AUGUST 2022 at 9.30 AM**

**PRESENT**

Councillor Martha Benny, Convener (Chair)  
Councillor Kenneth Earle  
Councillor Phil Fairlie  
Councillor Wendy Hamilton  
Councillor Darren Lee  
Councillor Jane McTaggart

**IN ATTENDANCE**

June Andison, Licensing Administrator  
Richard Thompson, Solicitor, Legal and Governance (Clerk to the Committee)  
Gillian White, Committee Services, Legal and Governance

**RC(22)13 APOLOGIES**

Apologies for absence were received from Councillor Kathleen Martin and Councillor Scott Harrison.

**RC(22)14 DECLARATIONS OF INTERESTS**

None.

**RC(22)15 TAXI FARE REVIEW**

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. The report, submitted by the Civic Licensing Standards Officer, sought a review of the fare scales.

**Motion**

To agree the recommendations set out in the report.

Moved by Councillor Darren Lee. Seconded by Councillor Kenneth Earle.

**Decision**

The Committee agreed to carry 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.

**Action**

Civic Licensing Standards Officer

## **EXEMPT ITEMS**

**The Council resolved in terms of Section 50(a) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 3, 6 and 14.**

### **RC(22)16 APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE**

The Licensing Authority had received an application for renewal of a taxi driver's licence from Mr Brian Tallis. Representations 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 unconditionally, grant the licence with conditions or to refuse the application.

Mr Tallis was not in attendance. He had advised the Licensing Administrator that he was on leave and asked for the item to be adjourned until his return. Mr Tallis was advised to submit his request in writing, however, failed to do so.

The Committee were asked to vote on whether the application should be heard in Mr Tallis's absence or adjourned.

#### **Voting (On whether the item of business should be heard in Mr Tallis's absence or be adjourned)**

##### **To hear the item of business (5 votes)**

Councillor Jane McTaggart  
Councillor Wendy Hamilton  
Councillor Phil Fairlie  
Councillor Darren Lee  
Councillor Martha Benny

##### **To adjourn the item of business (1 vote)**

Councillor Kenneth Earle

On a division of 5 votes to 1, the Regulatory Committee resolved to hear Mr Tallis's application in his absence.

#### **Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
PC Kirstin McLean, Police Scotland

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

#### **Motion**

Having considered all of the information presented to it and having had the opportunity for questions, that the Committee refuses the application for a Renewal of Taxi Driver Licence as the applicant is not a fit and proper person to hold such a licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Darren Lee.

#### **Decision**

Having considered all of the information presented to it and having had opportunity for questions, the Committee agreed unanimously to refuse the application for a Renewal of Taxi Driver Licence as the applicant is not a fit and proper person to hold such a licence.

**Action**

Clerk to the Committee

**RC(22)17 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 Colin Jackson. A representation had been received from the Civic Licensing Standards Officer (CLSO). No representation had been received from Police Scotland. The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence unconditionally, grant the licence with conditions or to refuse the application.

**Attending**

Mr Colin Jackson, Applicant  
Mr Paul Fair, CLSO

The Committee heard representation from both parties attending. The Committee then had the opportunity to put questions to them.

Following questions, the Committee agreed to adjourn at this point in the proceedings (10.10 am). Mr Jackson and Mr Fair withdrew from the meeting. The meeting resumed at 10.25 am with 6 members present. Mr Jackson and Mr Fair re-joined the meeting at this point in the proceedings.

**Motion**

Having considered all of the information presented to it and having had the opportunity for questions, that the Committee grants the application for a Renewal of Taxi Driver Licence with the standard conditions.

Moved by Councillor Darren Lee. Seconded by Kenneth Earle.

**Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Renewal of Taxi Driver Licence with the standard conditions.

**Action**

Clerk to the Committee

**RC(22)18 BREACH OF LICENCE CONDITIONS, PRIVATE HIRE OPERATOR AND PRIVATE HIRE CAR DRIVER**

A referral in relation to a breach of the Licence Standard Conditions, Private Hire Operator and Private Hire Car Driver, was submitted by the Civic Licensing Standards Officer. The conditions that had been breached were contained within Condition Nos. 2.1, 5.1 and 16.6 of Clackmannanshire Council's Licence Standard Conditions (Taxi and Private Hire Driver). The referral asked that the Regulatory Committee consider the information contained in paragraphs 7-24 of the report, before coming to a decision as to what action, if any, should be taken against the licence holder.

**Attending**

Mr Rodney Johnston, Applicant  
Mr Paul Fair, CLSO

The Committee heard representation from both parties attending and received a written representation from Mr Johnston which was circulated to the Committee. 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 (11.00 am). Mr Johnston and Mr Fair withdrew from the meeting. The meeting resumed at 11.45 am with 6 members present. Mr Johnston and Mr Fair re-joined the meeting at this point in the proceedings.

### **Motion**

That, having considered all the information provided and representations made, and having had the opportunity to put questions to both parties that the Committee revoke Mr Johnston's Private Hire Operator and Private Hire Car Driver licences as Mr Johnston has breached Condition Nos. 2.1, 5.1 and 16.6 of Clackmannanshire Council's Licence Standard Conditions (Taxi and Private Hire Driver) and is no longer a fit and proper person to hold such a licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Phil Fairlie.

### **Decision**

Having considered all the information provided and representations made, and having had the opportunity to put questions to both parties the Committee revoked Mr Johnston's Private Hire Operator and Private Hire Care Driver licences as Mr Johnston had breached Condition Nos. 2.1, 5.1 and 16.6 of Clackmannanshire Council's Licence Standard Conditions (Taxi and Private Hire Driver) and is no longer a fit and proper person to hold such a licence.

### **Action**

Clerk to the Committee

*In line with Standing Order 10.24, the Convener agreed to a 10 minute comfort break at 11.50 am. The meeting resumed 12.00 noon with 6 members present.*

## **RC(22)19 FAILURE TO COMPLY WITH LICENCING CONDITIONS IMPOSED BY REGULATORY COMMITTEE 24 MARCH 2022**

A referral in relation to failure to comply with a Licensing Condition imposed by the Regulatory Committee on 24 March 2022, was submitted by the Civic Licensing Standards Officer. The condition was that the applicant undertakes and passes a suitable course in disability awareness within 3 months of the date of the Regulatory decision. The referral asked that the Regulatory Committee consider the information contained in the referral report, before coming to a decision as to what action, if any, should be taken against the licence holder.

### **Attending**

Mr Gordon McClements, Applicant  
Mrs McClements, Applicant's Wife  
Mr Paul Fair, CLSO

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

Following questions, the Committee agreed to adjourn at this point in the proceedings (12.33 pm). Mr and Mrs McClements and Mr Fair withdrew from the meeting. The meeting resumed at 13.00 am with 6 members present. Mr and Mrs McClements and Mr Fair re-joined the meeting.

## **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 revoke Mr McClements's Taxi Driver Licence as Mr McClement has failed to comply with the Licensing Condition imposed by the Regulatory Committee on 24 March 2022.

Moved by Councillor Darren Lee. Seconded by Councillor Jane McTaggart.

## **Decision**

Having considered all the information provided and representations made, and having had the opportunity to put questions to all parties the Committee unanimously agreed to revoke Mr McClements's Taxi Driver Licence as Mr McClements had failed to comply with the Licensing Condition imposed by the Regulatory Committee on 24 March 2022.

## **Action**

Clerk to the Committee

## **RC(22)20 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 Joseph Erskine. A representation had been received from the Civic Licensing Standards Officer (CLSO). No representation had been received from Police Scotland. The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence unconditionally, grant the licence with conditions or to refuse the application.

## **Attending**

Mr Paul Fair, CLSO

Mr Erskine had previously notified the Licensing Administrator that he was unable to attend the meeting of the Regulatory Committee as he was on holiday. However, Mr Erskine had submitted written representation which had formed part of the Agenda pack for the meeting.

The Committee heard representation from the CLSO. The Committee then had the opportunity to put questions to him.

## **Motion**

Having considered all of the information presented to it and having had the opportunity for questions to the CLSO, that the Committee grants the application for a Renewal of Taxi Driver Licence with the standard conditions.

Moved by Councillor Martha Benny. Seconded by Wendy Hamilton.

## **Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Renewal of Taxi Driver Licence with the standard conditions.

## **Action**

Clerk to the Committee

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In relation to the Taxi Fare Review, the CLSO asked that members of the Regulatory Committee let him know who would participate in the Working Group.

Ends 1.13 pm

