



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Regulatory Committee

Wednesday 23 November 2022 at 9.30 am

Venue: Via Video Conference (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.

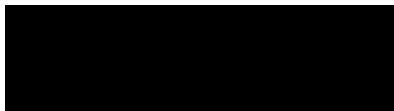
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

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

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.

14 November 2022

A MEETING of the REGULATORY COMMITTEE will be held via VIDEO CONFERENCE (MS TEAMS) on WEDNESDAY 23 NOVEMBER 2022 at 9.30 AM.



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

B U S I N E S S

	Page No.
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. Minute of Regulatory Committee held on Tuesday 25 October 2022 (Copy herewith)	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. Application List (Copy herewith)	09
a. Application for the Non Standard Vehicle Approval (Richard Lee) - Application Form and Representation from the Civic Licensing Standards Officer attached.	11
b. Application for the Renewal of Taxi Driver's Licence (James Malcolm) Application Form and Representation from the Civic Licensing Standards Officer attached. No objection received from Police Scotland.	15

- c. Application for the Renewal of Taxi Driver's Licence (McGregor Thomson) 19
Application Form and Representation from the Civic Licensing Standards Officer attached.

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



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via VIDEO
CONFERENCE (MS TEAMS) on TUESDAY 25 OCTOBER 2022 at 9.54 AM**

PRESENT

Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor Darren Lee
Councillor Jane McTaggart

IN ATTENDANCE

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

RC(22)21 APOLOGIES

Apologies for absence were received from Councillor Martha Benny and Councillor Kathleen Martin.

RC(22)22 DECLARATIONS OF INTERESTS

None.

RC(22)23 CONFIRM MINUTE OF MEETING HELD ON 16 AUGUST 2022

The minutes of the meeting of the Regulatory Committee held on Tuesday 16 August 2022 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 16 August 2022 were agreed as a correct record and agreed by Committee.

In the absence of the Chair and Vice Chair, Councillor McTaggart nominated Councillor Fairlie to Chair the meeting. All the Committee agreed and Councillor Fairlie took the Chair.

EXEMPT ITEMS

The Council resolved in terms of Section 50A 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)24 APPLICATION FOR THE GRANT OF TAXI DRIVER LICENCE

The Licensing Authority had received an application to grant taxi driver licence for Scott Walker. 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.

Attending

Mr Scott Walker, Applicant
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
PS Derek Simpson, Police Scotland

The Committee heard representation from the Applicant, CLSO and Police Scotland. 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 (10.10 am). Mr Walker, PS Derek Simpson and Mr Fair withdrew from the meeting. The meeting resumed at 10.36 am with 6 members present. Mr Walker and Mr Fair re-joined the meeting. (Councillor Lee had joined meeting but didn't take part. Unfortunately PS Simpson was unable to return to the meeting due to IT issues.

Motion

Having considered all of the information presented to it and having had the opportunity for questions, that the Committee agrees the application to grant Taxi Driver Licence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Jane McTaggart.

Decision

Having considered all of the information presented to it and having had opportunity for questions, the Committee agreed unanimously to grant the application to grant Taxi Driver Licence. Comment was made that if any further offences come back to Committee then the Licence could be refused.

Action

Clerk to the Committee

Ends 10.40 am