



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Tuesday 30 May 2023 at 9.30 am**

**Venue: Council Chamber, Kilncraigs, Alloa, FK10 1EB**



## **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.

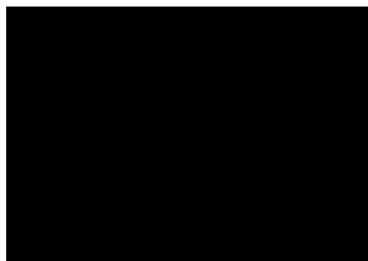
**Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.**

**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)**

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22 May 2023

**A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 30 MAY 2023 at 9.30 AM.**



**LEE ROBERTSON**  
**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. Minute of Regulatory Committee held on Tuesday 31 January 2023 (Copy herewith)	07
4. Taxi Plates – Wheelchair Accessible Vehicles (WAV) – report by Civic Licensing Standards Officer (Copy herewith)	11

**EXEMPT INFORMATION**

**It is anticipated (although this is not certain) that the Committee 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.

5. Application List (Copy herewith)	17
a. Application for Grant of Private Hire Car Operator Licence (Scott Walker )	19

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| b. Application for Renewal of Taxi Driver's Licence<br>(Ryan Summerscales)        | 29 |
| c. Application for Renewal of Taxi Driver's Licence (Keiran Ure)                  | 41 |
| d. Application for Temporary Public Entertainment Licence (Wimpy<br>Park Fun Day) | 47 |

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

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### Councillors

### Wards

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





**MINUTES OF MEETING of the REGULATORY COMMITTEE held via VIDEO  
CONFERENCE (MS TEAMS) on TUESDAY 31 JANUARY 2023 at 9.30 AM**

**PRESENT**

Councillor Kenneth Earle (Chair)  
Councillor Martha Benny  
Councillor Phil Fairlie  
Councillor Scott Harrison  
Councillor Kathleen Martin  
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(23)01 APOLOGIES**

Apologies for absence were received from Councillor Darren Lee and Councillor Wendy Hamilton.

**RC(23)02 DECLARATIONS OF INTERESTS**

None.

The Chair advised that she was having IT issues and asked if someone else in the Committee could take over as Chair. Councillor Kenneth Earle advised that he would do it.

**EXEMPT ITEMS**

**The Committee 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(23)03 APPLICATION TO GRANT TAXI DRIVER'S LICENCE**

The Licensing Authority had received a request to grant a taxi driver's licence. 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 refuse the approval.

**Attending**

Mr Steven Honeyman, Applicant  
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Mr Malcolm O May, Police Scotland

Police Scotland had additional information on Mr Honeyman for the Committee to view and on the basis that justice could not be done without the Committee viewing the information. The Committee then resolved to view the information.

The Committee heard representation from the Applicant, the Civic Licensing Standards Officer 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 (10.21 am). Mr Honeyman, Mr O'May and Mr Fair withdrew from the meeting. The meeting resumed at 10.55 am with 6 members present. Mr Honeyman, Mr O'May and Mr Fair re-joined the meeting.

#### **Motion 1**

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

Moved by Councillor Phil Fairlie. Seconded by Councillor Martha Benny.

#### **Motion 2**

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

Moved by: Councillor Kenneth Earle. Seconded by: no one seconded – Motion fell.

#### **Voting on the Motion**

For Motion 1	5 votes
Against	1 vote

#### **Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee refused to grant the Taxi Driver Licence on 5 votes to 1 as the applicant is not a fit and proper person to hold a licence.

#### **Action**

Clerk to the Committee

#### **RC(23)04 REFERRAL PRIVATE HIRE OPERATOR LICENCE AND TAXI DRIVER LICENCE**

The Licensing Authority had received information for the Referral relevant to a Private Hire Operator Licence and a taxi driver's licence held by Mr Eamon Sweeney. A representation on the information had been received from the Civic Licensing Standards Officer (CLSO). The Committee were asked to consider all the information before them and having done so to determine whether to suspend the Licences, revoke the Licences or take no action.

#### **Attending**

Mr Eamon Sweeney, Applicant  
Mr Jonny Nisbet, Applicants Representative  
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

The Committee heard representation from the Applicants Representative and the Civic Licensing Standards Officer. The Committee then had the opportunity to put questions to both.



Following questions, the Committee agreed to adjourn at this point in the proceedings (11.46 am). Mr Sweeney, Mr Nisbet and Mr Fair withdrew from the meeting. The meeting resumed at 12.20 pm with 6 members present. Mr Sweeney, Mr Nisbet and Mr Fair re-joined the meeting.

**Motion**

Having considered all of the information presented to it and having had the opportunity for questions that the Committee agreed to take no action in furtherance of the information presented.

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

**Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to take no action in furtherance of the information presented.

**Action**

Clerk to the Committee

Ends 12.29 am

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**CLACKMANNANSHIRE COUNCIL**

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**Report to Regulatory Committee**

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**Date of Meeting: 30 September, 2023**

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**Subject: Taxi Plates - Wheelchair Accessible Vehicles (WAV)**

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**Report by: Civic Licensing Standards Officer**

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**1.0 Purpose**

- 1.1. The purpose of this report is to set out proposals for the allocation of a number of taxi plates that have been freed up by retirement of licence holders or surrender of existing licences.
- 1.2. The report accordingly seeks Committee approval for the allocation of 4 available taxi plates to applicants who have or who has provided the Council with satisfactory evidence that they will introduce a Wheelchair Accessible Vehicle into the current fleet of licensed vehicles.

**2.0 Recommendations**

**That Committee:**

- 2.1. Agrees the allocation of the available 4 taxi vehicle plates to applicants who intend to licence a suitable wheelchair accessible vehicle (WAV) in terms of paragraph 3.8; and
- 2.2. Agrees that when there are less than 8 WAV Taxis licensed in the area that new taxi operators licences will only be granted to wheelchair accessible vehicles in order to maintain at least 15% taxi fleet as accessible.

**3.0 Considerations**

**3.1 Wheelchair Accessible Vehicles**

- 3.2. Local licensing authorities as well as taxi and private hire car drivers are required, by law, to meet certain accessibility related duties in order to ensure disabled people can access taxi services with the same freedom, choice, dignity and ease as others.
- 3.3. Disabled people make twice as many journeys by taxi and private hire car compared to non-disabled people and rely on these services for essential journeys more than most. With one fifth of Scotland's population identifying

themselves as disabled, which represents almost one million people, it is essential that licensing authorities and drivers adhere to their accessibility duties and where possible, go beyond the minimum requirements.

- 3.4. In 2016 Transport Scotland engaged with disabled people, their representatives and transport providers to identify and discuss barriers to accessible travel. The exercise resulted in the creation of the Accessible Travel Framework which runs until 2026.
- 3.5. The Framework identifies 48 key issues and suggested solutions, which were impacting disabled peoples access to travel. Nine of these issues relate directly to the taxi industry: One of these recommendations suggests using taxi licensing to ensure 20% of taxis at any one time are accessible to wheelchair users in each local authority area.
- 3.6. Currently there are 4 licensed taxis in Clackmannanshire that are wheelchair accessible vehicles. This represents only 7.27% of the currently available taxi operators licences.
- 3.7. There are currently 4 of 55 taxi operator licences (Plates) available for allocation to new operators and vehicles.
- 3.8. If all 4 of these licences are restricted and only made available to operators applying to put a WAV Taxi on the road, then when allocated to new vehicles entering the taxi licensing regime it would result in a total of 14.54% of available licences, still short of the recommended 20%, but a much more compliant situation.
- 3.9. When allocated, flag these licences as plates that will only ever be issued to wheelchair accessible vehicles by applying local licensing conditions in the terms detailed at appendix A.

#### **4.0 Conclusion**

- 4.1. Currently the percentage of licenced taxis in Clackmannanshire, that are wheelchair accessible, falls below the recommended 20% of fleet and none of the existing operators offer a wheelchair accessible service on a Sunday. This situation results in complaints and enquiries from wheelchair users unable to access transport that they rely onto maintain a reasonable standard of living.
- 4.2. Adopting the recommendations in paragraph 2.1 and 2.2 would go along way to resolving the situation now and into the future.

#### **5.0 Sustainability Implications**

- 5.1. None

#### **6.0 Resource Implications**

- 6.1. *Financial Details*

6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

6.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.4. *Staffing*

## 7.0 Exempt Reports

7.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 8.0 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)

## 9.0 Equalities Impact

9.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

## 10.0 Legality

10.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 11.0 Appendices

11.1. Please list any appendices attached to this report. If there are no appendices please state "none".

None.

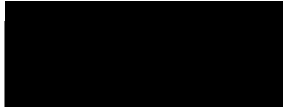
## 12.0 Background Papers

12.1. [Accessible Travel Framework Document](#)

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Paul Fair	Civic Licensing Standards Officer	2091

### Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Senior Manager Legal & Governance and Monitoring Officer	

## Appendix A

### Proposed Local Licensing Conditions – WAV Taxis

1. This Licence No (**T xxx WAV**) has been allocated only for use attached to a suitable wheelchair accessible vehicle. (WAV).
2. Any temporary replacement vehicle that will be in use in connection with this licence for more than 14 days must be a suitable Wheelchair Accessible Vehicle.
3. The driver of this vehicle must complete a suitable disability awareness course which includes training in relation to the loading and unloading and secure transport of wheelchair users.

