



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Regulatory Committee

Tuesday 30 January 2024 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.

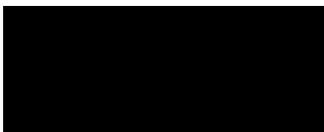
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

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

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.

19 January 2024

A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 30 JANUARY 2024 at 9.30 AM.



DALE BELL
Depute 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. Minutes of Regulatory Committee held on Tuesday 21 November 2023 (Copy herewith)	05
4. Public Entertainment – Variation to Standard Conditions - report by the Depute Clerk to the Regulatory Committee (Copy herewith)	09

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 and 6 of the Local Government (Scotland) Act 1973.

5. Application List (Copy herewith)	19
a. Application for Grant of Taxi Driver's Licence (Lewis John Usher) – Application Forms; DVLA Licence and DVLA Check; and Representations from the Civic Licensing Standards Officer and Police Scotland (Copies herewith)	21
b. Application for Grant of Private Hire Operator Licence (Eamon Sweeney) - Application Form; Representation from the Applicant; and Representation from the Civic Licensing Standards Officer (Copies herewith)	35

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

Councillors

Wards

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



**MINUTES OF MEETING of the REGULATORY COMMITTEE held in the COUNCIL
CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 21 NOVEMBER 2023 at 9.30 AM**

PRESENT

Councillor Darren Lee (Chair)
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor Kathleen Martin

IN ATTENDANCE

Paul Fair, Civic Licensing Standards Officer
Shaun Carroll, Licensing Paralegal, Legal and Governance
Lezli-Anne Sharp, Licensing Paralegal Administrator
Lee Robertson, Senior Manager, Legal and Governance (on Teams)
Dale Bell, Solicitor, Legal and Governance (Clerk to the Committee)
Sergeant Malcolm O May, Police Scotland
Gillian White, Committee Services, Legal and Governance
Melanie Moore, Committee Services, Legal and Governance

RC(23)16 APOLOGIES

Apologies for absence were received from Councillor Jane McTaggart.

RC(23)17 DECLARATIONS OF INTERESTS

None.

The Chair advised that he wished to amend the running order of items on the agenda. The Agenda items would re-ordered as follows: Item 1, 2, 4a, 4b, 3 and 5.

EXEMPT ITEM

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 undernoted item of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 3, and 6.

**RC(23)18 MINUTES OF REGULATORY COMMITTEE – 30 MAY 2023 AND 15
AUGUST 2023**

The minutes of the meeting of the Regulatory Committee held on Tuesday 30 May 2023 and Tuesday 15 August 2023 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 30 May 2023 and Tuesday 15 August 2023 were agreed as a correct record and signed by the Chair.

NON EXEMPT ITEM

RC(23)19 STREET TRADER LICENSING – RESOLUTION VARIATION

The Civic Government (Scotland) Act 1982 (the “1982 Act”), at Section 9 sets out that a Licensing Authority may resolve to licence the activity of Street Trading.

Clackmannanshire Council first resolved to licence such activity in the late 1980’s.

Since the initial resolution records show that the licence conditions have been amended, but the general nature of the resolution has not changed.

The proposed variation to the resolution would simplify the rules in Clackmannanshire in relation to street trading at licensed public entertainment events, and would place a responsibility on the holder of a public entertainment licence to manage traders and notify the Council in advance of their attendance.

The report, submitted by the Civic Licensing Standards Officer, sought Committee approval to vary the existing resolution relating to Street Trader licensing, and adopt the wording for that variation as detailed in Appendix A to the report. The report also sought Committee approval for the Licence Standard Conditions – Street Traders as detailed in appendix B to the report.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Martha Benny.

Decision

The Committee agreed to:

1. Approve the variation to the existing resolution relating to Street Trader Licensing, and adopts the wording for that variation as detailed in Appendix A of the report; and
2. Approve the Licensing Standards Conditions – Street Traders as detailed in Appendix B of the report.

Action

Clerk to the Committee

EXEMPT ITEM

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, and 6.

RC(23)20 APPLICATION FOR THE RENEWAL OF A TAXI OPERATORS AND A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the renewal of a Taxi Operators and a Taxi Driver Licence. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO).

Attending

Mr Michael Eccles, Applicant
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Sergeant Malcolm O May, Police Scotland

The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence; grant the licence subject to local conditions; or refuse the application.

The Committee heard representation from the Civic Licensing Standards Officer (CLSO), Police Scotland and the applicant and had the opportunity to put questions to all.

Motion

Having considered all of the information presented to it and having had the opportunity for questions that the Committee grants the application for Taxi Operators and Taxi Drivers Licences.

Moved by Councillor Kenneth Earle. Seconded by Councillor Martha Benny.

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 Taxi Operators and Taxi Drivers Licences.

Action

Clerk to the Committee

Ends 10.05 am

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Report to Regulatory Committee

Date of Meeting: 18 January 2023

Subject: Public Entertainment –Variation to Standard Conditions

Report by: Depute Clerk to the Regulatory Committee

1.0 Purpose

- 1.1. The Civic Government (Scotland) Act 1982 (the “1982 Act”), at Section 9 sets out that a Licensing Authority may resolve to licence the activity of Public Entertainment.
- 1.2. Clackmannanshire Council first resolved to licence such activity in the 1980s.
- 1.3. Since the initial resolution, records show that the resolution and licence conditions have been amended multiple times. This report seeks only to vary the current standard licence conditions and does not aim to make any changes to the current resolution.
- 1.4. Since the last amendment to the resolution and licence conditions the landscape of public entertainment has changed significantly. In particular, the work of the Safety Advisory Group (SAG) has highlighted a number of areas for concern.
- 1.5. In recent years the SAG has been involved with a number of local events. Feedback has been very positive and generally event organisers have been grateful for the advice and guidance that the SAG group has been able to provide.
- 1.6. Currently though, the SAG only has the ability to engage with organisers who apply for temporary licences. Due to the current licence conditions not requiring the licensing authority to be notified of any events taking place in venues that hold a permanent public entertainment licence. Except in a small number of venues which have local conditions to that effect.
- 1.7. The proposed variation to the standard conditions was produced after consultation with the SAG and aims to encourage engagement with licence holders to ensure public safety.
- 1.8. The proposed variation to the standard conditions aims to allow the licensing authority to more effectively ensure public safety in licensed public entertainment venues.

- 1.9. The proposed variation to the standard conditions amounts to a variation for both current public entertainment licence holders and future applicants.

2.0 Recommendations

- 2.1. That the Committee approves the variation to the existing standard conditions for public entertainment licences..

3.0 Considerations

- 3.1. Under the terms of the Civic Government (Scotland) Act 1982 Section 3B, the licensing authority may vary standard conditions provided they follow the requirement to publish the conditions in a manner that think is appropriate. This would apply to future applicants.
- 3.2. In accordance with the Civic Government (Scotland) Act 1982 Schedule 1 Section 10(2) each public entertainment licence holder has been notified of the proposed variation to standard conditions and has been provided an opportunity to be heard by the licensing authority.
- 3.3. The Regulatory Committee are therefore asked to consider the information before them and having done so to determine a date for taking effect of the variation.
- 3.4. It is suggested that 1st March, 2024 would be an appropriate date to allow both the appeal period and administrative process of notifying existing licence holders of the changes to the Licence Standard Conditions to take place.

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 Standard licence Conditions (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

Report Amending licence Conditions dated 17.01.2024

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Dale Bell	Depute Clerk to the Regulatory Committee	0000

Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Legal Services Manager	



CLACKMANNANSHIRE COUNCIL

PUBLIC ENTERTAINMENT - STANDARD LICENCE CONDITIONS

The Licence

1. The premises must not be used as a place of public entertainment for any purpose not specified in the licence.
2. The number of persons to be admitted to the premises at any one time must not exceed that specified in the licence.
3. Public entertainment should only be provided on the premises during the hours specified in the licence.
4. A copy of this licence must, at all times, be retained on the premises.
5. The copy of the licence must be produced on request to any Police Constable, Civic Licensing Standards Officer and/or Authorised Council Officer.
6. The licence will expire on the date shown on the licence. No public entertainment activity should take place on the premises after that date unless an application to renew the licence has been accepted by Clackmannanshire Council prior to that expiry date.
7. The licence must be kept on the premises in a location where it is available for inspection on request made by the Civic Licensing Standards Officer, any other officer authorised by Clackmannanshire Council, or a Police Constable.
8. The licence must not be altered, erased or defaced in any way.
9. The licence holder must notify the Council of any material change of circumstances affecting the licence. This includes any convictions affecting the licence holder, day to day manager, or any changes to the premises, or types of entertainment offered.
10. The licence holder must surrender the licence on the order of the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority and on the expiry of the licence.
11. The licence holder will comply with all reasonable requests made by authorised officers of the Local Authority and/or Police Officers.

Safety of Premises

12. The licence holder must ensure that the premises are at all times safe including all apparatus and equipment.
13. The use of lasers, pyrotechnics, fireworks or naked flames on the licensed premises is prohibited during public entertainment without the Licensing Authority's written permission.
14. The licence holder must ensure that the premises have a suitable and sufficient approved fire alarm system.
15. All escape routes, staircases and passageways must be kept free from obstruction and the arrangement of seating and/or tables in the premises must allow free and unobstructed access to the exits.
16. All doors and openings to/from the premises must be clearly indicated by exit signs and must be illuminated at all times while the public are on the premises
17. The licence holder must ensure that printed notices are displayed at suitable positions in the premises stating the procedures to be followed in the case of fire/other emergency evacuation.
18. The licence holder must ensure that all employees/stewards are instructed and trained regarding the use of fire fighting equipment, fire safety precautions and the procedures to follow in the event of fire/other emergency evacuation.
19. A certified copy of the approved layout and location plan of the premises will form part of the licence granted and should be kept by the licence holder at the premises. This document must be produced to any Police Officer, Fire Officer or authorised officer of the Licensing Authority on demand
20. The licence holder is responsible for ensuring that there are suitable and sufficient first aid facilities within the premises and that, where appropriate, an agreed number of suitably qualified first aiders are available throughout the event including set up and set down. Where the licence holder is unsure of the first aid provisions they should seek guidance from the Licensing Authority.
21. The licence holder must ensure that a competent person responsible for the management or daily operation of the premises is present on the premises whenever public entertainment is taking place.
22. The licence holder must ensure that at any event where stewarding is required or is in place (whether professional or volunteers) that stewards are briefed in relation to their responsibilities and roles.
23. Where stewards are appointed for any of the purposes listed below:
 - Control of access to the premises
 - The safe evacuation of the premises in the event of an emergency
 - The care and safety of any person ejected from the event
 - The care and safety of any lost children or vulnerable adults
 - General security and safety at the event

Then the licence holder will create a Stewarding Plan which must be adhered to at all times during the event.

General

24. The licence holder must not permit the giving of any live animal as a prize or reward on the premises.
25. No Alcohol can be sold or consumed on the premises without the written permission of the Council, except when sold or supplied under the authority of a premises licence or occasional licence granted under the Licensing Scotland Act, 2005- For advice and guidance about the sale or supply of alcohol at events contact the Council's Licensing Standards Officer
26. The licence holder must supply to the Council at least 42 days before any entertainment involving live animals, full details of the animals, their handler and the performance and allow any authorised Council officer including any Veterinary Officer, to inspect at the licence holder's expense the animals, their accommodation, the place where they will perform and any vehicles used to transport them, to ensure that satisfactory arrangements have been made for the animal's welfare.
27. At least 42 days prior to the start of an event which meets any of the criteria listed below, the licence holder must notify the Council in writing of the proposed event. Those event types are any event which:
 - Is likely to attract an attendance of 100 persons or more.
 - Involves the uses or presence of any type of temporary inflatable structure that is used for recreational purposes
 - Alcohol is likely to be consumed
 - Involves live animals
 - Involves motorised vehicles, including electronic vehicles
 - Involves external catering arrangements
 - Involves the use of lasers, pyrotechnics, fireworks, naked flames, dangerous implements or dangerous activities.

Notification of any events must be made using the form at Appendix A which must be completed in full. The completed form can be submitted by:

Email to: licensing@clacks.gov.uk

Post to:

Licensing

Clackmannanshire Council

Kilncraigs

Greenside Street,

Alloa, FK10 1EB

Or via any other agreed method

Bouncy castles: safety advice

These simple precautions can help you avoid serious accidents, whether you supply bouncy castles and inflatables, or you are hiring one for your event.

Buying or hiring

If you're buying or hiring an inflatable for private or public use you should make sure it has either a numbered PIPA tag or an ADiPs declaration of compliance (DoC).

It should also have:

- written documentation from a competent inspection body to show it complies with British Standard BS EN 14960
- instructions on how to operate it safely

You can check that safety tests have been carried out and to find out what to do if the equipment has no tag on the [PIPA website](#) or no DoC on the [ADiPs website](#)

Before anyone uses it

When it's inflated and before you use it, carry out safety checks, which include the following:

- when using it outside, all the anchor points must be used, with metal ground stakes at least 380 mm long and 16 mm wide, with a rounded top. They should have a welded metal 'O' or 'D' ring fitted to the end
- all inflatables must have at least 6 anchor points. The operator manual will tell you how many there should be – make sure they are all still in place and have not been removed
- if ground stakes cannot be used because of the surface (eg tarmac) then use ballast weighing at least 163 kg with suitable fixings to attach the guy ropes. The inflatable should be tightly secured to the ground so that the wind cannot get under it and lift it up
- if an inflatable is being used indoors, the operator's manual will tell you what anchorage is needed to maintain the shape of the device and prevent overturn
- no inflatable should be used in winds above 24 mph, which is Force 5 on the Beaufort Scale (small trees in leaf begin to sway)
- some inflatables may have a lower maximum wind speed for operation. Always check the manufacturer's operating manual to confirm the maximum wind speed for the safe operation of the inflatable
- use an anemometer to measure the wind speed at regular intervals. If one of these is not available, the inflatable should not be operated
- there are no holes or rips
- all other equipment is safe, including the blower

Safe use and supervision

The operator should follow the instructions, including making sure:

- users are always supervised
- the number of users does not exceed the limit given in the instructions
- people can get on and off safely, with mats at the entrance
- they regularly check anchor points are still secure
- they use an anemometer to measure wind conditions at regular intervals
- it's safely deflated if the weather becomes unsuitable

Public Entertainment Licence Notification Form (Appendix A)

Please ensure that this form is completed if there is an event planned which includes any of the following:

- It is likely to attract an attendance of 100 persons or more.
- Involves the uses or presence of any type of temporary inflatable structure that is used for recreational purposes
- Alcohol is likely to be consumed
- Involves live animals
- Involves motorised vehicles, including electronic vehicles
- Involves external catering arrangements
- Involves the use of lasers, pyrotechnics, fireworks or naked flames

Which requirement for notification has been met?	
Brief Description of Event:	
Capacity:	

I declare that the particulars given by me on this form are correct to the best of my knowledge and belief.

Signature of Licence Holder:	
Name:	
Date:	

This notification form must be submitted by:

- Email to: licensing@clacks.gov.uk
- Post to: Licensing, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 1EB
- Or via any other agreed method
- no less than 42 days prior to the beginning of the proposed event.

