



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

## **Regulatory Committee**

**Tuesday 4 June 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.

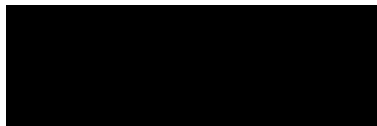
**Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.**

**Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacks.gov.uk](http://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](mailto:committees@clacks.gov.uk) or by telephone on 01259 452006 or 452004.**

**27 May 2024**

**A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 4 JUNE 2024 at 9.30 AM.**



**DALE BELL  
Depute Clerk to the Regulatory Committee**

## **B U S I N E S S**

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|---|-----------------|
| 1. Apologies  | --              |
| 2. Declaration of Interests<br>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 26 March 2024<br>(Copy herewith)   | 07              |

## **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.

|   |    |
|---|----|
| 4. Application List (Copy herewith)   | 09 |
| a. Application for Grant of Taxi Booking Office Licence (E Sweeney)<br>Application Form and Representation from the Civic Licensing<br>Standards Officer (Copies herewith)  | 11 |
| b. Application for Grant of Taxi Driver Licence (S Carruthers) -<br>Application Form; Written Submission from Applicant;<br>Representations from the Civic Licensing Standards Officer<br>and Police Scotland (Copies herewith) | 23 |

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|---|-----------------|
| c. Application for Grant of Taxi Driver Licence (A Matulwicz)<br>Application Form; Copy of Driving Licence; Representations<br>from the Civic Licencing Standards Office and Police<br>Scotland (Copies herewith) | 33              |
| d. Application for Grant of Taxi Driver Licence (J Hoggan)<br>Application Form; Copy of Driving Licence; Representations<br>from the Civic Licencing Standards Office and Police<br>Scotland (Copies herewith)    | 45              |

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

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### Councillors

### Wards

|            |                            |   |                          |              |
|------------|----------------------------|---|--------------------------|--------------|
| Councillor | Darren Lee (Chair)         | 1 | Clackmannanshire West    | CONSERVATIVE |
| Councillor | Kenneth Earle (Vice Chair) | 4 | Clackmannanshire South   | LABOUR       |
| Councillor | Phil Fairlie               | 1 | Clackmannanshire West    | SNP          |
| Councillor | Martha Benny               | 2 | Clackmannanshire North   | CONSERVATIVE |
| 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 on MS Teams on  
TUESDAY 26 MARCH 2024 at 9.30 AM**

**PRESENT**

Councillor Darren Lee (Chair)  
Councillor Martha Benny  
Councillor Kenneth Earle  
Councillor Phil Fairlie  
Councillor Scott Harrison  
Councillor Jane McTaggart

**IN ATTENDANCE**

Paul Fair, Civic Licensing Standards Officer (CLSO)  
Lezli-Anne Sharp, Licensing Paralegal Administrator  
Dale Bell, Solicitor, Legal and Governance (Depute Clerk to the Committee)  
Dawn Brisbane, Team Leader, Environmental Health  
Stephen Ballantyne, Environmental Health Officer  
Gillian White, Committee Services, Legal and Governance  
Melanie Moore, Committee Services, Legal and Governance

**RC(24)06      APOLOGIES**

Apologies for absence were received from Councillor Wendy Hamilton and Councillor Kathleen Martin.

**RC(24)07      DECLARATIONS OF INTERESTS**

None.

**RC(24)08      MINUTES OF REGULATORY COMMITTEE – 30 JANUARY 2024**

The minutes of the meeting of the Regulatory Committee held on Tuesday 30 January 2024 were submitted for approval.

**Decision**

The minutes of the meeting of the Regulatory Committee held on Tuesday 30 January 2024 were agreed as a correct record and signed by the Chair.

**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(24)09      APPLICATION FOR GRANT OF A SKIN PIERCING AND TATTOOING LICENCE (E MILLER)**

The Licensing Authority had received an application for the grant of a Skin Piercing and Tattooing Licence. Representation on the application had been received from Environmental Health.

**Attending**

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)  
Mr Stephen Ballantyne, Environmental Health Officer (EHO)

The applicant was not in attendance, having previously declined the invitation.

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.

In the absence of the Licensing Paralegal, the CLSO introduced the Item of business and the the Committee had the opportunity to ask questions of the CLSO. The Committee then heard representation from the EHO and had the opportunity to put questions to him.

At the request of the Committee, the Clerk provided advice to the Committee on potential reasons for refusal as set out in legislation.

**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 Skin Piercing and Tattooing Licence as the licence applied for relates to an activity including the use of premises that are not suitable for the conduct of the activity having regard to:

1. the location, character or condition of the premises or the character or condition of the vehicle or vessel; and
2. public safety.

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

**Decision**

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to refuse the application for a Skin Piercing and Tattooing Licence as the licence applied for relates to an activity including the use of premises that are not suitable for the conduct of the activity having regard to:

1. the location, character or condition of the premises or the character or condition of the vehicle or vessel; and
2. public safety.

**Action**

Depute Clerk to the Committee

Ends 10.01 am