



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Regulatory Committee

Tuesday 13 August 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.

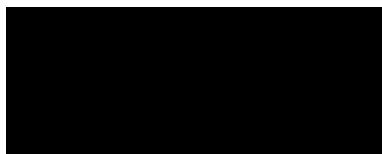
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

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

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5 August 2024

A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 13 AUGUST 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 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 4 June 2024 (Copy herewith)	05

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 for Renewal of Taxi Driver Licence (JSG McDonald) - Application Form; and Representations from the Civic Licensing Standards Officer and Police Scotland (Copies herewith)	11
5. Application for Renewal of Taxi Driver Licence (M K Deiraki) - Application Form and Representation from the Civic Licensing Standards Officer (Copies herewith)	17

NON-EXEMPT INFORMATION

6. Review of Taxi Operator Licence Duration – report by Depute Clerk to the Regulatory Committee (Copy herewith)	69
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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	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 4 JUNE 2024 at 9.30 AM**

PRESENT

Councillor Darren Lee (Chair)
Councillor Martha Benny
Councillor Kenneth Earle (Via Teams)
Councillor Phil Fairlie
Councillor Wendy Hamilton
Councillor Scott Harrison (From Item 4C at 10.05am)

IN ATTENDANCE

Paul Fair, Civic Licensing Standards Officer (CLSO)
Lezli-Anne Sharp, Licensing Paralegal Administrator
Lee Robertson, Senior Manager - Legal and Governance (Clerk to the Committee)
Gillian White, Committee Services, Legal and Governance
Melanie Moore, Committee Services, Legal and Governance

RC(24)10 APOLOGIES

Apologies for absence were received from Councillor Jane McTaggart and Councillor Kathleen Martin.

RC(24)11 DECLARATIONS OF INTERESTS

None.

RC(24)12 MINUTES OF REGULATORY COMMITTEE – 26 MARCH 2024

The minutes of the meeting of the Regulatory Committee held on Tuesday 26 March 2024 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 26 March 2024 were agreed as a correct record and signed by the Chair.

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, and 6.

RC(24)13 APPLICATION FOR GRANT OF TAXI BOOKING OFFICE LICENCE

The Licensing Authority had received an application for the grant of a Taxi Booking Office Licence from Mr Eamon Sweeney. Representation on the application had been received from the Civic Licensing Standards Officer (CLSO).

Attending

Mr Eamon Sweeney, Applicant
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

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 representations from the Civic Licensing Standards Officer (CLSO) and the applicant and had the opportunity to put questions to them.

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 Taxi Booking Office Licence, subject to the Booking Office Conditions set out in Appendix A.

Moved by Councillor Phil Fairlie. 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 Booking Office Licence, subject to the Booking Office Conditions set out in Appendix A, namely:

Mandatory Conditions

1. The licence holder must keep a record of every booking for the hire of a relevant vehicle taken at the relevant premises.
2. The licence holder must keep a record of:
 - The registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - The name of the driver and the time of that hire.
3. The licence holder shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is:
 - A relevant vehicle; and
 - being driven by a person who holds a licence granted under section 13 of the Act and that licence has effect

Local Conditions

1. In addition to the information required to be kept at 1 and 2 (above), the licence holder must also keep records of the following:
 - Date of booking
 - Date of journey
 - Time of booking

- Time of journey
 - Place of journey commencing; and
 - Proposed final destination
 - The actual final destination
 - The fare quoted at the time of the booking and
 - The final fare charged
2. All records kept in accordance with the mandatory and local conditions must be made in a properly bound book with numbered pages or on an electronic device capable of storing and printing the records, or be capable of transfer to a flash drive, data stick or other storage device.
 3. The records must be kept on the premises specified in the Licence at all times.
 4. Records must be retained for at least three years,
 5. All records kept in accordance with the mandatory and local conditions must be made available on demand to a Police Constable or a Civic Licensing Standards Officer or to any other officer of the Licensing Authority Authorised under the Civic Government (Scotland) Act. 1982 (or any amending or superseding legislation).
 6. Records must be supplied to those mentioned in Condition No 5 above in a format that they can be easily read without the use of additional software.
 7. The licence holder must maintain an up to date list of all vehicles (including Make, Model, Registration No, Licence type and Licence No) that bookings will be taken for.

Action

Clerk to the Committee

RC(24)14 APPLICATION FOR GRANT OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the grant of a Taxi Driver Licence from Ms Suzanne Carruthers. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland.

Attending

Ms Suzanne Carruthers, Applicant
 Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
 Sergeant David Bellingham, 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.

Following questions, the Chair adjourned the meeting to consider the application (9.56am). The Committee resumed at 10.00am with 5 members present.

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 Taxi Drivers Licence.

Moved by Councillor Phil Fairlie. 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 Drivers Licence.

Action

Clerk to the Committee

Councillor Scott Harrison joined the meeting at 10.05 during the introduction to the undernoted item of business.

RC(24)15 APPLICATION FOR GRANT OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the grant of a Taxi Driver Licence from Mr Andrew Matulewicz. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland.

Attending

Mr Andrew Matulewicz, Applicant
Mr John Usher, Applicant's Representative
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Sergeant David Bellingham, 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; the applicant; and the applicant's representative; and had the opportunity to put questions to all.

Following questions, the Chair adjourned the meeting to consider the application (10.22am). The Committee resumed at 10.37am with 6 members present.

Motion

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

Moved by Councillor Phil Fairlie. 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 refuse to grant the application for Taxi Drivers Licence.

The reasons given were due to the recognition of information provided including the involvement of alcohol; and that not enough time had passed since the 2022 conviction.

Action

Clerk to the Committee

RC(24)16 APPLICATION FOR GRANT OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the grant of a Taxi Driver Licence from Mr Jamie Hoggan. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland.

Attending

Mr Jamie Hoggan, Applicant
Mr John Usher, Applicant's Representative
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Sergeant David Bellingham, 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; the applicant; and the applicant's representative; and had the opportunity to put questions to all.

Following questions, the Chair adjourned the meeting to consider the application (10.54am). The Committee resumed at 11.10am with 6 members present.

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 Taxi Drivers Licence.

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

In terms of Standing Order 14.7, Councillor Kenneth Earle asked for a roll call vote. The Regulatory Committee agreed that a vote be taken by calling the roll and at this stage there were 6 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For the motion (5)

Councillor Darren Lee
Councillor Phil Fairlie
Councillor Martha Benny
Councillor Wendy Hamilton
Councillor Scott Harrison

Against the motion (1)

Councillor Kenneth Earle

The motion was carried by 5 votes to 1 with 0 abstentions.

Decision

Having considered all of the information presented to it and having had the opportunity for questions, the Committee, on a division of 5 votes to 1 with 0 abstentions, agreed to grant the application for Taxi Drivers Licence.

Following the decision, the Chair suggested a condition, that future applications for a taxi driver's licence for Mr Hoggan should be dealt with under delegated powers. However, should there be any changes or contraventions, then this should be brought before the Regulatory Committee.

The Regulatory Committee agreed to the Chair's suggestion for a condition and the CLSO advised that Mr Hoggan's record would be flagged to that effect and that it would be recorded in the decision letter.

Action

Clerk to the Committee

Ends 11.20 am

Report to Regulatory Committee

Date of Meeting: 13 August 2024

Subject: Review of Taxi Operator Licence Duration

Report by: Depute Clerk to the Regulatory Committee

1.0 Purpose

- 1.1. Clackmannanshire Council regulates Taxis and Private Hire Car Operators and Drivers to ensure public safety. The legislation that governs taxi licensing is the Civic Government (Scotland) Act 1982, (the Act). The Act has a default position of civic licences being granted generally for a period of three years. Local authorities have discretion in granting licences for a shorter period as they see fit. At present the policy (which was first introduced in 1983) of the Council is to grant Taxi and Private Hire Car operator licences for a period of 1 year.
- 1.2. At the meeting of the Taxi and Private Hire Car Operators Forum on the 10th of April 2024 the issue of the 3 year licences was raised by members of the Forum. The Forum unanimously agreed that they believed this option would be beneficial to the trade, it was agreed that appropriate action would be taken to allow for this change to be implemented.
- 1.3. Limited research has revealed that across Scotland there is not a uniform approach adopted in relation to the duration of licences. Some authorities issue licenses on an annual basis like Clackmannanshire, some for 3 years and others for an initial (probationary period) of 1 year followed by 3 year renewals.
- 1.4. It was felt that due to the nature of the trade in Clackmannanshire the impact of introducing this change would benefit the Taxi and Private Hire car trade.
- 1.5. The Licensing Authority, would also benefit from the change by easing the administrative burden on staff involved in processing the applications

2.0 Recommendations

The Regulatory Committee are asked:

- 2.1 To approve the introduction of a taxi and private hire car operators licence with a 3 year duration in addition to the existing and currently available 1 year licence option;

- 2.2 To approve a fee of £540 in relation to this licence subject to Council approval; and
- 2.3 To note that the increased fee relates to 2.25 times the current 1 year fee and creates a saving of £180 over a 3 year period for each operator that takes up a 3 year licence.

3.0 Considerations

- 3.1. None

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. *Financial Details*

- 5.2. This report recognises that the Licensing team will be able to provide a more efficient service by easing the burden of administering applications.

5.3. *Staffing*

- 5.4. This report recognises that the Licensing team will be able to provide a more efficient service by easing the burden of administering applications.

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 None

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

Taxi and Private Hire Car Licensing - Best Practice for Licensing Authorities and Taxi and Private Hire Car Operators (3rd Edition) dated 31.05.2023

Author(s)

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

Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Senior Manager – Legal and Governance	