



**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