



**MINUTES OF MEETING of the REGULATORY COMMITTEE held on MS Teams on
TUESDAY 13 AUGUST 2024 at 9.30 AM**

PRESENT

Councillor Darren Lee (Chair)
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Wendy Hamilton
Councillor Scott Harrison
Councillor Jane McTaggart

IN ATTENDANCE

Paul Fair, Civic Licensing Standards Officer (CLSO)
Lezli-Anne Sharp, Licensing Paralegal Administrator
Shaun Carrol, Licensing Paralegal
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)17 APOLOGIES

Apologies for absence were received from Councillor Phil Fairlie and Councillor Kathleen Martin.

RC(24)18 DECLARATIONS OF INTERESTS

None.

RC(24)19 MINUTES OF REGULATORY COMMITTEE – 4 JUNE 2024

The minutes of the meeting of the Regulatory Committee held on Tuesday 4 June 2024 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 4 June 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)20 APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE

The Licensing Authority had received an application for the renewal of a Taxi Driver Licence from Mr John Stien Gold McDonald. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland. Police Scotland later updated their representation which was circulated to the Regulatory Committee. Correspondence was received and circulated from Mr McDonald advising he would be on holiday at the time of the Regulatory Committee which set out his response. A letter of support was also received from Heather Buchan, Buchan Town Cars which was circulated to the Committee.

Attending

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
PC Sanda Trenchard, Police Scotland

Mr McDonald (Applicant) was not in attendance, having submitted a letter advising that he was on holiday at the time of the Regulatory Committee, asking the Committee if they would accept his written communication to allow him to be heard.

Decision

Having considered Mr McDonald's letter and all the written information presented to it, Committee members had several questions to be raised with Mr McDonald. The Committee therefore agreed unanimously to defer consideration of this item of business until the next meeting of the Regulatory Committee to allow Mr McDonald the opportunity to attend.

Action

Clerk to the Committee

RC(24)21 APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE

The Licensing Authority had received an application for the renewal of a Taxi Driver Licence from Mr Mohamad Khaled Deiraki. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO).

Attending

Mr Mohamad Khaled Deiraki, Applicant
Mr K Diab, Representative from Global Voices (Acting as interpreter for Mr Deiraki)
Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
PC Sanda Trenchard, 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) and the applicant; and had the opportunity to put questions to both. The Committee also asked for points of clarification from Police Scotland.

Following questions, the Chair adjourned the meeting to consider the application (10.41am). The Committee resumed at 10.50 am with 6 members present.

Motion

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

Moved by Councillor Kenneth Earle. Seconded by Councillor Wendy Hamilton.

Decision

Having considered all the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to refuse to grant the renewal application for Taxi Drivers Licence.

The reasons given were that, based on the evidence, the applicant was not a fit and proper person to hold such a licence in Clackmannanshire.

Action

Clerk to the Committee

NON-EXEMPT ITEMS OF BUSINESS

RC(24)21 REVIEW OF TAXI OPERATORS' LICENCE DURATION

The report, submitted by the Depute Clerk to the Regulatory Committee, sought approval of 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.

At the meeting of the Taxi and Private Hire Car Operators Forum on 10 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.

Decision

The Regulatory Committee unanimously agreed:

1. To approve the introduction of a taxi and private hire care operators' licence with a 3-year duration in addition to the existing and currently available 1-year licence option;
2. To approve a fee of £540 in relation to this licence subject to Council approval; and
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.

Action

Clerk to the Committee

Ends 11.20 am

