



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Regulatory Committee

Tuesday 24 September 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.

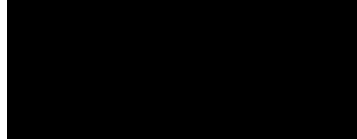
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

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.

16 September 2024

A MEETING of the REGULATORY COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 24 SEPTEMBER 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 13 August 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 Grant of Taxi Driver Licence (J McDonald) - Application Form; and Representations from the Civic Licensing Standards Officer and Police Scotland and Amended Representation From Police Scotland (Copies herewith)	09
5. Application for Grant of Taxi Driver Licence (R Stevenson) - Application Form, Conviction Declaration, Drivers Licence; and Representations from the Civic Licensing Standards Officer and Police Scotland (Copies herewith)	17

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 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

