

# NOTICE OF MEETING

A **MEETING** of the **REGULATORY FUNCTIONS PANEL** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **TUESDAY 31 JANUARY 2012** at **10 am**.

**ELIZABETH M DUNCAN**  
Chief Governance Officer  
Clerk to the Council

25 January 2012

## A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**
2. **DECLARATIONS OF INTEREST**
3. **URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**
4. **PETITIONS**
5. **MINUTES – 1 NOVEMBER 2011** (Pages 1 - 4)
6. **PRIVATE HIRE VEHICLE SIGNAGE**  
Report by Head of Economy, Planning & Regulation (Pages 5 - 8)
7. **TAXI FARE REVIEW**  
Report by Head of Economy, Planning & Regulation (Pages 9 - 12)

**EXEMPT**

- E8. PREVENTION/DETERRENCE OF PUBLIC ACCESS RIGHTS ISSUE NO. 5451**  
(para 13) **PRIVATE SIGNS, and LOCKED GATE AT SAUCHIEBURN ESTATE**  
Report by the Head of Environment (Pages 13 - 24)

**Note: Any agenda which has the prefix "E" is not for publication in terms of the Paragraphs indicated on Schedule 7A of the Local Government (Scotland) Act 1973. It is anticipated (although this is not certain) that the Meeting will resolve to exclude the press and public during consideration of the item(s) so marked.**

*(For further information contact Jean Houston - 01786 443216)*

**THIS REPORT RELATES  
TO ITEM 5  
ON THE AGENDA**

## **STIRLING COUNCIL**

**MINUTES OF MEETING** of the **REGULATORY FUNCTIONS PANEL** held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **TUESDAY 1 NOVEMBER 2011** at **10 a.m.**

**Present:**

Councillor Tony FFINCH (in the Chair)

Councillor David GOSS  
Councillor Graham HOUSTON

Councillor Andrew SIMPSON  
Councillor Jim THOMSON

**In Attendance:**

Donald Balsillie, Team Leader (Land Conservation), Environment  
Bruce Clayson, Solicitor, Governance  
Fiona Fulton, Communications Officer, Chief Executive's Office  
David Jones, Fisheries Officer, Environment  
Gregor Wightman, Private Section Housing Manager, Housing  
Jean Houston, Committee Officer, Governance (Clerk)

**Also In Attendance:**

Patrick Fotheringham, Director, Forth District Salmon Fishery Board/ Forth Fisheries Trust

### **RF227 APOLOGIES AND SUBSTITUTIONS**

No apologies for absence were submitted.

### **RF228 DECLARATIONS ON INTEREST**

There were no declarations of interest.

### **RF229 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**

There were no items of urgent business.

### **RF230 PETITIONS**

No petitions had been referred by the Petitions Panel.

**RF231 MINUTES – 6 SEPTEMBER 2011**

The Minutes of the Meeting of the Regulatory Functions Panel were submitted for approval.

**Decision**

The Panel approved the Minutes of the Meeting held on 6 September 2011 as an accurate record of proceedings.

**RF232 STIRLING COUNCIL – FISHERIES ANNUAL REVIEW**

The report by Head of Environment reviewed the performance of Stirling Council's fisheries over the past year and recommended a number of improvements in the management of the fisheries, to be implemented in time for the 2012 season.

The report sought approval from the Regulatory Functions Panel to increase the 2012 fishing permit prices by 5% across the board in line with inflation.

The report also proposed changes to the existing Fisheries Rules, which had been previously approved by the Panel on 1 October 2009.

Three additional conditions had been included in the Fisheries Rules:

- a) all Salmon and Sea trout caught prior to 1 June should be released;
- b) to prohibit bait fishing between the hours of sunset and sunrise; and
- c) anglers who had used all their allocated tags must thereafter use barbless or debarbed hooks.

The Director of Forth District Salmon Fishery Board was invited to comment on the proposed changes to the rules. He spoke on the importance of conserving the Spring salmon to halt the decline in stock levels. Of particular importance, he cited the River Teith which is designated under the EU Habitats Directive as a Special Area of Conservation. He advised that steps were being taken across Scotland to increase the rate of catch and release and, whilst the 2011 catch returns were still being produced for the Rivers Forth and Teith, it appeared that the percentage of Spring salmon killed in 2011 was higher than for most other rivers in Scotland, at 80%.

Most proprietors on the River Teith from Callander down had been consulted on the proposals and none were against introducing the new conditions including that any fish caught prior to 1 June should be released. It was intended to contact all proprietors regarding these changes, and to issue media publicity. However it was noted that this would be voluntary regulation by proprietors. Members of the Panel expressed concern that there should not be any lack of consistency across all fisheries and proprietors, and that the same rules apply to all.

Consultation had also taken place with the River Forth Anglers Association and Forth & Teith Anglers Association, who were sympathetic with the permit price increases.

In response to a question by a member of the Panel, it was confirmed that a new Council full cost recovery model introduced by the Business Improvement Team had superseded the existing model. This added additional costs to the Fishery operations and as a consequence permit prices, if linked, would need to increase significantly - early indications suggested almost doubling.

### **Decision**

The Panel agreed:

1. to increase permit prices across-the-board by 5% inline with inflation as detailed in Appendix 2 of the report;
2. to approve the additional three conditions to the Fisheries Rules, as detailed in Para. 1.4 and highlighted in Appendix 1 of the report;
3. that the amended Fisheries Rules (Appendix 1) be introduced for 2012/13 fishing season, beginning February 2012.

(Reference: Report by Head of Environment, dated 12 October 2011, submitted.)

**The Council resolved under Section 50A(4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 13,13,13,13, and 13 respectively of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.**

### **RF233 DETERMINATION OF APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE – RE; FIRST TIME APPLICATION**

The Private Section Housing Manager introduced a report advising that an application for a new House in Multiple Occupation (HMO) Licence had been submitted by the owner of 22 Dumyat Road, Causewayhead, Stirling to operate the premises as a House in Multiple Occupation. The licence application was for a licence in the sole name owner.

The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 introduced the mandatory licensing of houses in multiple occupation (HMO's). HMO licensing applies to all properties that are the only or main residence of 3 or more unrelated people. The owner of a proposed House in Multiple Occupation must submit an application to the local licensing authority for a licence to operate a House in Multiple Occupation.

The Housing (Scotland) Act 2006 Part 5 came into force on 31 August 2011 and replaced the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation). However, under the transitional arrangements, any application received prior to 31 August 2011 must be determined under previous legislation.

The primary objective of the House in Multiple Occupation legislation was to ensure that occupants of such properties were provided with accommodation that met a statutory standard in respect of fire safety, space standards and provision of amenities. The legislation provided a "fit and proper person" test that all landlords and their managing agents had to satisfy. Lastly, the legislation provided powers to

the licensing authority to take enforcement action against the landlord and any managing agent if they failed to effectively manage the property.

Planning permission had been granted for the change of use of the dwelling to House in Multiple Occupation for six occupants for a temporary period up to 30 September 2013 (Appendix 2).

Six objections had been lodged objecting to the granting of a House in Multiple Occupation licence or raising concerns as to the potential problems that might arise should a House in Multiple Occupation licence be granted.

In light of the number of objections received for this new House in Multiple Occupation licence application, the Housing Service had deemed it appropriate to refer the HMO licence application to the Regulatory Functions Panel for a decision.

The Private Section Housing Manager summarised the objections received. He confirmed that he had inspected the property along with the Fire Safety Officer and that the applicant had been notified of further works that required to be carried out to bring the property up to the required standards by 1 February 2012.

The Solicitor provided the Panel with advice regarding one of the reasons for objection, stating that it was not a matter that could be considered in itself as a reason for refusal under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

It was noted that the Applicant was present and the Panel invited him to give comments in support of his application. The Panel then invited comments from Objectors present.

The Panel asked questions of the Applicant on how potential problems would be dealt with. The Applicant confirmed that if the licence were granted, there would be a formal tenancy agreement drawn up with conditions to help enforce standards and that action would be taken against tenants in breach of their tenancy agreement. The Private Section Housing Manager advised that neighbours were encouraged to raise every problem with the Police and/or appropriate teams within the Council so that these could be taken up with the landlord. He reconfirmed that in the event of a House in Multiple Occupation not being managed effectively, the legislation provided powers to the licensing authority to take enforcement action against the landlord.

### **Decision**

The Panel agreed to refuse the application for a licence on the following grounds:

The Panel considered that the premises were not suitable for use as a House in Multiple Occupation due to their character and location.

(Reference: Report by Head of Housing & Customer Service dated 24 October 2011 submitted.)

The Chair declared the meeting closed at 11.05am

**STIRLING COUNCIL****THIS REPORT RELATES  
TO ITEM 6  
ON THE AGENDA**

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**REGULATORY FUNCTIONS PANEL****ECONOMY, PLANNING &  
REGULATION**

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**31 JANUARY 2012****NOT EXEMPT**

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**PRIVATE HIRE VEHICLE SIGNAGE**

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**1 SUMMARY**

- 1.1 At its meeting on 26 April 2011, the Regulatory Functions Panel agreed to restrict the signage allowed on private hire vehicles to the company name and/or company logo only on the front two doors.

**2 OFFICER RECOMMENDATION(S)**

The Panel agrees:

- 2.1 to permit the Private Hire Vehicle signage as detailed in paragraph 3.7.

**3 CONSIDERATIONS**

- 3.1 The signage that is permitted on private hire vehicles is a maximum of one sign on each of the two front doors. Each sign is strictly limited to a maximum overall area of 1200 sq.cm, but can only include only the company name and/or company logo (providing the word 'taxi' is not displayed as this would not comply with the legislation). Telephone numbers and email addresses are currently not permitted on Private Hire vehicles. Such contact information is permissible on taxi vehicles, within the same overall maximum sign size.
- 3.2 The reason for the difference between the signage permissible on private hire vehicles and that permissible on taxi vehicles was a response to the complaints received that private hire vehicles illegally ply for hire on the street. It had been felt that prohibiting the inclusion of contact numbers on private hire vehicles may discourage this.
- 3.3 Since the introduction of the current signage conditions, private hire operators have complained that their businesses have been disadvantaged by not having contact details displayed on the vehicle.

- 3.4 At the consultation meeting on 23 November 2011, the Regulatory Functions Panel members requested that views on increasing the information allowed on private hire vehicles be sought. This was after the private hire operators that attended the meeting expressed their concerns on not being allowed to display their telephone numbers.
- 3.5 A consultation newsletter was distributed to all operators inviting them to submit their views on this issue.
- 3.6 The responses received made the following points:
- As Private Hire vehicles are prohibited by legislation from plying for hire on the street, having a contact number on the vehicle would provide the public with information for future use when requiring to book a Private Hire vehicle.
  - Displaying a contact number on the vehicle would allow members of the public to contact the company more easily if they wish to make a complaint.
  - The issue of security was raised as it was felt that if more information was provided on vehicles then it would be easier to identify unlicensed vehicles.
  - One operator suggested that a contact number should be displayed on the rear of the vehicle as well as the two front doors, however this would not be in line with what is allowed on Taxi vehicles.
- 3.7 It is proposed to allow private hire vehicles the same signage as detailed at paragraph 3.1 but also allow the company telephone number within this signage. The signage would still be restricted to a maximum overall area of 1200 sq.cm. No website or email addresses will be permitted.

#### 4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

<b>Policy Implications</b>	<b>Delete as appropriate</b>
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
<b>Resource Implications</b>	
Financial	No
People	No
Land and Property or IT Systems	No
<b>Consultations</b>	
Internal or External Consultations	Yes

##### Equality Impact Assessment

- 4.1 The function presented in this report was considered under the Council's Equalities Impact Assessment process and was assessed as not relevant for the purposes of Equality Impact Assessment

##### Strategic Environmental Assessment

- 4.2 This report was considered under the Environmental Assessment (Scotland) Act 2005 and a Strategic Environmental Assessment is not required.

##### Single Outcome Agreement

- 4.3 The strategy presented in this report was considered not relevant for the purposes of Single Outcome Agreement.

##### Other Policy Implications

- 4.4 Following consideration of the policy implications of this report no relevant issues have been identified.

##### Resource Implications

- 4.5 None.

##### Consultations

- 4.6 Taxi and Private Hire Vehicle Operators.

Council and Executive Only

Tick (✓)  
to confirm

The appropriate Portfolio Holder(s) has been consulted on this report	
The Chief Executive/appropriate Assistant Chief Executive(s) has been consulted on this report	

**5 BACKGROUND PAPERS**

- 5.1 Paper to Regulatory Functions Panel dated 26 April 2011 - Taxi and Private Hire Vehicles – Colour / Signage.
- 5.2 Minutes from Regulatory Functions Panel meeting of 26 April 2011.


**6 APPENDICES**

- 6.1 None.

## Author(s)

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## Approved by

Name	Designation	Signature
Kevin Robertson	Head of Economy, Planning & Regulation	

Date 19 January 2012

Service  
Reference

**STIRLING COUNCIL****THIS REPORT RELATES  
TO ITEM 7  
ON THE AGENDA**

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**REGULATORY FUNCTIONS PANEL****ECONOMY, PLANNING &  
REGULATION**

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**31 JANUARY 2012****NOT EXEMPT**

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**TAXI FARE REVIEW**

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**1 SUMMARY**

- 1.1 It is the duty of the licensing authority, under Section 17 (2) of the Civic Government (Scotland) Act 1982 to review the scales and charges for taxi fares at intervals not exceeding 18 months from the date when the scales came into effect.
- 1.2 A review of the scales and charges for taxi fares was due to commence in November 2011 and this report is the outcome of that review.
- 1.3 No proposals for increases to fares have been received from the taxi and private hire operators.

**2 OFFICER RECOMMENDATION(S)**

The Panel agrees:

- 2.1 to impose no increase in the taxi fares for this period.

**3 CONSIDERATIONS**

- 3.1 At the joint meeting of members of the Regulatory Functions Panel and taxi and private hire operators held on 23 November 2011, all operators in attendance expressed the view that, due to the difficult economic climate, no taxi fare increases should be applied at this time.
- 3.2 Following the meeting a consultation newsletter was issued to all operators seeking their views on the matter of increasing the fares. Comments were requested by 23 December 2011.
- 3.3 No further comments have been received from taxi and private hire operators.

#### 4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

<b>Policy Implications</b>	<b>Delete as appropriate</b>
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
<b>Resource Implications</b>	
Financial	No
People	No
Land and Property or IT Systems	No
<b>Consultations</b>	
Internal or External Consultations	Yes

##### Equality Impact Assessment

- 4.1 The function presented in this report was considered under the Council's Equalities Impact Assessment process and was assessed as not relevant for the purposes of Equality Impact Assessment

##### Strategic Environmental Assessment

- 4.2 This report was considered under the Environmental Assessment (Scotland) Act 2005 and a Strategic Environmental Assessment is not required.

##### Single Outcome Agreement

- 4.3 The strategy presented in this report was considered not relevant for the purposes of Single Outcome Agreement.

##### Other Policy Implications

- 4.4 Following consideration of the policy implications of this report no relevant issues have been identified.

##### Resource Implications

- 4.5 None.

##### Consultations

- 4.6 Taxi and Private Hire Operators

Council and Executive Only

Tick (✓)  
to confirm

The appropriate Portfolio Holder(s) has been consulted on this report

The Chief Executive/appropriate Assistant Chief Executive(s) has been consulted on this report

**5 BACKGROUND PAPERS**

5.1 None.


**6 APPENDICES**

6.1 None.

## Author(s)

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## Approved by

Name	Designation	Signature
Kevin Robertson	Head of Economy, Planning & Regulation	

Date 10 January 2012

Service  
Reference

