STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 27 FEBRUARY 2018 at 10.00 am

Present

Councillor Alasdair MacPHerson (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS

Councillor Jeremy McDONALD
Councillor Susan MCGILL
Councillor Evelyn TWEED

In Attendance

Shona Campbell, Licensing Paralegal (Localities & Infrastructure)
Lindsay Fyfe, Licensing Standards Officer (Localities & Infrastructure)
Iain Strachan, Governance Officer (Localities & Infrastructure) (Clerk)
Mary Love, Committee Officer (Localities & Infrastructure)

Also Present

PS Claire MacKenzie, Police Scotland (Item PL92)

AGENDA

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

PL86 APOLOGIES AND SUBSTITUTIONS

Apologies were received from Councillor Graham Lambie and Councillor Chris Kane. Councillor Susan McGill was in attendance as substitute for Councillor Lambie.

PL87 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL88 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

The Panel agreed to take an item of urgent business and to consider it in open session, detailed below, under Para PL91.
The following Minutes were submitted for approval.

(a) **Special Planning & Regulation Panel Meeting – 18 January 2018**

**Decision**

The Minutes of the Special Planning & Regulation Panel Meeting held on 18 January 2018 were approved as a correct record of proceedings.

(b) **Planning & Regulation Panel Meeting – 30 January 2018**

**Decision**

The Minutes of the Planning & Regulation Panel Meeting held on 30 January 2018 were approved as a correct record of proceedings.

(c) **Special Planning & Regulation Panel Meeting – 12 February 2018**

**Decision**

The Minutes of the Special Planning & Regulation Panel Meeting held on 12 February 2018 were approved as a correct record of proceedings.

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**PL90 EXTENSION OF TRADING HOURS TO LATE HOURS CATERING FOR RUNRIG CONCERT**

It had been announced that the band Runrig were to host a farewell concert in Stirling’s City Park on Friday 17 August 2018 and Saturday 18 August 2018, to mark their retirement after 45 years in the music business. It was proposed that the Planning & Regulation Panel may wish to consider granting a policy which allowed late hours catering establishments within Stirling Council area to be granted additional trading hours.

The Licensing Officer introduced the report and responded to questions from the Panel. An application for an extended hour’s policy was presented at the Licensing Board Meeting on 6 February 2018 and approved by the Members. It was noted that extending the catering licence by one hour would assist with crowd dispersion after the event and showcase Stirling as a major events city.

In response to a question from the Panel as to whether the opportunity to extend a catering licence was also applicable outwith the town centre, the Licence Officer confirmed that proposals for all catering companies in Stirling would need to come to the Civic Licensing Department for consideration of approval. All applications had to be made by 4 May 2018, although consideration would be given for late applications which may be due to special circumstances. This was also applicable to public houses outwith the town centre.

In response to a question from the Panel regarding additional enforcement officers for the event, the Licencing Officer replied that there was currently nothing in place, however, she could contact Safer Communities to arrange this, if required. Steps were also in place to create a temporary taxi rank at the venue, which would be included within the management plan.
Discussion took place regarding responsibility of cleansing maintenance of the area, following the event. The Chief Governance Officer advised that this issue was not a matter for consideration within the remit of the Panel, however, he agreed to seek clarification.

Councillor Evelyn Tweed proposed that the Panel should proceed to approve the recommendations in principle at today’s meeting and other areas could be consulted later with regard to the clean-up process.

**Motion**

“That the Panel agrees:-

1. that for Friday 17 August 2018 and Saturday 18 August 2018, the dates when Runrig are to hold concerts at Stirling City Park, Late Hours Catering Premises under Section 42 of the Civic Government (Scotland) Act 1982 could seek to extend their hours on those dates;

2. that variation applications would be for no more than one additional hour beyond normal permitted hours;

3. that the Chief Governance Officer would be given delegated authority to determine any such applications, but where any objections or representations are received the Chief Governance Officer would consult with the Chair and Vice Chair of the Planning & Regulation Panel prior to determining any such application; and

4. that all variation applications must be made by 4 May 2018 subject to the Chief Governance Officer being entitled to accept applications after that date where he considers there are justifiable reasons for the same being late.

Moved by Councillor Evelyn Tweed, seconded by Councillor Susan McGill.

**Amendment**

“That the Panel agrees:-

to defer consideration of the application until further discussion and proper consideration is given at a future Committee or Council meeting.”

Moved by Councillor Neil Benny, seconded by Councillor Alistair Berrill.

On the roll being called, the Members present voted as follows:-

For the Amendment (4)  Councillor Neil Benny  Councillor Alistair Berrill  Councillor Douglas Dodds  Councillor Jeremy McDonald  

Against the Amendment (4)  Councillor Maureen Bennison  Councillor Alasdair MacPherson  Councillor Susan McGill  Councillor Evelyn Tweed

There being an equality of votes, the Chair cast his casting vote against the Amendment, and the Amendment fell by 5 votes to 4.
For the Motion (4)  Councillor Maureen Bennison  
Councillor Alasdair MacPherson  
Councillor Susan McGill  
Councillor Evelyn Tweed  

Against the Motion (4)  Councillor Neil Benny  
Councillor Alistair Berrill  
Councillor Douglas Dodds  
Councillor Jeremy McDonald  

Decision  

There being an equality of votes, the Chair cast his casting vote in favour of the Motion. The Motion was carried by 5 votes to 4 and accordingly, the Panel agreed:-  

1. that for Friday 17 August 2018 and Saturday 18 August 2018, the dates when Runrig are to hold concerts at Stirling City Park, Late Hours Catering Premises under Section 42 of the Civic Government (Scotland) Act 1982 could seek to extend their hours on those dates;  

2. that variation applications would be for no more than one additional hour beyond normal permitted hours;  

3. that the Chief Governance Officer would be given delegated authority to determine any such applications, but where any objections or representations are received the Chief Governance Officer would consult with the Chair and Vice Chair of the Planning & Regulation Panel prior to determining any such application; and  

4. that all variation applications must be made by 4 May 2018 subject to the Chief Governance Officer being entitled to accept applications after that date where he considers there are justifiable reasons for the same being late.  


A report by the Chief Governance Officer advised of an application, which had been submitted to the Planning & Regulation Panel by Geoff Crow, on behalf of 21cc Group Ltd, for the grant of a Temporary Public Entertainment Licence. Stirling North Ward Councillors Danny Gibson and Jim Thomson had lodged objections in respect of the application.  

The Chair advised the Panel that this application would be taken in a similar format as a Hearing and outlined the procedure. The Chair also advised the Panel that a copy of the report would be circulated and they would be given time to read the contents prior to any discussion.  

The Licensing Officer introduced the report and advised the Panel that no comments had been received from the Fire Service, Roads, Police Scotland and Environmental Health.  

It was noted that in Para 3.5 of the report, ‘funfair’ should be replaced by ‘fireworks’.
Following a question from the Panel, The Chief Governance Officer highlighted that the grant to actually use the Gowan Hill (by the Council as owner) for the fireworks was not a matter of consideration within the remit of the Panel and that consideration should only be given with regard to the Temporary Public Entertainment Licence.

**Applicant**

Mr Jeff Crow, 21cc Group Ltd addressed the Panel and provided a background to the reasons for the application. He advised that his Company had worked with Stirling Council and Stirling Castle to provide many events over the years, using high level security stewards, which would ensure the public would not be able to access the firework area with regard to this particular application. This request was from a client, who was over 21 years of age and was in relation to a private event to be held in the castle. Mr Crow explained that it was not permitted to set the fireworks off from inside the castle while it was occupied. He advised that the firework display would last around ten minutes and there was the legal requirement to finish this event at 11 pm. Mr Crow added that if the Panel agreed to the application, members of the public in the city centre would be notified about the event in advance.

Mr Crow advised that he was still awaiting a response with regard to the granting of permission to actually use the Gowan Hill for the fireworks. In response to a question from the Panel around the effects this event may have on animals, Mr Crow replied that the show would not commence on a high impact but would commence gradually, to allow the animals to acclimatise.

**Decision**

The Panel agreed to grant the Temporary Public Entertainment Licence.


In terms of Standing Order 39, the Panel adjourned at 10.45 am for a comfort break.

The meeting reconvened at 10.50 am, with the same Members present.

**The Committee 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 they involved the disclosure of exempt information as defined in Paragraphs 6 and 13, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.**

**PL92 TAXI DRIVER’S LICENCE**

The purpose of the report provided by the Chief Governance Officer was to provide context to the Planning & Regulation Panel of the circumstances leading to the immediate suspension of the licence holder’s taxi driver’s licence.

On 6 February 2018 Police Scotland lodged a complaint under Section 12(1) Schedule 1 of the Civic Government (Scotland) Act 1982 and requested the immediate suspension of the licence holder’s taxi driver’s licence following an incident reported to Police Scotland, which took place on 4 February 2018. The immediate suspension was implemented under delegated authority.
The Chief Governance Officer explained the process on how the meeting would be conducted. The licence holder, accompanied by his solicitor, the owner of the taxi Company and Police Scotland representative would be given an opportunity to address the Panel but no cross examination would take place.

All parties confirmed they understood the process, and had no questions relating to it. The Chief Governance Officer also advised that a letter, written by the licence holder’s solicitor, would also be issued to the Panel with time permitted to read the content, prior to any discussion taking place.

The representative from Police Scotland provided an update on the matters and advised the Panel that criminal proceedings were still ongoing, therefore, they were limited with regard to the amount of case details they could provide. The case was with the procurator fiscal but no court date had been set as yet. It was confirmed that Police Scotland were still requesting that the licence holder’s taxi driver’s licence was suspended until he attended court, on the grounds that he was likely to cause a threat to the public, especially children. It was confirmed that the licence holder had not been convicted of any offences.

The Panel were then issued with a copy of the letter provided by the licence holder’s solicitor and took a few minutes to read it. The licence holder’s solicitor then responded to questions from the Panel.

The Chair asked the licence holder and his solicitor if they felt they had received a fair hearing, to which they agreed. The Chair thanked the licence holder’s solicitor for his input.

It was noted that while there were concerns around child safety, the Panel were of the opinion that there was insufficient evidence provided by Police Scotland to support their request.

**Motion**

“That the Panel agrees:-

to terminate the suspension and reinstate the licence holder’s taxi driver’s licence with immediate effect.”

Moved by Councillor Alasdair MacPherson, seconded by Councillor Maureen Bennison.

**Amendment**

Councillor Evelyn Tweed, having moved that the Panel agrees to suspend the licence holder’s taxi driver’s licence for the unexpired portion of its duration or such shorter period as it may determine, but having failed to find a seconder, requested that her dissent be recorded.

**Decision**

The Panel agreed to terminate the suspension and reinstate the licence holder’s taxi driver’s licence with immediate effect. The Panel took this decision because, even though Police Scotland had raised concerns following an incident the licence holder had been involved in on 4 February 2018, which were a material consideration for the Panel, the Panel felt that there were mitigating circumstances in respect of this incident which, on balance, meant that the licence holder has not demonstrated to be a serious
threat to public safety in his role as a taxi driver, and as a consequence was a fit and proper person to hold a taxi driver’s licence. 

The Chair declared the Meeting closed at 11.25 am