

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 8 SEPTEMBER 2020 at 10.00am

Present

Councillor Alasdair MACPHERSON (in the Chair)

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

Councillor Danny GIBSON
Councillor Graham HOUSTON
Councillor Graham LAMBIE
Councillor Jeremy McDONALD

In Attendance

Emma Cameron, Support Officer (Governance)
Stephanie Cameron, Licensing Team Leader (Governance)
Graham Gibson, Senior Media Officer (Communities & Performance)
Drew Leslie, Senior Manager – Infrastructure
Carla Roth, Solicitor – Litigation (Governance)
Karen Swan, Committee Officer (Governance)
David McDougall, Governance Officer (Governance) (Clerk)

Prior to the start of the meeting, Councillor MacPherson as Chair of the Planning & Regulation Panel welcomed and thanked everyone for attending the meeting via MS Teams. He updated the meeting on the procedures related to MS Teams and the protocols that both Members and Officers should adhere to throughout the meeting.

The Chair asked the Clerk to carry out a roll call of all Members and Officers participating in the meeting.

PL311 APOLOGIES AND SUBSTITUTIONS

There was no apologies and substitutions.

PL312 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL313 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL314 PROTOCOL FOR SITE VISITS

A report by the Chief Officer – Governance was submitted that noted the new protocol for the Planning & Regulation Panel to conduct site visits in respect of planning applications.

The determination of planning application was a quasi-judicial function, and decisions must be taken lawfully, fairly and transparently. Panel procedures were governed by Stirling Council's Standing Orders and Scheme of Delegation, and the Planning Toolbox available on the Council's website. The proposed protocol supplemented these governance documents by bringing together provisions relevant to site visits, and clarifying requirements in greater detail.

The protocol was designed to benefit all parties by improving transparency, consistency and fairness within the process for determining planning applications.

Following a question from a Member, the Solicitor – Litigation confirmed that clarity would be sought from the Chief Officer - Governance on whether site visits should have a recorded minute which could be included with the planning application report to Panel.

Decision

The Planning & Regulation Panel agreed to note the protocol for site visits set out within Appendix 1 to the submitted report.

(Reference: Report by Chief Officer – Governance, dated 25 August 2020, submitted).

The Chair adjourned the meeting at
10.15am to allow officers to contact
the relevant participants for the following item.

The Meeting reconvened at 10:20 am, noting
All Elected Members, previously noted, 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, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PL315 TAXI DRIVER'S LICENCE

The Chief Officer - Governance submitted a report that provided detail in relation to possible suspension of the licence holder's taxi driver's licence and the options available to the Planning & Regulation Panel.

The Clerk advised the licence holder that the meeting would be conducted within a closed session, due to the nature of the alleged offence. The Chair outlined the process on how the meeting would be conducted. The licence holder was in attendance along with a representative from Police Scotland.

The Licensing Team Leader updated the Panel that a letter from Police Scotland had been received noting that the Crown Office were taking no further action in respect to the taxi driver and as such, Police Scotland withdrew their objection to grant a taxi driver's licence.

The Police Scotland representative provided an update to the Panel regarding the licence holder's case and confirmed the Crown Office's decision to take no further action, subsequently altering Police Scotland's position in respect to objection to the taxi driver's license.

The Chair thanked the Police Scotland representative for the update.

The Police Scotland representative went on to respond to various questions from the Panel.

The licence holder provided the Panel with a brief summary of the alleged events and detailed on how he had been a taxi driver.

The Chair also thanked the licence holder for the update.

In response to a question from the Chair, the licence holder confirmed that he had received a fair hearing.

The Panel went on to consider the options available to them.

Decision

The Planning & Regulation Panel agreed to lift the suspension and allow the Licence Holder to recommence working as a taxi driver.

(Reference: Report by Chief Officer – Governance, dated 25 August 2020, submitted).

PL316 TAXI DRIVER'S LICENCE

The Chief Officer - Governance submitted a report that provided detail in relation to renewal of the licence holder's taxi driver's licence following objections received from Police Scotland and the options available to the Planning & Regulation Panel.

In light of the previous item (PL315) and the decision of the Crown Office to take no further action along with Police Scotland position, Members noted that the decision for renewal of the taxi driver's licence was an operational matter and should be reverted back to officers to take the decision as agreed through delegated authority.

The Chair asked the Police Scotland representative if they were acceptant of the proposed recommendation, noting a response of agreement.

In response to a question from the Chair, the licence holder confirmed that he had received a fair hearing.

Decision

The Planning & Regulation Panel agreed, that in light of there no longer being any objection from Police Scotland, to delegate to Licensing department on the decision of renewal of the Licence Holder's taxi driver's license.

(Reference: Report by Chief Officer – Governance, dated 25 August 2020, submitted).

The Chair declared the Meeting closed at 11am.