

# STIRLING COUNCIL

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

## **Present**

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON  
Councillor Neil BENNY  
Councillor Alistair BERRILL  
Councillor Margaret BRISLEY

Councillor Douglas DODDS  
Councillor Graham LAMBIE  
Councillor Evelyn TWEED

## **In Attendance**

Ruth McColgan, Lead Solicitor (Localities & Infrastructure)  
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) (Minute)

## **Also Present**

CI Michael Williamson, Police Scotland (Item PL100)  
PC George Hutchison, Police Scotland (Item PL100)

## **AGENDA**

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

### **PL93 APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillor Neil Benny, Councillor Chris Kane and Councillor Jeremy McDonald.

Councillor Margaret Brisley was in attendance as substitute for Councillor Kane.

### **PL94 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **PL95 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**

There was no items of urgent business.

**PL96 MINUTES – PLANNING & REGULATION PANEL 27 FEBRUARY 2018**

The Minutes of the Planning & Regulation Panel held on the 27 February 2017 were submitted for approval.

**Decision**

The Panel agreed to approve the Minutes of Meeting held on 27 February 2018 as an accurate record of proceedings.

**PL97 SHELTERED HOUSING (CLASS 9), 3 NO. UNITS: TWO OF WHICH ARE TO BE FOOD AND DRINK (CLASS 3) AND HOT FOOD TAKEAWAY (SUI GENERIS), THE THIRD UNIT WILL BE ONE OR MORE OF THE FOLLOWING USES:- FOOD AND DRINK (CLASS 3); HOT FOOD TAKEAWAY (SUI GENERIS); SHOPS (CLASS 1), FINANCIAL SERVICES (CLASS 2); CRECHE (CLASS 10) OR GYMNASIUM (CLASS 11) AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O HILL ROAD, RAPLOCH, STIRLING – CALEDON/TDL – 17/00694/FUL**

A report by the Senior Manager, Infrastructure, advised that full planning permission was sought by Caledon/TDL, McCarthy & Stone, Raploch Regeneration Company and Scottish Ministers: NHS Forth Valley to develop land at Raploch for sheltered housing on the west of the site and for a mix of commercial uses to the east.

The application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Chair advised that a request for a Hearing had been made by Councillor Danny Gibson.

It was noted that Raploch Community Council had not yet responded to the consultation request from the planning officer. However, this was due to the initial consultation initially being sent to Mercat Cross & City Centre Community Council.

No further discussion took place on the item.

**Decision**

The Panel agreed to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.

(Reference: Report by Senior Manager, Infrastructure, dated 16 March 2018, submitted).

**PL98 RESIDENTIAL DEVELOPMENT AT LAND ADJACENT AND SOUTH OF NOS 1 AND 3, LAMPSON LOAN, KILLEARN – W S GORDON I V TRUST – 17/00977/PPP**

A report by the Senior Manager, Infrastructure, advised that an application was received for planning permission in principle for a residential development on land adjacent to 1 and 3 Lampson Loan, Killearn.

The application was brought to Planning and Regulation Panel at the request of Councillor Robert Davies, who considered there to be a severe shortage of affordable housing in Killearn.

The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Chair advised the Panel that two requests had been made for a Hearing.

No further discussion took place on the item.

### **Decision**

The Panel agreed to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 16 March 2018, submitted).

### **PL99 RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO NOS 1 AND 2, LAMPSON ROAD, KILLEARN – W S GORDON I V TRUST – 17/00978/PPP**

A report by the Senior Manager, Infrastructure, advised of an application for planning permission in principle for a residential development on land adjacent to 1 and 2 Lampson Road, Killearn.

The application was brought to Planning and Regulation Panel at the request of Councillor Robert Davies who considered there to be a severe shortage of affordable housing in Killearn.

The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Chair advised the Panel that two separate requests had been made for a Hearing.

No further discussion took place on this application.

### **Decision**

The Panel agreed to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 16 March 2018, submitted).

The meeting was adjourned at 10.10 am to allow members of the public to leave the Council Chambers.

The meeting reconvened at 10.15 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.**

## **PL100 TAXI DRIVER**

A report by the Chief Governance Officer was submitted to seek a decision from the Planning & Regulation Panel with regards to the immediate suspension of the licence holder's taxi driver's licence, and how the Panel wished to proceed with this matter.

The Clerk outlined the process on how the meeting would be conducted. It was noted that the licence holder was not in attendance at today's meeting and no representative was in attendance. The Police Scotland representatives confirmed they understood the process and had no questions regarding it.

The Licensing Officer presented the report, which set out a number of options for the Panel to consider. A letter from Police Scotland dated 19 February 2018, setting out the reasons for the recommendation to suspend, was attached as an Appendix to the report.

The Police Scotland representatives provided the Panel with an update on the current situation and advised that criminal proceedings were ongoing and a report had been sent to the Procurator Fiscal.

The Police Scotland representatives responded to questions from the Panel.

The Chair thanked the representatives from Police Scotland for their presentation.

The Panel then proceeded to consider the application.

### **Motion**

"That the Panel agrees to suspend the licence holder's taxi driver's licence under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982, this being with immediate effect, until the final determination in respect of the court proceedings, after which, the licence holder would be invited to attend a future meeting of the Planning & Regulation Panel for further consideration with regard to the use of his taxi licence."

Proposed by Councillor Margaret Brisley, Seconded by Councillor Graham Lambie.

In terms of Standing Order No 66, Councillor Douglas Dodds, having moved to suspend the licence holder's taxi driver's licence with immediate effect for the unexpired portion of its duration (28 February 2019) but having failed to find a seconder, requested that his dissent be recorded.

### **Decision**

The Panel agreed to suspend the licence holder's taxi driver's licence under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982, this being with immediate effect, until the final determination in respect of the court proceedings, after which, the licence holder would be invited to attend a future meeting of the Planning & Regulation Panel for further consideration with regard to the use of his taxi licence. The Panel

took this decision because Police Scotland had raised concerns, which related to the said incidents, which took place between November 2017 and January 2018 and were reported to Police Scotland on 16 February 2018, which were a material consideration for the Panel. In particular, the Panel felt that the incident demonstrated that the licence holder might be a serious threat to public safety and be unable to conduct himself in a suitable manner in situations a taxi driver might find themselves in, and as a consequence was not a fit and proper person to hold a taxi driver's licence.

(Reference: Report by Chief Governance Officer, dated 27 March 2018, submitted).

The meeting was temporarily adjourned at 10.20 am.

The meeting reconvened at 10.25 am, with the same Members present.

### **PL101 TAXI VEHICLE LICENCE**

A report by the Chief Governance Officer sought the grant of this existing Taxi Vehicle Licence TV31 to the partnership who currently held the Licence, but amended to include an additional member to the partnership.

The report also provided context to the Panel of the circumstances leading to the receipt of the above mentioned, which was before the Panel for determination.

The Clerk outlined the process on how the meeting would be conducted. One of the members of the partnership, who currently held the licence, was in attendance along with the proposed additional member.

The Lead Solicitor introduced the report and outlined the conditions within it. The Lead Solicitor then responded to questions from the Panel.

The partnership member along with the proposed additional member responded to questions from the Panel.

The Chair thanked all parties for their presentations.

#### **Motion**

The Panel agreed to grant the new application for Taxi Vehicle Licence TV31, which included the additional partner being added to the current Taxi Vehicle Licence, who operate Taxi Vehicle TV31.

Proposed by Councillor Graham Lambie, seconded by Councillor Alistair Berrill.

#### **Decision**

The Panel agreed to grant the new application for Taxi Vehicle Licence TV31, which included the additional partner being added to the current Taxi Vehicle Licence, who operate Taxi Vehicle TV31.

(Reference: Report by Chief Governance Officer, dated 19 March, submitted).

The Chair declared the Meeting closed at 10.25 am

