

# **STIRLING COUNCIL**

## **MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 3 DECEMBER 2019 at 10.00am**

### **Present**

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Neil BENNY  
Councillor Alistair BERRILL  
Councillor Douglas DODDS  
Councillor Danny GIBSON

Councillor Graham HOUSTON  
Councillor Graham LAMBIE  
Councillor Jeremy McDONALD  
Councillor Jim THOMSON (Substitute)

### **In Attendance**

Stephanie Cameron, Team Leader - Licensing  
Christina Cox, Service Manager, Planning & Buildings Standards  
David Crichton, Service Manager – Operations  
Carlyn Fraser, Road and Land Services Team Leader  
David Love, Planning Team Leader – Development Management  
Ruth Wilson, Lead Solicitor  
Scott Mason, Fisheries Officer, Environment Services  
Tony Mason, Lead Solicitor (Clerk)  
Mary Love Committee Officer – Governance (Minute)  
David McDougall, Governance Officer

### **Also In Attendance**

Sgt Claire MacKenzie and Police Scotland  
PC Gordon Hutchison, Police Scotland

### **PL270 APOLOGIES AND SUBSTITUTIONS**

Apologies were submitted on behalf of Councillor Maureen Bennison.  
Councillor Jim Thomson was in attendance as substitute for Councillor Bennison.

### **PL271 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **PL272 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**

There were no items of urgent business brought forward.

## **PL273 MINUTES PLANNING & REGULATION PANEL – 1 OCTOBER 2019**

The Minutes of the Planning & Regulation Panel held on 1 October 2019 were submitted for approval.

### **Decision**

The Minutes of Planning & Regulation Panel Meeting held on 1 October 2019 were approved as an accurate record of proceedings.

## **PL274 STIRLING COUNCIL – FISHERIES ANNUAL REVIEW OF CHARGES AND POLICY 2019/2020**

Stirling Council own and manage salmon fishing rights on the rivers Forth and Teith and these were managed through the Fisheries Service within Operations. Stirling Council had been leading on migratory fish conservation within rod and line fisheries since 1999. The aim was to offer affordable and accessible salmon fishing opportunities while promoting the conservation of salmon and sea trout. The purpose of the report was to propose a price freeze on permit prices for the 2020 season, and review rules and regulations, to ensure Stirling Council Fisheries implemented changes, so that conservation targets were met that were set out by Marine Scotland.

The Fisheries Officer introduced the report and responded to questions from Members.

Discussion took place around the annual report from Forth & District Salmon Fisheries Board and it was agreed that this report would be presented at a future meeting of the Environment & Housing Committee, along with information from the Central Assessors and Forth & District Salmon Fisheries Board regarding the total rate of costings.

### **Decision**

The Panel agreed to:

1. a continued price freeze on all permits, carrying forward the 2019 permit prices to the 2020 season (see Appendix 1 to the report); and
2. the 2020 revised fishery rules (see Appendix 2 to the report).

(Reference: Report by Senior Manager – Environment & Place, dated 8 November 2019, submitted).

## **PL275 THE STIRLING COUNCIL (DRIP ROAD EAST, STIRLING) (STOPPING-UP AND REMOVAL FROM LIST OF PUBLIC ROADS) ORDER 2018**

The above Order formally proposed to Stop-Up and Remove Drip Road East, Stirling from the list of adopted roads.

Objections were received during the traffic order's statutory consultation period and as such, officers were required, under the Scheme of Delegation, to ask that the Planning & Regulation Panel decide whether the order should be legally made.

The Road and Land Services Team Leader introduced the report and responded to questions from Members.

An amended recommendation was presented to Panel by officers, as they had only become aware prior to the meeting that the objections to the proposed Order would have to be referred to Scottish Ministers for a decision, as required by legislation.

An application had previously been agreed at the Planning & Regulation Panel in November 2018, when the Panel approved provision of roadside services, including erection of a petrol filling station with retail kiosk and coffee shop with drive through facility, associated infrastructure, vehicle access, hardstanding and landscaping. However, in order for this application to proceed, it was necessary that Stirling Council progressed the stopping up and removal of the section of Drip Road east from the list of public roads.

Detailed discussion took place regarding the two objections received in response to the proposed Order, which related to concerns over the section of road to be removed from the list of public roads, the section of path that cyclists would be directed to and its width and the development would reduce the quality of the existing cycle infrastructure.

It was noted that there had been continuous dialogue between officers and objectors for the past six months. Objectors were keen to have a discussion at this level, to ensure their concerns were being put forward to Members and for Members to be aware that it was a priority to ensure cycle infrastructure was as good as it could be.

The Road and Land Services Team Leader noted that a plan had since been received from the developer and explained the relevant details to Members, which included the shared space and short term reduction in quality of the existing cycle infrastructure, until the new section of path which would be built. Detailed discussion also took place around ownership of the land and access to the land, as there were concerns from the Panel around whether the relevant Local Members had been consulted at the time.

It was proposed that Members agreed a five minute recess to allow circulation of the developer's plan to Members, to peruse and clarify as to whether the plan would be considered part of the application.

The meeting was adjourned at 10.40am to allow Members to peruse the developer's plan of the proposed area and for clarification that the plan was part of the application.

The meeting reconvened at 10.45 am with the same Members present.

It was confirmed that the submitted plan was part of the developer's application.

In response to a question around the reason why the application came to Panel for approval if it was required, by relevant legislation, to be referred to Scottish Ministers, it was noted that within the Council's Scheme of Sub Delegation, any objections received regarding Planning/Regulation applications had to be presented to the Planning & Regulation Panel for determination.

### **Motion**

“ That the Panel agrees to note the background to the matter and the referral of the objections to the stopping up of Drip Road East, Stirling to the Scottish Ministers for a decision, as required by relevant legislation.”

Moved by Councillor Jim Thomson, seconded by Councillor Douglas Dodds.

## **Amendment**

“That the Panel agrees to defer the application to a future meeting of the Planning & Regulation Panel, to allow more information and advice around consultation to be received.”

Moved by Councillor Danny Gibson, Seconded by Councillor Neil Benny.

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

<u>For the Amendment</u> (3)	Councillor Neil Benny Councillor Alistair Berrill Councillor Danny Gibson
<u>Against the Amendment</u> (6)	Councillor Douglas Dodds Councillor Graham Houston Councillor Graham Lambie Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Jim Thomson

The amendment fell by 6 votes to 3.

<u>For the Motion</u> (6)	Councillor Douglas Dodds Councillor Graham Houston Councillor Graham Lambie Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Jim Thomson
<u>Against the Motion</u> (3)	Councillor Neil Benny Councillor Alistair Berrill Councillor Danny Gibson

## **Decision**

The Motion was carried by 6 votes to 3 and accordingly the Panel agreed to note the background to the matter and the referral of the objections to the stopping up of Drip Road East, Stirling to the Scottish Ministers for a decision, as required by relevant legislation.

(Reference: Report by Senior Manager – Environment & Place, dated 12 November 2019, submitted).

## **PL276 TAXI FARE REVIEW**

Following a report to Planning & Regulation Panel in September 2019, to notify Panel that an objection to the taxi fares and charges agreed at that meeting had been received and required consideration.

The Licensing Team Leader introduced the report and responded to questions from Members.

In response to a particular question from Members, it was noted that the operators would bear the cost of recalibrating the meters, which was £50 for each meter and a further £32 for meter testing, bringing the total to £82. It was also noted that the decision to use the maximum fares was down to the operators, however the machines required to be recalibrated regardless of their decision. Tariff 3 had not been put forward for consideration at the meeting in September 2019, as the majority of operators present at the Taxi and Private Hire Forum meeting on 22 July 2019 were opposed to the suggestion. The next statutory review would take place in 18 months. It was also clarified that the objections appended to the report were to tariff 3 and not the original objections.

### **Decision**

The Panel agreed that the proposed 'tariff 3' (detailed at paragraph 2.4 to the report) not be introduced and that taxi fares and charges agreed by Planning & Regulation Panel at its meeting on 3 September 2019 be introduced unchanged.

(Reference: Report by Chief Officer - Governance, dated 21 November 2019, submitted).

## **PL277 TAXI AND PRIVATE HIRE LICENSING REVIEW**

The report followed a report to Planning & Regulation Panel in March 2019 and a period of public and stakeholder consultation on the local taxi and private hire licensing framework carried out since. It summarised the key findings from that consultation exercise and sought a decision from Panel on future policy direction. Considering the potential impact of policy change on stakeholders, the report did not seek a final policy decision from Panel but proposed that there be a further period of public and stakeholder consultation after Panel has indicated whether, and if so in what way, it intends to develop the licensing framework.

The Lead Solicitor, Legal Services introduced the report and responded to questions from Members.

Detailed discussion took place around the options available to Members. In response to a question from Members, it was noted that the previous survey cost £10k, which entailed a significant piece of work, which was carried out independently. It was noted that the bulk of the costs should be recovered from taxi licence fees, which had been factored into the process when presented to the Stirling Council Budget Setting Meeting.

### **Decision**

The Panel agreed to:

1. consult on a proposal to consider the numerical limit on taxi vehicle licences in the Council area and to consult on proposals to promote a local licensed vehicle fleet that is more accessible, meets specified environmental standards and allows sustainability for taxi drivers to encourage increased provision in rural areas; and
2. delegate to the Chief Officer – Governance responsibility for carrying out any such further consultation agreed by Panel and to report to Panel following that consultation, engaging as appropriate with the Chair and Vice Chair of the Panel as to the scope and timescales for same.

(Reference: Report by Chief Officer - Governance, dated 12 November 2019, submitted).

The Chair adjourned the meeting at 11.35 am to allow members of the public to vacate the Council Chambers due to the nature of the following item.

The meeting reconvened at 11.40 am with the same Members (as noted above) 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.**

### **PL278 TAXI DRIVER'S LICENCE**

The purpose of the report was to provide detail in relation to the licence holder's licence and the options available to the Planning and Regulation Panel.

The Lead Solicitor, Legal Services, outlined the procedure, which would be taken prior to determination of the item.

The Licensing Team Leader introduced the report and responded to various questions. In response to a particular question from Members around why the licence holder was not suspended immediately, it was noted that the licence holder was not deemed by Police Scotland to be a threat to the members of the public at the time of the incident, therefore immediate suspension was not required.

A representative from Police Scotland outlined the information presented by Police Scotland, which was appended to the report.

The Licence Holder addressed the Panel and was supported by a colleague, who also addressed the Panel.

When asked by the Chair whether he agreed a fair hearing was given, the licence holder confirmed that this was the case.

#### **Decision**

The Panel agreed to take no action in relation to the licence holder's taxi driver's licence.

(Reference: Report by Chief Officer - Governance, dated 22 November 2019, submitted).

The Chair declared the Meeting closed at 11.55 am