

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 5th September, 2023 - 9.30 a.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF INTEREST** - Members of the Committee are asked to declare any interest(s) in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 8th August, 2023. 4 – 9

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

4. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER’S REPORT** – 10 - 15
 Report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer.
5. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** - Consideration of applications for licences by the undernoted in respect of which comment has been made, and, in terms of Schedule 1 to the above Act, to hear the applicants, or their representatives, in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(i) Mark Addison	Taxi Driver (new application)	3 year
	(ii) Stephen Boyle	Taxi Driver (new application)	1 year
	(iii) Jeremy Grimwood	Taxi Driver (renewal)	1 year
	(iv) Grant Mayes	Taxi Driver (new application)	1 year
(D)	(v) Paul Michael	Taxi Driver (new application)	1 year

N.B. The applicants and those making representation have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the application at (v) above is continued from the meeting held on 8th August, 2023.

THE FOLLOWING APPLICATIONS ARE LIKELY TO BE CONSIDERED IN PRIVATE – IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

6. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE - The Committee is asked to consider exercising power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 in respect of the undernoted licence, and, in terms of sub-paragraph (7) of said paragraph 11 to afford the licenceholder an opportunity to be heard. The representative for Police Scotland (Fife Division) will report.

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Ugur Emre	Late Hours Catering for premises at 13 Bell Street, St. Andrews 90/0045874 Expiry Date: 29 January 2026

7. APPLICATION IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE - Consideration of application for licence by the undernoted in respect of which police comment has been made, and, in terms of Schedule 1 to the Civic Government (Scotland) Act 1982, to hear the applicant or his representative in support of the application:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D) Ryan Clark	Taxi Driver (new application)	1 year

N.B. The applicant and those making representation have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the above application is continued from the meeting held on 8th August, 2023.

8. OPPOSED APPLICATIONS - Consideration of applications for licences by the undernoted in respect of which police objections have been lodged, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982, to hear the objector and the applicants thereon:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D) (i) Alexander Nimmo	Taxi Driver (new application)	1 year
(ii) Rhys Wither	Taxi Driver (new application)	1 year

N.B. The applicants and objector have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the application at (i) above is continued from the meeting held on 8th August, 2023.

9. URGENT BUSINESS - Any other items which the Chair decides are urgent.

Eileen Rowand,
Executive Director,
Finance and Corporate Services,
Fife House,
North Street,
Glenrothes,
Fife, KY7 5LT

30th August, 2023

If telephoning please ask for:-

Gillian Love, Lead Officer, Miscellaneous Licensing, Fife House, Glenrothes

Telephone: 03451 555555; Ext. 442170 or E-mail - gillian.love@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on www.fifedirect.org.uk/committees

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

8th August, 2023

9.30 a.m. – 12.20 p.m.

PRESENT: Councillors Tom Adams, Patrick Browne, Alycia Hayes, Donald Lothian, David MacDiarmid, Julie MacDougall, Nicola Patrick, Gordon Pryde and Jonny Tepp.

ATTENDING: Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Civic Government Licensing Enforcement Officer all in Finance and Corporate Services; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Lynn Ballantyne-Wardlaw, Sean Dillon, Gavin Ellis, Lea McLelland and Darren Watt.

OBSERVERS: Alison Higgins, Solicitor, Finance & Corporate Services and Sharon Wallace, Licensing Administrator, Police Scotland (Fife Division).

46. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 13th June, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

47. CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - IN SEPTEMBER AND NOVEMBER, 2023

The Committee considered a report by the Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen two non-BBFC certificated films.

Decision

The Committee agreed to grant permission to allow two non-BBFC certificated films to be shown in the Byre Theatre in September and November, 2023.

48./

48. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAD BEEN MADE**

The Committee considered applications for licences by the undernoted and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Ryan Blaney	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence.

(b)	Colin Brown	Taxi Driver (renewal) 1 year
-----	-------------	------------------------------------

Motion

Councillor MacDougall, seconded by Councillor Lothian, moved that the licence be granted.

Amendment

Councillor MacDiarmid, seconded by Councillor Patrick, moved, as an amendment, that the licence be granted with a warning.

Vote

Amendment – 4
Motion - 5

Decision

The Committee agreed to grant the licence.

(c)	James French	Taxi Driver (renewal) 1 year
-----	--------------	------------------------------------

Decision

The Committee agreed to grant the licence with a warning.

(d)	Michael Jamieson	Taxi Driver (new application) 1 year
-----	------------------	--

2023.R.L.40

The warning given to the applicants at (c), (d), (e), (f) and (i) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

49. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public and press from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 7A to the Act.

50. APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAD BEEN MADE

The Committee considered applications for licences by the undernoted and, having heard the representative for Police Scotland (Fife Division) and the applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Ryan Clark	Taxi Driver (new application) 1 year

Decision

The Committee agreed to continue consideration of the above application to its next meeting to afford the applicant a further opportunity to appear.

(b)	Bruce Davis	Taxi Driver (renewal) 1 year
-----	-------------	------------------------------------

Decision

The Committee agreed to grant the licence.

(c)	Vorena Maricic	Taxi Driver (new application) 1 year
-----	----------------	--

Motion

Councillor MacDiarmid, seconded by Councillor Adams, moved that the licence be granted.

Amendment

Councillor Pryde, seconded by Councillor Patrick, moved, as an amendment, that the licence be granted with a warning.

Vote/

Vote

Amendment – 7
Motion - 2

Decision

The Committee agreed to grant the licence with a warning.

The applicants had been invited to attend and be represented at the meeting with the exception of the applicant at (a) were both present and heard.

The warning given to the applicant at (c) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

51. **OPPOSED APPLICATIONS**

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife) Division and the Council's Lead Officer, Miscellaneous Licensing, for the application at (a) below and the representative for the applicant at (b) below thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	James Downie	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Alexander Nimmo	Taxi Driver (new application) 1 year
-----	-----------------	--

Decision

The Committee agreed to continue consideration of the above application to its next meeting to afford the applicant an opportunity to read information regarding consideration of his application.

2023.R.L.42

The applicants and objector had been invited to attend and be represented at the meeting. The applicant at (a) was not in attendance, the applicant at (b) was in attendance and represented by Mr David Gibb, prospective employer, East Fife.

Consideration of both of the above applications was continued from the meeting held on 13th June 2023.

The reason for refusal of the application at (a) above was that the applicant was not considered to be a fit and proper person to hold the licence applied for in view of the nature and extent of previous convictions recorded against him as well as incidents he had been involved in.

5 September 2023

Agenda Item No. 4

Civic Government Licensing Enforcement Officer Report

Report by: Eileen Rowand, Executive Director, Finance and Corporate Services

Wards Affected: All

Purpose

The purpose of this report is to inform members of the Committee of the activities of the Civic Government Licensing Enforcement Officer from April 2023 – June 2023.

Recommendation(s)

The Committee is asked to note the contents of the report.

Resource Implications

The costs of the officers' activities are met from the existing budget.

Legal & Risk Implications

The activities of the Civic Government Licensing Enforcement Officer will ensure the Council are seen to be taking appropriate action to ensure those individuals and companies issued with licences by Fife Council are maintaining high standards and complying with the conditions of the licences issued.

Impact Assessment

The activities of the Civic Government Licensing Enforcement Officer will not impact on any one area of the community more than any other. There is therefore no requirement for an impact assessment.

Consultation

To ensure the activities of the Civic Government Licensing Enforcement Officer are focussed on areas of particular need, close consultation is held with members of the Civic Government Licensing Team, the Convener and Vice Convener of the Committee, other services within Fife Council and Police Scotland Fife Division. Licence-holders and members of the public are consulted on a needs basis during enquiries into complaints or compliance checks.

1.0 Background

1.1 There is one Civic Government Licensing Enforcement Officer working 8am to 6pm Monday to Thursday, with flexibility for working outwith these hours/days. Currently, the officer is primarily working from home. The objectives of this post are to:

- Make enquiry into complaints relating to the holders of licences under the Civic Government (Scotland) Act 1982
- To undertake spot checks to ensure the conditions of licences are complied with
- To take appropriate enforcement action where conditions of licences are not being complied with
- To improve standards of licence holders
- To undertake joint inspections with other agencies or services of Fife Council to determine compliance with licence conditions
- To take action in relation to unlicensed activities and report where necessary to Police Scotland (Fife Division) for consideration of prosecution

2.0 Enquiry Activity

2.1 This report covers the period from 1 April 2023 – 30 June 2023.

2.2 The Enforcement Officer has undertaken 41 enquiries into complaints, suspected non-compliance with licence conditions, requests for assistance with applications and other licensing issues. Some of these complaints have been straightforward and were easily resolved, others however have been more complex and required extended enquiry and input from other services or agencies. These enquiries included the following licensed activities:

- Market Operator Licence 3
- Public Entertainment Licence 1
- Second Hand Dealers 4
- Skin Piercing & Tattooing 1
- Street Traders 1
- Taxi Drivers 24
- Vehicle Operators 7

2.3 These have resulted in the following outcomes/disposals:

- Advice 10
- Assistance Provided 11
- Licence Surrendered 1
- Monitored 1
- Referred to Other Agencies 1
- Reported to Committee 1
- Unfounded 9
- Verbal Warning 7

Further details can be found in Appendix 1.

2.4 16 Spot checks have been conducted by the Enforcement Officer on the following licensed activities:

- Second Hand Dealers 3
- Street Traders 5
- Taxi Drivers 8

This included a joint inspection of taxis with police officers from the Road Policing team on a Friday night.

2.5 These have resulted in the following outcomes/disposals:

- No Issues 12
- Non-compliance with conditions of licence 4

Further details can be found in Appendix 2.

2.6 Facebook Update

The Facebook page continues to be a popular means to circulate information relevant to the taxi trade in Fife. Recent posts have included:

- Road Closures and diversions
- Changes to online applications and substitutions
- Information on the annual test schedules
- Note of appreciation to operators on annual test results

2.7 Unmet Demand Monitoring

Regular checks at taxi ranks across Fife and discussion with taxi operators continued during the period covered by this report to assess levels of demand. During the period 12 ranks checks were carried out at various times of the day and night. These observations and consultations show there is no change to the level of demand for taxi services.

There is not therefore considered to be any significant unmet demand for taxi services in Fife. The 2014 Halcrow report on unmet demand remains relevant.

3.0 Conclusions

3.1 The work of the Enforcement Officer continues to focus on areas of particular need through the analysis of complaints and observations in the Licensing Unit and at Regulation and Licensing Committee.

Consultation with other services and joint working is continuing to ensure a co-ordinated approach to enforcement where that is appropriate.

Report Contact

Craig Ritchie
Civic Government Licensing Enforcement Officer,
Finance and Corporate Services,
Telephone: 03451 55 55 55 442166
Enforcementofficer@fife.gov.uk

Section 2.2-2.3 of the report gives quantitative information relating to enquiries or complaints received.

This appendix gives more detail in relation to some of the outcomes listed in that section.

Advice

Advice was given to:

- A number of Street Traders on the suitability of trading locations
- An ex-operator of a taxi who had not removed the taximeter from his car
- A taxi driver reported for parking inappropriately at the roadside
- Taxi operators regarding the use of an East plated taxi in the Leven area, appropriate signage on taxis and parking licensed vehicles on pavements
- Organisers of events which required licences but hadn't been applied for

Assistance Provided

In order to assist the licensing team dealing with incomplete applications, the Enforcement Officer has made efforts to contact the applicants and obtain the documents/information that is required to progress the application.

Licence Surrendered

A Second Hand car dealer surrendered their licence after contact from the Enforcement Officer revealed they were no longer trading.

Monitor

Monitoring is continuing into the activities of taxi drivers and operators in the East Fife area following complaints of non-compliance with licences.

Other Agency

The police have been notified of a complaint about taxis obstructing traffic that falls within their remit to investigate.

Reported to Committee

One taxi driver has been reported to the Committee for consideration of suspension based on complaints received.

Unfounded

9 complaints were considered unfounded after investigation; these related to a Second Hand car dealer, licensed tattoo artists, a Street Trader, 4 taxi drivers and 2 Vehicle Operators.

Verbal Warning

7 verbal warnings were given for minor indiscretions; these related to a second hand car dealer and 6 taxi drivers.

Appendix 2 Spot Check Outcomes

Section 2.4-2.5 gives quantitative information relating to spot checks conducted by the Enforcement Officer.

This appendix gives detail in relation to some of the outcomes listed in that section.

Checks were made on:

- 3 Second Hand Dealer licence holders
- 5 Street Traders selling food and drinks
- 8 taxi drivers in taxi ranks and mobile

There were no issues in relation to the checks carried out with the second hand dealer and street trader licence holders, and 4 of the taxi drivers as they were found to be complying with the conditions of their licences.

4 taxi drivers were verbally warned for a variety of issues. 2 were found not to be displaying their ID badges while driving the taxis at night (one was sent off the rank to collect it and the other had left it in his other taxi and arranged for another driver to bring it to him). 1 vehicle was not displaying no-smoking signs and was provided with them. 1 vehicle had an engine management light illuminated and was taken off road until it was fixed.