

**THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES**

**6th September, 2022**

**9.30 a.m. – 12.50 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Carol Lindsay, Donald Lothian, Lea McLelland, David MacDiarmid, Julie MacDougall, Nicola Patrick, Gordon Pryde, Jonny Tepp and Darren Watt.

**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 John Caffrey, Gavin Ellis, Alycia Hayes and John O'Brien.

**17. MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 9th August, 2022.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**18. TAXI FARE SCALE REVIEW 2022/2023**

The Committee considered a report by the Executive Director, Finance and Corporate Services on the Taxi Fare Scale Review for 2022/2023.

**Decision**

The Committee:-

- (1) agreed to accept the recommendation of the Members on the Taxi Fare Scale Review Sub-Committee that there be an increase in the existing fares for the 12 months from 5th December, 2022 as follows:-

The flag be increased from £3.20 to £3.60 and the additional yardage be decreased from 900 yards to 600 yards at stages 1 and 2;

(2)/

## 2022.R.L.14

- (2) agreed to authorise/remit to:
- (i) the Executive Director, Finance & Corporate Services to advertise the agreed tariff for 2022/2023; and
  - (ii) the Taxi Fare Scale Review Sub-Committee to consider any further representations following the advertisement of the proposed tariff; and
- (3) noted that any person would have the opportunity to make representations in writing within one month of the first publication of the proposed scales and thereafter the fixed scales would be advertised after giving any person who operates a taxi or any organisation appearing to be a representative of taxi operators the opportunity to appeal to the Scottish Traffic Commissioner within a 14 day period.

### 19. 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 &amp; Period of Licence Applied For</u>
(a)	Dragomir Asenov	Taxi Driver (new application) 1 year

#### Motion

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

#### First Amendment

Councillor Lindsay, seconded by Councillor Patrick, moved, as an Amendment, that the licence be granted with a warning subject to the applicant satisfying the Lead Officer, Miscellaneous Licensing and the Civic Government Licensing Enforcement Officer that he understood all conditions relating to Taxi Drivers' licences.

#### Second Amendment

Councillor MacDiarmid, seconded by Councillor Tepp, moved, as an Amendment, that the licence be refused.

#### Vote/



## 2022.R.L.16

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(d)	Grant Kennedy	Taxi Driver (new application) 1 year

### **Decision**

The Committee agreed to grant the licence.

(e)	Sean Kitchener	Taxi Driver (renewal) 1 year
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### **Decision**

The Committee agreed to grant the licence with a warning.

(f)	Alan Mayanja	Taxi Driver (renewal) 1 year
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### **Motion**

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

### **Amendment**

Councillor Lindsay, seconded by Councillor Ballantyne-Wardlaw, moved, as an Amendment, that the licence be granted with a warning.

### **Vote**

Amendment	-	6
Motion	-	6

The Convener exercised his casting vote in favour of the Amendment.

### **Decision**

The Committee agreed to grant the licence with a warning.

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The applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (c) and (d) were all present and heard. The applicant at (a) was supported by his friend, Valentin Getov.

Consideration of the applications at (a), (b), (c), (d) and (e) above was continued from the meeting held on 9th August, 2022.

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

Councillor MacDougall asked for it to be noted that her understanding of the taxi drivers training course was that it involved an exam which would include the applicant understanding all conditions relating to taxi drivers licences and made the motion to grant the licence at (a) based on this.

### 20. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife Division) and the applicant thereon, dealt with the application as shown:-

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

#### **Decision**

The Committee agreed to refuse the licence.

The applicant and objector had been invited to attend and be represented at the meeting and were both present and heard.

The reason for refusal of the above application 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 a previous conviction and offence recorded against him.

### 21. **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.

22. **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 &amp; Period of Licence Applied For</u>
(a)	Gillian Aitken	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)	Morgan Dick	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

(c)	Tomas Kristof	Taxi Driver (new application) 1 year
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**Decision**

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

(d)	Danielle Martin	Taxi Driver (renewal) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

## 2022.R.L.19

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(e)	David Sinclair	Taxi Driver (renewal) 3 year

### **Decision**

The Committee agreed to grant the licence with a warning.

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

Consideration of the applications at (a), (b), (c) and (e) above was continued from the meeting held on 9th August, 2022.

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

### 23. **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 applicants thereon, dealt with the applications as shown:-

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

### **Decision**

The Committee agreed to refuse the licence.

(b)/

## 2022.R.L.20

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b) Kaan Polat	Taxi Driver (new application) 1 year

Prior to a decision being taken on the above application, the Committee took a vote on whether a second Police report should be released and considered by the Committee. The vote was as follows:-

### Motion

Councillor McLelland, seconded by Councillor Lindsay, moved that it was necessary for a second Police report to be released and considered by the Committee.

### Amendment

Councillor Pryde, seconded by Councillor Lothian, moved as an Amendment, that it was not necessary for a second Police report to be released and considered by the Committee.

### Vote

Amendment -	6
Motion -	6

The Convener exercised his casting vote in favour of the Amendment.

The Committee agreed that it was not necessary for a second Police report to be released and considered by the Committee.

The Committee then took a decision on the application as follows:-

### Decision

The Committee agreed to refuse the licence.

The applicants and objector had been invited to attend and be represented at the meeting and were all present and heard.

Consideration of the application at (b) above was continued from the meeting held on 9th August, 2022.

The/

**2022.R.L.21**

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.

The reason for refusal of the application at (b) 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 an incident he had been involved in.

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