

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 16th May, 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 11th April, 2023. 5 - 11

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- 4. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCES** - To report to the Committee that a decision was taken by the Executive Director, Finance and Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' in consultation with the Convener and Depute Convener of the Committee, to suspend two taxi drivers licences with immediate effect under paragraph 12 of Schedule 1 to the above Act. This decision was taken as information had been received from Police Scotland (Fife Division) and the Council's Civic Government Licensing Enforcement Officer and had to be considered prior to this meeting of the Committee.
- 5. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - WEST FIFE AREA** - 13 - 17
 Report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the West Fife Area in February, March, April and May, 2023.
- 6. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT** - 19 - 25
 Report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer.
- 7. **APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE** - Consideration of applications for licences by the undernoted in respect of which Police 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>
(D) (i) Dale Carpenter	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(ii) Steven Handy	Taxi Driver (new application)	1 year
(D)	(iii) Alan Manzie	Taxi Driver (new application)	1 year
(D)	(iv) Terence Stubbs	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 applications at (i), (iii) and (iv) above is continued from the meeting held on 11th April, 2023.

8. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE - The Committee is asked to consider exercising power of suspension under paragraph 11 of Schedule 1 to the above Act 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 Council's Civic Government Licensing Enforcement Officer will report.

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Safaa Alsaffar	Taxi Driver 1589/0044317 Expiry Date: 17 August 2024

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

9. 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>
Stephen Greens	Taxi Driver 3178/0046964 Expiry Date: 18 December 2023

10. APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE - Consideration of applications for licences 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 applicants or their representatives in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(i) James Barclay	Taxi Driver (renewal)	3 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(ii)	John Mackenzie	Taxi Driver (renewal)	1 year
(iii)	Lee Faulks	Window Cleaner (new application)	3 year

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

11. 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)	Maros Gamec	Taxi Driver (new application)	3 year
(ii)	Paul Maksymuik	Taxi Driver (new application)	1 year
(iii)	Stephen Whitehurst	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 11th April, 2023.

12. 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

9th May, 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

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

11th April, 2023

9.30 a.m. – 11.35 a.m

PRESENT: Councillors Tom Adams, Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, Lea McLelland, Julie MacDougall, Nicola Patrick, Gordon Pryde and Jonny Tepp.

ATTENDING: Neil MacDonald, Litigation and Licensing Team Manager, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Civic Government Licensing Enforcement Officer all in Finance and Corporate Services; Sergeant Neil Ewing, Police Scotland (Fife Division); and Billy Ferguson, Service Manager and Steven Duffy, Workshop Team Manager both Fleet Operations (for item 20 only).

APOLOGIES: Councillors Lynn Ballantyne-Wardlaw, David MacDiarmid, John O'Brien, and Darren Watt.

18. URGENT BUSINESS

The Convener advised that in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, he had agreed that the item of business at 21 below be considered as a matter of urgency.

19. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 14 March, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

20. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in February, March and April, 2023.

Decision

The Committee, having heard the Fleet Operations Manager on the report and, following discussion:

(1)/

2023.R.L.18

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that a letter be sent to the operator failing the test reminding her of the standards expected for maintaining her vehicles.

21. REQUEST FOR RECALL OF IMMEDIATE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

(Previous Minute Reference: para. 37 of 2022.R.L.32 and 33 refers)

The Committee considered a request from the undernoted to recall the immediate suspension of his taxi/private hire car driver's licence which was made under paragraph 11 of Schedule 1 to the above Act and, having heard the Council's Lead Officer (Miscellaneous Licensing) as well as the licenceholder thereon, dealt with the request as shown:-.

<u>Licenceholder</u>	<u>No. of Previous Licence and Length of Suspension</u>
Muhammad Anwar	2139/0043926 - suspended until expiry date of licence being 1 October 2024

Decision

The Committee agreed to recall the immediate suspension of the above licence.

The licence was returned to the licenceholder to allow him to continue to drive taxis/private hire cars until the expiry date of the licence, as above.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard.

22. 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)	Dale Carpenter	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 appear.

(b)/

2023.R.L.19

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(b)	Innes Christie	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(c)	Naeem Khalid	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above application had now been withdrawn.

(d)	Mark McGillvary	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(e)	Alan Manzie	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 an opportunity to appear.

(f)	Scott Reid	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(g)/

2023.R.L.20

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(g)	Keiren Spowart	Taxi Driver (new application) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

(h)	Terence Stubbs	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 an opportunity to appear.

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

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

23. 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.

24. CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI DRIVER'S LICENCE

The Committee considered exercising power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 in respect of the undernoted taxi driver's licence, and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the licenceholder thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
William Anderson	Taxi Driver 8413/0046718 Expiry Date: 18 November 2025

Motion/

Motion

Councillor Tepp, seconded by Councillor Pryde, moved that the licence should not be suspended.

Amendment

Councillor Lindsay, seconded by Councillor McLelland, moved, as an amendment, that the licence should be suspended.

Vote

Amendment - 5
Motion - 6

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented and was present and heard.

25. **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)	Lee Davidson	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Thomas Nicolson	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(c)/

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	Shafiq Rehman	Taxi Driver (renewal) 1 year

Decision

The Committee agreed to grant the licence with a warning and requested that the applicant attend the next available taxi driver's training course at Fife House in Glenrothes.

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

Consideration of the application at (a) above was continued from the meeting held on 14th March, 2023.

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

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.

26. 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), dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	Mohammed Khalid T/A My Tint Fife Ltd.	Second Hand Dealer selling used cars Monday - Saturday from 9.30 a.m. - 5.30 p.m. from premises at 22b Poplar Road, Glenrothes (new application) 3 year

Decision

The Committee agreed to refuse the licence.

(b)/

2023.R.L.23

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b) Maros Gamec	Taxi Driver (new application) 3 year

Decision

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

(c) Amanat Shah	Taxi Driver (renewal) 3 year
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Decision

The Committee noted that the above application had now been withdrawn.

The applicants and objector had been invited to attend and be represented at the meeting. None of the above applicants were in attendance.

Consideration of the applications at (a) and (c) above was continued from the meeting held on 14th March, 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.

16 May 2023
Agenda Item No. 5

Annual Taxi/Private Hire Car Inspection Report for February, March, April and May, 2023 - West Fife Area

Report by: Billy Ferguson, Service Manager, Fleet Operations.

Wards Affected: 1, 2, 3, 4, 5, 6, 7, 8 and 9

Purpose:

To advise the Committee of the outcome of the Annual Taxi and Private Hire Car Inspection Tests for the West Fife Area.

Recommendation:

It is recommended that:

- (1) random inspection tests, six months after the annual test dates, should be considered, where appropriate, to ensure public safety; and
- (2) the Committee takes any other steps it deems appropriate.

Resource Implication:

Arrangements may have to be made for eight random inspection tests.

Legal & Risk Implications:

There is a possible public safety risk if no random inspections are carried out.

Policy & Impact Assessment:

None

Consultation:

None

1.0 Background

- 1.1 This report gives details of the results of the inspections carried out on vehicles operating in West Fife in February, March, April and May, 2023.
- 1.2 Of the 78 vehicles tested in West Fife, 70 passed first time which equated to 90%, 8 vehicles failed but passed on re-test which equated to 10%. The percentage pass rate in August, September & October 2022 was 90% and the percentage fail rate at that time was 10%.
- 1.3 Summaries of the results are attached in Appendix 1 to this report.

2.0 Issues and Options

- 2.1 As well as considering random testing of vehicles, the Committee, may deem it appropriate to:
 - invite those operators whose vehicles failed the test to a meeting with the Convener and Vice Convener of the Committee to discuss their maintenance procedures; or
 - consider whether or not to hold a Hearing under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 which relates to suspension of the licence.

3.0 Conclusions

- 3.1 The first-time pass rate has remained the same as the last set of tests but is lower than this time last year. The Operators should be reminded that their vehicles should be maintained to a very high standard, at all times.

Background Papers

Hackney Carriage Test Reports for 78 vehicles.

Report Contact

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Service Manager
Fleet Operations
Bankhead Central
Bankhead Park
Glenrothes

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**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTION REPORT**

Name	Plate No.	Make	Model	APPENDIX 1 Date of Test	Result of Test
AHMAD, Muhammad Shafiq	T036	VOLKSWAGEN	CADDY MAXI	06/03/2023	PASS
AHMED, Rooksana	T138	SKODA	OCTAVIA	06/03/2023	PASS
AITKEN, Laurence	P115	TOYOTA	PROACE	06/03/2023	FAIL
ANWAR, Muhammad Nawaz	T144	SKODA	OCTAVIA	06/03/2023	PASS
BAHIA, Kamaljit	T046	SKODA	OCTAVIA	06/03/2023	PASS
BELL, Douglas	T043	SKODA	OCTAVIA	08/03/2023	PASS
BISHOP, William	T160	FORD	MONDEO	09/03/2023	FAIL
BLACK, Allannah	P023	SKODA	OCTAVIA	06/03/2023	PASS
BLAKE, Mary	T077	SKODA	RAPID	07/03/2023	PASS
BUCHAN, Dale	T166	FORD	MONDEO	07/03/2023	PASS
BUCHAN, James	T048	FORD	MONDEO	08/03/2023	PASS
BUCHAN, Martin	T165	FORD	MONDEO	15/02/2023	PASS
BUCHANAN, Brian	P082	SKODA	OCTAVIA	08/03/2023	PASS
BUCKLE, David	T106	DACIA	LOGAN	08/03/2023	PASS
BUCKLE, Lynn	T115	SKODA	OCTAVIA	09/03/2023	PASS
BUCKLE, Lynn	T125	DACIA	LOGAN	09/03/2023	PASS
BUCKLE, Lynn	T131	HYUNDAI	I40	09/03/2023	PASS
BURNETT, Andrew Callum	T002	SKODA	OCTAVIA	16/03/2023	PASS
CAMPBELL, Paul	P114	DACIA	LOGAN	13/03/2023	PASS
CHALMERS, Colin	P073	TOYOTA	AVENSIS	13/03/2023	PASS
CLUSKER, Alana	T149	SKODA	RAPID	13/03/2023	PASS
DAVIE, William	P006	DACIA	LOGAN	13/03/2023	PASS
GALLOWAY, John Andrew	T132	VAUXHALL	ZAFIRA	14/03/2023	PASS
GRAY, Elizabeth Margaret	P134	SKODA	OCTAVIA	28/03/2023	PASS
GREGORY, Robert	T069	MERCEDES	E220	14/03/2023	PASS
GUNN (JNR), Jamie	T014	RENAULT	TRAFIC	14/03/2023	PASS
GUNN, Melanie	T029	VAUXHALL	VIVARO	14/03/2023	PASS
HEBENTON, Gary Spencer	P124	SKODA	OCTAVIA	15/03/2023	PASS
HEBENTON, Gary Spencer	T098	KIA	OPTIMA	15/03/2023	PASS
HENDRY, Roy Edward	T025	VAUXHALL	INSIGNIA	23/03/2023	PASS
HUGHES, Robin John	P037	VOLKSWAGEN	PASSAT	15/03/2023	PASS
HUGHES, Robin John	T041	FORD	TOURNEO	15/03/2023	PASS
HYND, Barry John Richard	T011	SKODA	SUPERB	16/03/2023	PASS
KELSO, Jonathon	T137	SKODA	OCTAVIA	16/03/2023	PASS
KINNEAR, Robin	T088	VAUXHALL	INSIGNIA	30/03/2023	PASS
LAING, William	P017	VOLKSWAGEN	CADDY	20/03/2023	PASS
LAING, William	P071	RENAULT	MASTER	14/03/2023	PASS
LEIGHTON, Allan McRae	T092	TOYOTA	AVENSIS	20/03/2023	PASS
LITHGOW, Nicholas	T146	CITROEN	C4	20/03/2023	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
LITHGOW, Nicholas	T159	VW	TOURAN	23/03/2023	PASS
MACDONALD, William	T027	SKODA	OCTAVIA	21/03/2023	PASS
MACDONALD, William	T028	TOYOTA	AVENSIS	21/03/2023	PASS
MACKINNON, Lorna	T073	SKODA	OCTAVIA	21/03/2023	PASS
MAGUIRE, Michael	T005	MERCEDES BENZ	E220	21/03/2023	PASS
MAGUIRE, Michael	T008	FORD	MONDEO	21/03/2023	FAIL
MAHADY, David	T037	SKODA	SUPERB	22/03/2023	PASS
MAYS, Charlene	T042	VAUXHALL	VIVARO	22/03/2023	FAIL
MAYS, Charlene	T049	FORD	MONDEO	27/03/2023	PASS
MCCORMICK, Robert	T040	SKODA	RAPID	22/03/2023	PASS
MCMENAMIN-HUNTER, Caroline	T003	DACIA	LOGAN	08/05/2023	PASS
MOHYIDIN, Shahnaz	T164	VOLKSWAGEN	PASSAT	23/03/2023	PASS
MORGAN, Robert	T086	VOLKSWAGEN	TRANSPORTER	23/03/2023	PASS
MORGAN, Robert	T103	VOLKSWAGEN	PASSAT	23/03/2023	PASS
MORRISON, Margaret	T152	SKODA	OCTAVIA	27/03/2023	FAIL
MUTTER, Angela	P024	DACIA	LOGAN	27/03/2023	PASS
MUTTER, Angela	P096	CITROEN	BERLINGO	27/03/2023	PASS
MUTTER, Thomas	P011	VAUXHALL	ZAFIRA	27/03/2023	FAIL
MUTTER, Thomas	P047	PEUGEOT	HORIZON	28/03/2023	PASS
NICOL, Walter	P004	CITROEN	PICASSO	28/03/2023	PASS
NIVEN, Sean	T022	CITROEN	C4	13/02/2023	PASS
RAJA, Yasir Majeed	T050	FORD	TOURNEO	28/03/2023	PASS
RICHARDSON, Mark	T133	SKODA	OCTAVIA	28/03/2023	FAIL
RICHARDSON, Mark William	P031	RENAULT	TRAFIC	29/03/2023	PASS
ROBERTSON, Peter	P075	JAGUAR	XJL	29/03/2023	PASS
SETHI, Hitansh	T061	FORD	MONDEO	29/03/2023	PASS
SETHI, Hitansh	T154	FORD	MONDEO	29/03/2023	PASS
SHAH, Amanat Hussain	T020	SKODA	OCTAVIA	29/03/2023	PASS
SIMPSON, Don	T121	DACIA	DUSTER	30/03/2023	PASS
SIMPSON, Peter	T035	VAUXHALL	INSIGNIA	05/04/2023	FAIL
SIMPSON, Peter	T052	FORD	GALAXY	30/03/2023	PASS
SIMPSON, Peter	T068	FORD	GALAXY	30/03/2023	PASS
SNEDKER, Michael	P118	FORD	MONDEO	03/04/2023	PASS
TIBBERT, John	T064	SKODA	OCTAVIA	03/04/2023	PASS
UDDIN, Fareed	P069	KIA	OPTIMA	03/04/2023	PASS
WALKER, Mary	T057	FORD	GALAXY	03/04/2023	PASS
WILSON, Iain	T145	VAUXHALL	ZAFIRA	08/03/2023	PASS
WILSON, Laura	T058	MERCEDES	E220	04/04/2023	PASS
WILSON, Scott	T148	SKODA	OCTAVIA	04/04/2023	PASS

**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI / PRIVATE HIRE CAR INSPECTION
FAULTS FOR THE WEST SECTOR**

Name	Date of Reg	Plate No.	Faults
AITKEN, Laurence	04/09/2017	P115	Mileage at Fail: 80,004 - 06/03/2023 Mileage at Pass: 80,220 - 21/03/2023 1. O/S/F seat belt damaged 2. O/S/F outer driveshaft boot leaking grease Advise: O/S and N/R front tyres worn on inside tread PLATES REMOVED
BISHOP, William	21/04/2017	T160	Mileage at Fail: 122,130 - 09/03/2023 Mileage at Pass: 122,160 - 16/03/2023 1. N/S wing mirror indicator inop 2. No plate light inop 3. Rear seat belt cover broken 4. Requires cleaned inside and out 5. No rear plate fitted PLATES REMOVED
MAGUIRE, Michael	28/04/2017	T008	Mileage at Fail: 186,949 - 21/03/2023 Mileage at Pass: 186,976 - 22/03/2023 1. O/S lower suspension arm rear bush excessive movement 2. N/S/F and O/S/F sidelamps inop Advise: Engine oil leak PLATES REMOVED
MAYS, Charlene	31/03/2015	T042	Mileage at Fail: 111,080 - 22/03/2023 Mileage at Pass: 111,092 - 23/03/2023 1. N/S/R passenger outer seatbelt webbing significantly weakened 2. Rear reg. plate lamp not working Advise: O/S/R passenger outer seatbelt webbing damaged but not significantly weakened Advise: N/S/R brake disc corroded. N/S/R brake disc back plate severely corroded. PLATES REMOVED
MORRISON, Margaret	18/11/2018	T152	Mileage at Fail: 146,606 - 27/03/2023 Mileage at Pass: 146,652 - 28/03/2023 1. N/S/F brake disc excessive fluctuation 2. Taxi sign light in-op 3. O/S/R tyre cut (showing cords) Advise: N/S/R brake disc slight fluctuation Advise: Lane assist fault on dash Advise: 30 day notice issued for rear seats being dirty PLATES REMOVED
MUTTER, Thomas	25/11/2014	P011	Mileage at Fail: 148,452 - 27/03/2023 Mileage at Pass: 148,471 - 31/03/2023 1. ABS warning device not working 2. Exhaust emission equipment fitted by manufacturer: missing, obviously modified or obviously defective Advise: Play in rear suspension link bar bushes Advise: 30 day notice issued to boot lid damage & front bumper PLATES REMOVED
RICHARDSON, Mark	01/08/2016	T133	Mileage at Fail: 133,892 - 28/03/2023 Mileage at Pass: 134,051 - 31/03/2023 Driver's seat belt webbing, significantly weakened Advise: Oil leak at engine Rear plate missing at time of test PLATES REMOVED
SIMPSON, Peter	05/09/2016	T035	Mileage at Fail: 127,655 - 05/04/2023 Mileage at Pass: 127,737 - 17/04/2023 Engine management light on Advise: O/S/F under tray loose Advise: Front exhaust flexible cracked Advise: N/S and O/S rear shock absorber shrouds loose Advise: Nail in N/S/R tyre Advise: N/S and O/S headlamp aim low PLATES REMOVED

16th May 2023

Agenda Item No. 6

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 January 2023 – March 2023.

Recommendation(s)

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

Resource Implications

The costs of the officer's 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 January 2023 – 31 March 2023.

2.2 The Enforcement Officer has undertaken 75 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:

- Late Hours Catering 1
- Market Operator Licence 2
- Metal Dealer 1
- Public Entertainment Licence 4
- Second Hand Dealers 11
- Skin Piercing & Tattooing 4
- Street Traders 9
- Taxi Drivers 27
- Vehicle Operators 16

2.3 These have resulted in the following outcomes/disposals:

- Advice 11
- Application Refused 1
- Application Withdrawn 4
- Assistance Provided 9
- Licence Applied for 24
- Licence Surrendered 4
- Monitored 1
- Ongoing Enquiries 2
- Referred to Other Agencies 2

- Reported to Committee 1
- Unfounded 12
- Verbal Warning 2
- Written Warning 2

Further details can be found in Appendix 1.

2.4 13 Spot checks have been conducted by the Enforcement Officer on the following licensed activities:

- Second Hand Dealers 2
- Street Traders 3
- Taxi Drivers 8

2.5 These have resulted in the following outcomes/disposals:

- No Issues 7
- Non-compliance with conditions of licence 6

Further details can be found in Appendix 2.

2.7 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

2.8 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 16 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

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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
- Taxi drivers from 2 competing firms regarding their conduct
- 3 taxi drivers in relation to medical issues, disputed fares and driving standards
- A major hotel regarding the use of vehicles for conveying guests
- A national tour company regarding the use of vehicles for conveying tourists

Applications refused

An application for a Street Trader licence was refused after the applicant failed to comply with the requirements despite a lengthy dialogue between him and the Enforcement Officer.

Applications withdrawn

3 Taxi Driver licence applications and a Street Trader licence application were withdrawn after consultation with the Enforcement Officer.

Licences Applied For

24 licences were applied for after enquiries made by the Enforcement Officer into unlicensed trading or expired licences, including 4 second hand car dealers and 3 vehicle operators.

Monitor

Monitoring is continuing into the activities of a street trader regarding the sounding of chimes and parking issues at taxi ranks.

Other Agency

The police have been notified of a couple of incidents that fall 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

12 complaints were considered unfounded after investigation; these related to a Public Entertainment Licence, 2 Second Hand dealers, a tattoo parlour, 3 Street Traders, 3 Taxi Drivers and 2 Vehicle Operators.

Verbal Warning

2 verbal warnings were given for minor indiscretions; these related to a taxi operator and a taxi driver

Written Warning

2 taxi drivers have received written warnings from the Enforcement Officer; 1 for parking a Fife taxi in a Dundee taxi rank and 1 for driving a taxi through a large puddle at speed causing a pedestrian on the footpath to be soaked.

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:

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

One second hand car dealer was found to have not renewed their licence but applied the very same day, while the other was not displaying the licence on the premises.

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

4 taxi drivers were found not to be displaying their ID badges while driving the taxis. 2 had them in the glovebox or boot, while the other two were sent off the rank to collect the badges from home.