

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

6th December, 2022

9.30 a.m. – 12.57 p.m.

PRESENT: Councillors Tom Adams (Convener for all items apart from item 42), Lynn Ballantyne-Wardlaw, Patrick Browne (Convener for item 42 only), Sean Dillon, Gavin Ellis, Donald Lothian, David MacDiarmid, Julie MacDougall, John O'Brien, 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 Alycia Hayes, Carol Lindsay and Lea McLelland.

OBSERVER: Angela Tolley, Licensing Administrator, Police Scotland (Fife Division).

40. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 1st November, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

41. CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT

The Committee considered a report by Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer from June to October, 2022.

Decision

The Committee, having heard the Civic Government Licensing Enforcement Officer on the report and following discussion, noted:-

- (1) the extensive and varied amount of work carried out by the Enforcement Officer during the five month period identified; and
- (2) that there would be further updates, on the activities of the Enforcement Officer, brought before the Committee on a regular basis.

42. **APPLICATION IN RESPECT OF WHICH COMMENTS HAD BEEN MADE**

The Committee considered application for licence by the undernoted and, having heard the Council's Lead Officer in Miscellaneous Licensing and the applicant thereon, dealt with the application as shown:-

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

Decision

The Committee agreed to grant the licence with a warning.

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

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

(Prior to consideration of the above application, Councillor Tom Adams declared an interest in this item, as he was known to the applicant, and left the meeting for this item only).

(Councillor John O'Brien entered the meeting following consideration of the above application).

43. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which a police objection 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>
Gurmit Singh	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

2022.R.L.38

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

The reason for refusal of the above application was that the applicant was not a fit and proper person to hold such a licence in view of the nature and extent of a previous conviction recorded against him.

44. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

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

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
Uzair Zuber	Taxi Driver 3140/0046636 Expiry Date: 14 November 2023

Motion

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be suspended.

Amendment

Councillor Ellis, seconded by Councillor Lothian, moved, as an amendment, not to suspend the licence but added a warning to the licence.

Vote

Amendment – 9

Motion – 4

Decision

The Committee agreed not to suspend the licence but added a warning to the licence.

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

The warning given to the licenceholder above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

45. **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.

46. **CONSIDERATION OF POSSIBLE SUSPENSION OF 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 licence, and, having heard the representative for Police Scotland (Fife Division) and the licenceholder thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
Muhammad Abass	Taxi Driver 8922/0041499 Expiry Date: 3 April 2023

Motion

Councillor MacDiarmid, seconded by Councillor O'Brien, moved that the licence be suspended.

Amendment

Councillor Adams, seconded by Councillor Ballantyne-Wardlaw, moved, as an amendment, not to suspend the licence.

Vote

Amendment – 10
Motion - 3

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard. He was also supported by his son, Hussan Abass.

47. **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)	Benn Arnott	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Sharon Nellies	Vehicle Operator – P066 – East Area (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(c)	Karen Whittle	Vehicle Operator – P035 – Levenmouth Zone (renewal) 1 year
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During consideration of the above application, the Committee took a vote on whether or not to ask for a recess for further information on the process for considering the application. The vote was as follows:-

Motion

Councillor Pryde, seconded by Councillor Lothian, moved that the Committee had a recess to seek further information on the process for considering the application.

Amendment

Councillor MacDiarmid, seconded by Councillor O'Brien, moved, as an amendment, that the Committee continue considering the application without any further information.

Vote

Amendment – 3
Motion – 10

Decision/

2022.R.L.41

Decision

The Committee agreed to have a recess to seek further information on the process for considering the application.

Thereafter a vote was taken on the application as follows:-

Motion

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

Amendment

Councillor Ellis, seconded by Councillor Lothian, moved as an amendment, that the licence be granted.

Vote

Amendment – 10

Motion – 3

Decision

The Committee agreed to grant the licence.

- (d) Thomas and Karen Whittle Vehicle Operator – P027 – Levenmouth Zone
(renewal)
1 year

Motion

Councillor Ellis, seconded by Councillor O'Brien, 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 – 3

Motion - 10

Decision

The Committee agreed to grant the licence.

2022.R.L.42

The applicants had been invited to attend and be represented at the meeting. The applicants at (b), (c) and (d) were present and heard. The applicant at (a) was not in attendance.

Consideration of the applications at (c) and (d) above was continued from the meeting held on 4th October, 2022.

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 a previous conviction recorded against him as well as previous incidents he had been involved in.
