

Conference Room 2, Ground Floor, Fife House, Glenrothes  
Tuesday, 6th December, 2022 - 9.30 a.m.

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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 1st November, 2022. 5 - 14

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- 4. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT** - 15 - 20  
Report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer.
- 5. **APPLICATION IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** - Consideration of application for licence by the undernoted in respect of which comment has been made, and, in terms of Schedule 1 to the above Act, 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>
Paul Hanafin	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.**

6. **OPPOSED APPLICATION** - Consideration of application for licence by the undernoted in respect of which a police objection has been lodged, and, in terms of Schedule 1, paragraph 4(2) to the above Act, to hear the objector and the applicant thereon:

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

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

7. **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 representative for Police Scotland (Fife Division) will report.

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

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

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 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 &amp; Expiry Date</u>
Muhammad Abass	Taxi Driver 8922/0041499 Expiry Date: 3 April 2023

9. **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) Benn Arnott	Taxi Driver <b>(new application)</b>	1 year
(ii) Sharon Nellies	Vehicle Operator – P066 – East Area <b>(new application)</b>	1 year
(D) (iii) Karen Whittle	Vehicle Operator – P035 – Levenmouth Zone <b>(renewal)</b>	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
<b>(D)</b>	(iv) Thomas and Karen Whittle	Vehicle Operator – P027 – Levenmouth Zone <b>(renewal)</b>	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 (iii) and (iv) above is continued from the meeting held on 4th October, 2022.**

**10. URGENT BUSINESS** - Any other items which the Convener decides are urgent.

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

30th November, 2022

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](mailto:gillian.love@fife.gov.uk)

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

**1st November, 2022**

**9.30 a.m. – 3.50 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Sean Dillon, Alycia Hayes, 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; Sergeant Neil Ewing, Police Scotland (Fife Division); and Billy Ferguson, Fleet Operations Manager (for items 31 and 32 only).

**APOLOGIES:** Councillors Gavin Ellis and John O'Brien.

**28. CHANGE OF MEMBERSHIP**

Councillor Tom Adams welcomed Councillor Sean Dillon to his first meeting of the Regulation & Licensing Committee and Members noted that Councillor Dillon had replaced Councillor John Caffrey as a Member of the Committee.

**29. MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 4th October, 2022.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**30. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCE**

The Council's Lead Officer, Miscellaneous Licensing reported to the Committee that a decision was taken by the Executive Director, Finance & Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' to suspend a taxi/private hire car driver's licence with immediate effect under paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 having advised the Convener and Depute Convener of the Committee of this decision. The decision was taken as information had been received which had to be considered prior to this meeting of the Committee.

**Decision**

The Committee noted that a taxi/private hire car driver's licence had been suspended with immediate effect.

31. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – KIRKCALDY ZONE**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Kirkcaldy Zone in August to October, 2022.

**Decision**

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

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that letters be sent to the two operators failing the test reminding them of the standards expected for maintaining their vehicles.

32. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – WEST FIFE AREA**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the West Fife Area in August to October, 2022.

**Decision**

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

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that those operators, whose vehicles failed the test, be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of their vehicles.

33. **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 &amp; Period of Licence Applied For</u>
(a)	Harry Dougall	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to grant the licence with a warning subject to further satisfactory information being received.

(b)/

## 2022.R.L.28

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(b)	Alan McWilliams	Taxi Driver (new application) 3 year

### Decision

The Committee agreed to grant the licence with a warning.

(c)	Omar Sohail	Taxi Driver (new application) 1 year
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### 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 were all present and heard.

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

#### 34. **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.

#### 35. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES**

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 licences, and, having heard the representative for Police Scotland (Fife Division) and the licenceholders thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type and No. of Licence &amp; Expiry Date</u>
(a)	Peter Meldrum, Carole Meldrum & Sam Green	Vehicle Operator Licences P005 - Expiry Date: 28th February 2023 P011 - Expiry Date: 28th February 2023 T010 - Expiry Date: 27th October 2023 T011 - Expiry Date: 24th October 2025 T016 - Expiry Date: 24th October 2025 T028 - Expiry Date: 24th October 2025 T033 - Expiry Date: 23rd June 2023 T041 - Expiry Date: 5th May 2023 Levenmouth Zone

Motion/

Motion

Councillor McLelland, seconded by Councillor Watt, moved that the licences should not be suspended.

Amendment

Councillor MacDiarmid, seconded by Councillor Browne, moved, as an Amendment, that the licences should be suspended.

Vote

Amendment - 2  
Motion - 12

**Decision**

The Committee agreed not to suspend the licences.

- (b) Peter Meldrum & Sam Green      Vehicle Operator Licence  
T019 - Expiry Date: 1st March 2023  
Levenmouth Zone

**Decision**

The Committee agreed not to suspend the licences.

- (c) Sam Green      Vehicle Operator Licence  
P049 - Expiry Date: 11th March 2023  
Levenmouth Zone

Motion

Councillor McLelland, seconded by Councillor MacDougall, moved that the licence should not be suspended.

Amendment

Councillor MacDiarmid, seconded by Councillor Lindsay, moved, as an Amendment, that the licence should be suspended.

Vote

Amendment - 3  
Motion - 11

**Decision**

The Committee agreed not to suspend the licence.

- (d)/



**2022.R.L.30**

<u>Licenceholder</u>	<u>Type and No. of Licence &amp; Expiry Date</u>
(d) Sam Green, T/A Magnum Booking Office	Booking Office Licence Expiry Date: 14th May 2025

Motion

Councillor McLelland, seconded by Councillor Hayes moved that the licence should be suspended.

Amendment

Councillor Watt, seconded by Councillor Pryde, moved, as an Amendment, that the licence should not be suspended.

Vote

Amendment - 8  
Motion - 6

**Decision**

The Committee agreed not to suspend the licence.

The licenceholders had been invited to attend and be represented and were all present and heard.

**36. 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) Peter Meldrum, Carole Meldrum & Sam Green	Vehicle Operators T002 & P020 Levenmouth Zone (renewals) 3 year

**Decision**

The Committee agreed to grant the licences with a warning.

(b)/

**2022.R.L.31**

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b) Sam Green	Vehicle Operator P021 Levenmouth Zone (new application) 1 year

Motion

Councillor MacDiarmid, seconded by Councillor Lindsay, moved that the licence be refused.

Amendment

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

Vote

Amendment - 8  
Motion - 6

**Decision**

The Committee agreed to grant the licence with a warning.

(c) Sam Green	Taxi Driver (renewal) 3 year
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Motion

Councillor MacDiarmid, seconded by Councillor Lindsay, moved that the licence be refused.

Amendment

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

Vote

Amendment - 5  
Motion - 9

**Decision**

The Committee agreed to refuse the licence.

## 2022.R.L.32

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

The warning given to the applicants at (a) and (b) 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 (c) above was that the applicant was not a fit and proper person to hold such a licence in view of the nature and extent of an offence recorded against him and incidents he had been involved in.

*Councillors Browne, Dillon, Lindsay, MacDougall and Tepp all left the meeting following consideration of the item at (c) above.*

### 37. **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 and his representative thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type and No. of Licence &amp; Expiry Date</u>
Muhammad Anwar	Taxi Driver 2139/0043926 Expiry Date: 1st October 2024

#### Motion

Councillor MacDiarmid, seconded by Councillor Lothian, moved that the licence should not be suspended.

#### Amendment

Councillor Hayes, seconded by Councillor Patrick, moved, as an Amendment, that the licence should be suspended.

#### Vote

Amendment	-	6
Motion	-	3

#### Decision/

**Decision**

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of suspension.

**Decision**

The Committee agreed to suspend the licence until its expiry being 1st October, 2024, this being with immediate effect.

The licenceholder had been invited to attend and be represented and was present and heard. He was also represented by Hitansh Sethi, Taxi Operator, West Fife.

The grounds for suspension of the above licence were that (i) the licenceholder was no longer considered to be a fit and proper person to hold the licence; and (ii) the carrying on of the activity to which the licence related was likely to cause a threat to public safety.

38. **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 refuse the licence.

(b)	Craig Mathieson	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

(c)	Steven To	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to refuse the licence.

The/

The applicants had been invited to attend and be represented at the meeting.

The applicant at (b) was present and heard. The applicants at (a) and (c) were not in attendance.

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

The warning given to the applicant at (b) 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 incidents she had been involved in.

The reason for refusal of the application at (c) 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 incidents he had been involved in.

### 39. **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)	Kenneth Swankie	Taxi Driver (new application) 1 year

#### **Decision**

The Committee agreed to refuse the licence.

(b)	Daniel Watson	Taxi Driver (new application) 1 year
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#### **Decision**

The Committee agreed to refuse the licence.

The/

**2022.R.L.35**

The applicants and objector had been invited to attend and be represented at the meeting. The applicants at (a) and (b) above were not in attendance.

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

The reason for refusal of the applications at (a) and (b) above was that the applicants were not considered to be fit and proper persons to hold the licences applied for in view of the nature and extent of previous convictions recorded against them and incidents they had been involved in.

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6th December 2022

Agenda Item No. 4

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## Civic Government Licensing Enforcement Officer Report

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

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Wards Affected: All

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### Purpose

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The purpose of this report is to inform members of the Committee of the activities of the Civic Government Licensing Enforcement Officer from June 2022 – October 2022.

### Recommendation(s)

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

### Resource Implications

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

### Legal & Risk Implications

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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

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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

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To ensure the activities of the Civic Government Licensing Enforcement Officer is focussed on areas of particular need, close consultation is held with members of the Civic Government Licensing Team, the Convener and Depute 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

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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

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2.1 This report covers the period from 1 June 2022 – 31 October 2022.

2.2 The Enforcement Officer has undertaken enquiries into complaints, suspected non-compliance with licence conditions 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:

- Second Hand Dealers 1
- Street Traders 7
- Taxi Drivers 12
- Taxi Operators 7

2.3 These have resulted in the following outcomes/disposals:

- Advice 11
- Licence Applied for 1
- Monitored 2
- Unfounded 6
- Warning 7

Further details can be found in Appendix 1.

2.4/



2.4 4 Spot checks have been conducted by the Enforcement Officer on the following licensed activities:

- Second Hand Dealers 1
- Street Traders 3

2.5 These have resulted in the following outcomes/disposals:

- No Issues 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
- Details about the fare scale review
- Information on the annual test schedules

## 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 22 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.

## 2.8 Open Golf 2022

The enforcement officer was involved in the 2022 Open Golf Championship held at St Andrews through engagement in pre- and post-event meetings and was present on each day of the event to provide advice and assistance with regard to all relevant licensing issues.

# 3.0 Conclusions

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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.

### **Verbal Advice**

Advice was given to:

- A Street Trader and the complainer on the trading location
- 2 Street Traders and the complainers on the appropriate use of chimes
- Taxi Operators and drivers from 2 competing firms regarding their conduct
- 4 taxi drivers in relation to parking, use of licensed vehicles and driving standards
- A professional Chauffeur company regarding statutory exemptions
- An unlicensed motor trader regarding the licensing requirements
- An unlicensed Vehicle Operator advertising vehicle for hire and reward

### **Licences Applied For**

A Street Trader Licence was applied for after enquiries made by the Enforcement Officer into an unlicensed trader operating at various events in Fife.

### **Monitor**

Monitoring is continuing into the activities of a taxi driver and taxi operators regarding potential breaches of conditions.

### **Unfounded**

6 complaints were considered unfounded after investigation; these related to 4 taxi drivers and 2 street traders.

### **Warning**

7 verbal warnings were given for minor indiscretions; these related to 2 taxi operators, 3 taxi drivers and 2 street traders

## 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:**

- a Second Hand Dealer licence holder
- 3 Street Traders selling food and drinks

The second hand dealer was found to have not renewed their licence but applied the very same day

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