

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 13th February, 2024 - 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 16th January, 2024. 5 - 13

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 had to be considered prior to this meeting of the Committee.
5. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - 16 MARCH 2024**
 Report by Lead Officer, Miscellaneous Licensing on request to vary licence conditions to allow the theatre to screen a non BBFC certificated film.
6. **TAXI FARE SCALE REVIEW** - Report by Executive Director, Finance & Corporate Services. 15 - 16
7. **MISCELLANEOUS LICENSING - REVIEW OF FEES** - Report by Executive Director, Finance and Corporate Services on proposals for an increase in the miscellaneous licensing fees. 17 - 22
8. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT** - 23 - 29
 Report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer.
9. **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:

Applicant

Activity

Period of Licence
 Applied For

	(i)	Jay Fotheringham	Street Trader selling ice-cream on a mobile basis in Fife – 7 days a week (renewal)	1 year
	(ii)	William Davie	Taxi Driver (new application)	3 year
	(iii)	Christopher Evans	Taxi Driver (new application)	1 year
(D)	(iv)	Seremaia Sovinasalevu	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 (iv) above is continued from the meeting held on 16th January, 2024.

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

10. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES - 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 licences, and, in terms of sub-paragraph (7) of said paragraph 11 to afford the licenceholders 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>
(i)	Two Sons	Skin Piercing and Tattooing 135/0047912 Expiry Date: 20 January 2026
(ii)	Blayne Cameron	Taxi Driver 9649/0048826 Expiry Date: 13 November 2024
(iii)	Hakan Yildiz	Taxi Driver 1419/0045599 Expiry Date: 16 July 2025

11. 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)	Fife Vans and Trucks	Second Hand Dealer selling used vehicles from The Garage, 12 High Street, Cowdenbeath Monday – Saturday 10.00 am – 7.00 pm (renewal)	3 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
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	(ii)	Ernest Boundy	Taxi Driver (new application)	1 year
(D)	(iii)	Laura Harkins	Taxi Driver (new application)	1 year
(D)	(iv)	Darren Lewis	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 (iii) and (iv) above is continued from the meeting held on 16th January, 2024.

12. OPPOSED APPLICATION - Consideration of application for licence 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 applicant thereon:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	Saad Khan	Taxi Driver (new application)	3 year

N.B. The applicant and objector 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 16th January, 2024.

13. 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

7th February 2024

If telephoning please ask for:-

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

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

16th January, 2024

9.30 a.m. – 4.22 p.m.

PRESENT: Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Alycia Hayes, 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 Steven Duffy, Workshop Team Manager, Fleet Operations (for items 77 and 78 only).

APOLOGIES: Councillors Sean Dillon, Gavin Ellis and John O'Brien.

75. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 5th December, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

76. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCES AND SKIN PIERCING AND TATTOOING 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 two taxi/private hire car drivers licences and one skin piercing and tattooing licence with immediate effect under paragraph 12 of Schedule 1 to the above Act 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 two taxi/private hire car drivers licences and one skin piercing and tattooing licence had been suspended with immediate effect.

2024.R.L.2

77. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - GLENROTHES ZONE -

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Glenrothes Zone in October to December, 2023.

Decision

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

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

78. 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 October to December, 2023.

Decision

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

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that (i) two operators whose vehicles failed the test and had vehicles failing tests in the past, be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of their vehicles; and (ii) a letter be sent to the other five operators failing the test reminding them of the standards expected for maintaining their vehicles.

79. 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)	George Campbell	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

2024.R.L.3

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(b)	Lauren MacDonald	Taxi Driver (new application) 3 year

Decision

The Committee agreed to grant the licence.

(c)	Seremaia Sovinasalevu	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.

The applicants 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 5th December, 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.

80. **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 & Period of Licence Applied For</u>
	Paddy Queen	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

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

2024.R.L.4

Consideration of the above application was continued from the meeting held on 5th December, 2023.

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.

81. 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 below 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.

82. 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), the licenceholder's representative at (a) and the licenceholder at (b) thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Scott Buchan	Taxi Driver 2460/0047434 Expiry Date: 20 December 2025

Decision

The Committee agreed not to suspend the licence but added a warning to the licence and requested that the licenceholder attend the first available taxi drivers' training course in Fife House in Glenrothes.

(b)	Scott McLaren	Taxi Driver 8444/0043270 Expiry Date: 24 February 2024
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Motion

Councillor MacDiarmid, seconded by Councillor Adams, moved that the licence was not suspended.

Amendment

Councillor Pryde, seconded by Councillor Browne, moved, as an amendment, that the licence be suspended.

Vote

Amendment – 2
Motion – 9

Decision

The Committee agreed not to suspend the licence subject to other satisfactory information being received. The Committee also added a warning to the licence.

- (c) Stephen Whitehurst Taxi Driver
 9511/0047402
 Expiry Date: 30 May 2024

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 30 May, 2024, this being with immediate effect.

The licenceholders had been invited to attend and be represented at the meeting. The licenceholder at (a) above was present and represented by his solicitor, Jonny Nisbet, Edinburgh. The licenceholder at (b) was present and heard. The licenceholder at (c) was not in attendance.

The warning given to the licenceholders' 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 grounds for suspension of the licence at (c) above 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.

(Councillor Hayes left the meeting following discussion of item (b) above).

(Councillor MacDougall left the meeting prior to discussion of item (b) above and re-entered the meeting prior to discussion of the item at (c) above).

2024.R.L.6

83. 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)	Laura Harkins	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)	Darren Lewis	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.

(c)	Michael Minick	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

(d)	Muhammad Mohsin	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence.

(e)	Jamie Stein	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

2024.R.L.7

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

Consideration of the applications at (b), (c) and (d) above was continued from the meeting held on 5th December, 2023.

The reason for refusal of the applications at (c) and (e) 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 as well as incidents they had been involved in.

84. **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 and period of licence applied for</u>
(a)	Alana Byers	Skin Piercing & Tattooing for premises at The Lodge House, Priory Lane, Dunfermline. Carrying on the business of tattooing, 7 days a week from 9 am – 9 pm (new application) 3 year

Decision

The Committee agreed to grant the licence.

(b)	Saad Khan	Taxi Driver (new application) 3 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.

(c)	Colin Salmond	Taxi Driver (new application) 1 year
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2024.R.L.8

Motion

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

Amendment

Councillor Adams, seconded by Councillor Browne, moved, as an amendment, that the licence be refused.

Vote

Amendment – 3

Motion – 8

Decision

The Committee agreed to grant the licence with a warning.

- (d) James Wilkie Taxi Driver
(new application)
1 year

Prior to a decision being reached on the above application, the Committee took a vote on whether or not to hear further information in relation to the above application as follows:

Motion

Councillor McLelland, seconded by Councillor MacDiarmid, moved that further information did need to be heard.

Amendment

Councillor Lothian, seconded by Councillor Pryde, moved, as an amendment, that further information did not need to be heard.

Vote

Amendment – 6

Motion – 4

Decision

The Committee agreed not to hear further information on the application.

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

Decision

The Committee agreed to refuse the licence.

2024.R.L.9

The applicants and objector had been invited to attend and be represented at the meeting and with the exception of the applicant at (b) above were all present and heard.

Consideration of the application at (a) above was continued from the meeting held on 5th December, 2023.

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.

The reason for refusal of the application at (d) 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.

(Councillor Patrick left the meeting during discussion of item (d) above).

13 February 2024

Item No. 6

Taxi Fare Scale Review

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

Wards Affected: All

Purpose:

The purpose of this report is to seek authority, from the Committee, to commence the procedures for the 2024 review of the Taxi Fare Scales.

Recommendation:

It is recommended that the Committee makes arrangements to hold a consultative meeting to discuss any representations or proposals.

Resource Implication:

Staff time in carrying out consultations, arranging ad-hoc review Sub-Committee meetings and, if necessary, recalibrating meters.

Legal & Risk Implications:

There is a statutory requirement to complete the review within 18 months.

Policy & Impact Assessment:

Review may alter income levels of taxi/private hire car operators as well as costs to users of taxis/private hire cars.

Consultation:

Tony Beattie, Taxi Operator, West Fife Zone
Brian Buchanan, Taxi Operator, West Fife Zone
Chris Chandler, Ellis Taxis, Kirkcaldy Zone
Colin Fraser, Taxi & Private Hirers Association of Glenrothes
John Gibb, Taxi Operator, East Fife Zone
Sam Green, Taxi Operator, Levenmouth Zone
Robert Gregory, Taxi Operator, West Fife Zone
Dawn Hunter, Kirkcaldy Taxi Association
William Laing, Taxi Operator, Glenrothes & West Fife Zones
Susan Morrison, Taxi Operator, East Fife
Eddie Provan, Taxi Operator, East Fife Zone
St. Andrews Taxis, Taxi Operator, East Fife Zone
William Watson, Taxi Operator, Glenrothes
Iain Wilson, Taxi Operator, West Fife Zone

1.0 Background

- 1.1 In terms of the Civic Government (Scotland) Act 1982, Taxi Fare Scales require to be reviewed and completed within 18 months of the last review.
- 1.2 The last Review came into operation on 5th December, 2022 and, following consultations with the Taxi Associations/Taxi Operators in the forthcoming Review, any changes will be implemented on 3rd June 2024.

2.0 Issues and Options

- 2.1. Consultations require to be carried out with the Taxi Association/Taxi Operators before the Committee takes a decision on the Review.
- 2.2 In 2022 the consultations were carried out by a Sub-Committee of this Committee which consisted of the Convener, Vice-Convener and four other members and it is suggested that a similar arrangement should be continued, if necessary.

3.0 Conclusions

- 3.1 In order to enable a decision to be taken by this Committee and still allow appropriate time for advertising and the lodging of appeals, if any, a decision on the Review will require to be taken by this Committee at its meeting on 12th March, 2024.
- 3.2 A report, therefore, will be submitted to this Committee on 12th March, 2024 for a decision on what the fare scale will be for the 12 months following 3rd June, 2024.

Background Papers

The Civic Government (Scotland) Act 1982, The Criminal Justice and Licensing (Scotland) Act 2010 and the current Taxi Fare Scale, with effect from 5th December, 2022.

Report Contact

Gillian Love, Lead Officer, Miscellaneous Licensing, Fife House

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E-mail: Gillian.love@fife.gov.uk

Date: 13 February, 2024
Agenda Item No: 7

Miscellaneous Licensing - Review of Fees

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

Wards Affected: All

Purpose

The Committee is asked to approve the increases to Miscellaneous Licensing Fees effective from 1 April 2024.

Recommendation(s)

It is recommended that the Committee approves the fees detailed in Appendix 1 of this report in respect of miscellaneous licensing with effect from 1st April, 2024.

Resource Implications

None

Legal & Risk Implications

The Civic Government (Scotland) Act 1982 gives the Council as licensing authority discretion in setting fees in respect of applications for licences under the 1982 Act and requires the authority to review the fees from time to time to ensure that the total amount of fees covers their administrative expenses in processing the applications. Fees and expenditure in respect of taxi and private hire cars including drivers require to be accounted for separately from the other types of miscellaneous licensing.

Impact Assessment

An EqIA is not required as this report does not propose a change or revision to existing policies and practices.

Consultation

The Head of Finance has been consulted in respect of the proposed fee increases. Environmental Health Service has been consulted in respect of licences in which they have an involvement.

1.0 Background

- 1.1 The 1982 Act requires the Council to review fees for licence applications to ensure that the fees generally meet the costs of administering the licensing system. The fees were last reviewed by this committee on 12 March 2019 and increased with effect from 1 April 2019. Appendix 1 to this report shows the table of fees proposed to be applied from 1 April 2024.
- 1.2 In setting fees and expenses in relation to taxis and private hire cars section 12 of the 1982 Act requires the authority to seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions in respect of taxi/private hire car licence applications. This means that the total fees received in respect of applications for licences for taxi and private hire car operators, booking offices and taxi and private hire car drivers must be broadly equivalent to the costs and expenses of administering these applications. The costs and expenses for these type of licences include the costs for inspection and testing of vehicles, provision of plates and badges, the costs of medical inspections for some drivers as well as staffing, printing and other overheads and central support costs incurred by the Council.
- 1.3 Environmental Health Service previously carried out an exercise examining the costs incurred by them in supporting the miscellaneous licensing functions of the Council. They identified that certain types of application (principally skin piercing and tattooing) required officers to visit premises sometimes on more than one occasion and that the licensing fee was not sufficient to meet the costs of these visits. Inspections are also carried out in respect of cinema licences, late hours catering licences, some street traders' licences, indoor sports entertainment licences, public entertainment licences and market operators' licences.

2.0 Issues and Options

- 2.1 The Head of Finance and the Head of Legal Services have over the past few months carried out a detailed accounting exercise to identify the costs incurred in administering the taxi/private hire car applications including drivers, as well as the fee income. The total cost and expenditure statement is attached as Appendix 2 and shows that the expenditure exceeds the fee income by £23,450. The proposed increases in fees for taxi/private hire cars of approximately 10% as listed in Appendix 1 have been calculated to ensure as far as possible that the total fee income for taxi applications in the

forthcoming financial year meets the costs and expenditure of administering the scheme of licensing for taxis.

- 2.2 Environmental Health have advised that they are increasing their inspection fees by 3% in April, these new charges are detailed in the report.
- 2.3 In addition to the inspection fees set out in the foregoing paragraphs, it is proposed to increase the fees for miscellaneous licensing (other than taxis/private hire cars) by approximately 10%, as shown in Appendix 1. These fees have not increased for 5 years and the increase will meet increases in staffing and other costs over this period. Detailed work on the total cost of these types of licensing will be carried out in the forthcoming financial year.
- 2.4 The Miscellaneous Licensing Team currently carries out a number of additional administration tasks that take a considerable amount of time without charge. It is proposed that admin fees be introduced for each of these tasks, as listed in Appendix 1.
- 2.5 It is proposed to increase the fees for both taxi/private hire car applications and miscellaneous licensing applications on an annual basis in line with the Council's policy on increases in fees.

3.0 Conclusions

The increase in fees for taxi and private hire car licensing including drivers and booking offices is required to ensure that the total fees received cover the costs of administering the licensing regime. The increase in relation to the remaining miscellaneous licensing in the remit of this committee is reasonable and proportionate and will contribute to the aim of ensuring that the fee income meets in full the cost of administering the miscellaneous licensing system.

APPENDICES

Appendix 1 – List of Fees from 1 April 2024

Appendix 2 – Total Cost Statement for Taxi/Private Hire Car Licensing

Background Papers

- None.

Report Contact

Gillian Love

Finance and Corporate Services

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Activity

		£	
Taxi Operator	1	242	
	3	556	
Private Hire Car Operator	1	242	
	3	556	
Taxi/Private Hire Car Booking Office	3	567	
Taxi/Private Hire Driver	1	72	
	3	176	
Second Hand Dealer	3	176	
Metal Dealer	3	385	
Itinerant Metal Dealer	3	385	
Boat Hire	1	72	
	3	176	
Street Trader	1	72	(£103 separate fee for cert. of comp.)
	3	176	(£103 separate fee for cert. of comp.)
Market Operator	1	193	
	3	484	
Public Entertainment	3	176	
Indoor Sports Entertainment	3	176	
Late Hours Catering/Variation	3	273	(inc. £31 Environmental Health fee)
Window Cleaner	1	72	
	3	176	
Sex Shop	3	429	
Skin Piercing & Tattooing	3	173	(inc. £52 inspection fee - applies to ear piercing only)
		224	(inc. £103 inspection fee - all others)
Knife Dealers	3	556	
Cinema	1	283	(inc. £52 inspection fee - 1-3 screens)
		334	(inc. £103 inspection fee - 4 + screens)
Temporary Licences	6 weeks or less	44	(Taxi Drivers & Window Cleaners)
	6 weeks or less	55	(all other activities)

New Admin fees

Substitution of taxi or private hire	Each vehicle	30
Partnership additions – taxis or private hire	Each vehicle	30
Street Trader – new or additional locations, substitute vehicles or certificates of compliance only	Each service	30
Duplicate licence	Per licence	10

Legal Services - Taxi Licensing Total Cost Statement

	2022-23
	£
<u>Income</u>	
Licensing Income	(275,274)
	<u>(275,274)</u>
 <u>Employee Costs</u>	
Staff Costs	171,159
Medical Expenses	10,728
	<u>181,886</u>
 <u>Transport Costs</u>	
Vehicle Repairs & Maintenance	53,207
Travel Expenses	587
	<u>53,794</u>
 <u>Supplies & Services</u>	
Materials	1,362
Printing/Photocopying	952
Stationery Costs	1,403
Professional Fees	1,712
IT Costs	1,242
Mobile Phones	122
Postages/Frinking	1,428
Publications	30
Advertising	892
Liability Insurance	991
	<u>10,135</u>
 <u>Overheads</u>	
Finance & Corporate Services	9,698
Business Technology Solutions	8,460
Finance	488
Human Resources	1,872
Legal & Democratic Services	2,234
Revenue & Commercial Services	18,843
Facilities Management	9,077
Change & Improvement	994
Communications & Customer Insight	379
Customer Services	831
Local Offices	31
	<u>52,909</u>
 Expenditure	 <u><u>298,724</u></u>
 (Surplus)/Deficit	 <u><u>23,450</u></u>

13 February 2024

Agenda Item No. 8

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 October 2023 – December 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 October 2023 – 31 December 2023.

2.2 The Enforcement Officer has undertaken 31 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 Licence 1
- Market Operator Licence 2
- Second Hand Dealers 1
- Skin Piercing & Tattooing 2
- Taxi Drivers 20
- Vehicle Operators 5

2.3 These have resulted in the following outcomes/disposals:

- Advice 9
- Assistance Provided 4
- Licence Applied For 5
- Monitored 1
- Unfounded 6
- Verbal Warning 1
- Written Warning 2
- Withdrawn 3

Further details can be found in Appendix 1.

2.4 20 Spot checks have been conducted by the Enforcement Officer on the following licensed activities:

- Late Hours Catering 3
- Second Hand Dealers 3
- Skin Piercing & Tattooing 2
- Street Traders 3
- Taxi Drivers 9

This included 2 separate joint operations with police officers from Police Scotland.

2.5 These have resulted in the following outcomes/disposals:

- No Issues 13
- Non-compliance with conditions of licence 7

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 9 rank 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:

- An unlicensed individual advertising the use of executive vehicles for hire and reward
- Several taxi operators and drivers on minor complaints from the public or other operators/drivers
- A concerned operator regarding Uber operating in Fife
- A taxi driver who may have facilitated shoplifters leaving the scene after committing theft
- A local businessman on the licensing requirements for selling swords, knives, etc.
- A complainer regarding noise nuisance from a late hours catering premises

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 applications.

Licences Applied For

Market Operator Licences were applied for after intervention from the Enforcement Officer into unlicensed events.

Skin Piercing & Tattooing Licences were applied for after intervention from the Enforcement Officer into unlicensed activities.

A Vehicle Operator applied to substitute his vehicle after intervention from the Enforcement Officer regarding damage to his vehicle.

Monitor

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

Unfounded

6 complaints were considered unfounded after investigation; these all related to taxi drivers.

Verbal Warning

1 verbal warning was given to a vehicle operator after it was established that they had allowed the MOT on one of their fleet of taxis to expire. It was MOT'd the same day that it was pointed out to them and put down to an administrative error.

Written Warning

2 taxi drivers have been issued with written warnings:

One driver has been accused of inappropriate conduct in the taxi and the matter has also been reported to the police with an investigation ongoing. The warning has been issued pending the outcome of the police investigation.

One driver of a private hire car had parked in a taxi rank to pick up a hire. He had not yet attended the Taxi Driver Training Course and claimed to be unaware of the rank rules.

Withdrawn

3 taxi driver applications were withdrawn following intervention from the Enforcement Officer when it became clear that they were unaware of the restrictions on the lawful licensed activity.

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 Late Hours Catering premises
- 3 Second Hand Dealers trading in motor vehicles
- 2 Skin Piercing & Tattooing premises offering acupuncture
- 3 Street Traders
- 9 Taxi Drivers

These included a joint inspection of Skin Piercing & Tattooing premises with PS Ewing, licensing sergeant of Police Scotland which revealed that both premises were unlicensed. Both have now applied for the appropriate licences.

A joint operation was also carried out with the Community Policing team at Kirkcaldy Police Station into Late Hours Catering premises and taxis on a Friday night. This resulted in 2 premises found to be operating after 11pm without licences and were warned accordingly. Both premises have now applied for the appropriate licences. No issues were found with the other premises.

Of the 9 taxi drivers checked, 6 were found to have no issues. 3 received warnings for breaches of the conditions of their licences:

1 driver was sent off the rank to retrieve his ID badge as he did not have it with him, he was wearing a tracksuit in contravention of the dress code (which he admitted he was unaware of) and the vehicle was in a dirty state internally.

1 driver was sent off the rank to retrieve her ID badge as she did not have it with her, no fare scale notice was within the taxi and the vehicle was in a dirty state externally and internally.

1 driver was warned due to the dirty state of the vehicle, particularly the uncovered rear seats.