

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 11th April, 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 14th March, 2023. 5 - 11

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- 4. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE** 13 - 18
 - Report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in February, March and April, 2023.
- 5. **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:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(i)	Dale Carpenter	Taxi Driver (new application)	1 year
(ii)	Innes Christie	Taxi Driver (new application)	1 year
(iii)	Naeem Khalid	Taxi Driver (new application)	1 year
(iv)	Mark McGillvary	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(v)	Alan Manzie	Taxi Driver (new application)	1 year
(vi)	Scott Reid	Taxi Driver (new application)	1 year
(vii)	Keiren Spowart	Taxi Driver (new application)	1 year
(viii)	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.

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

- 6. 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>
William Anderson	Taxi Driver 8413/0046718 Expiry Date: 18 November 2025

- 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 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>
(D)	(i) Lee Davidson	Taxi Driver (new application)	1 year
	(ii) Thomas Nicolson	Taxi Driver (new application)	1 year
	(iii) Shafiq Rehman	Taxi Driver (renewal)	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 (i) above is continued from the meeting held on 14th March, 2023.

8. **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) 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
	(ii) Maros Gamec	Taxi Driver (new application)	3 year
(D)	(iii) Amanat Shah	Taxi Driver (renewal)	3 year

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

(D) Deferral - Consideration of the applications at (i) and (iii) above is continued from the meeting held on 14th March, 2023.

9. **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

5th April, 2023

If telephoning please ask for:-

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

14th March, 2023

9.30 a.m. – 12.05 p.m.

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, Lea McLelland, David MacDiarmid, Julie MacDougall, John O'Brien, Nicola Patrick, Gordon Pryde and Jonny Tepp.

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 Sean Dillon and Darren Watt.

11. MINUTE

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

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

12. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S 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 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 a taxi/private hire car driver's licence had been suspended with immediate effect.

13./

13. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 14TH - 16TH APRIL, 2023**

The Committee considered a report by Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen non BBFC certificated films.

Decision

The Committee agreed to grant permission to allow specific non-BBFC certificated films, from the list of titles circulated to the Committee, to be shown in the Byre Theatre, St. Andrews between 14th and 16th April, 2023.

14. **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)	Mohammed Al-Shaibany	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Mohammed Ajmal	Taxi Driver (new application) 3 year
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Motion

Councillor Ballantyne-Wardlaw, seconded by Councillor Hayes, moved that the licence be granted.

Amendment

Councillor Lindsay, seconded by Councillor O'Brien, 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.

2023.R.L.12

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

Motion

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

Amendment

Councillor Lindsay, seconded by Councillor O'Brien, moved, as an Amendment, that the licence be granted with a warning and requested that the applicant re-attend the next taxi driver's training course in Fife House, Glenrothes.

Vote

Amendment - 8
Motion - 6

Decision

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

(d)	Grant Robertson	Taxi Driver (new application) 1 year
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Motion

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

Amendment

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

Vote

Amendment - 6
Motion - 8

Decision

The Committee agreed to grant the licence.

2023.R.L.13

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

Motion

Councillor Patrick, seconded by Councillor Pryde, moved that the licence be granted.

Amendment

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

Vote

Amendment - 5
Motion - 9

Decision

The Committee agreed to grant the licence.

(f)	Mark White	Taxi Driver (renewal) 3 year
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Decision

The Committee agreed to refuse the licence.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (a) and (f) were all present and heard. The applicant at (b) above was represented by Edward Grice, National Private Hire and Taxi Association.

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.

Consideration of the applications at (a), (d) and (f) above was continued from the meeting held on 14th February, 2023.

The reason for refusal of the applications at (a) and (f) 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 a previous conviction recorded against them or because of an incident they were involved in..

15. **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.

16. **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)	Ali Ahidar	Taxi Driver (renewal) 1 year

Motion

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

Amendment

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

Vote

Amendment - 9
Motion - 4

Decision

The Committee agreed to grant the licence with a warning.

(b)	Andy Anderson	Taxi Driver (renewal) 1 year
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Motion

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

Amendment/

(Councillor O'Brien left the meeting prior to discussion of the application at (a) above and re-entered the meeting prior to the discussion of the application at (b) above).

(Councillor Ellis left the meeting during consideration of the application at (b) and re-entered the meeting during consideration of the same application but took no part in the decision).

17. **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 continue consideration of the above application to its next meeting to afford the applicant an opportunity to appear.

(b) Amanat Shah	Taxi Driver (renewal) 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 an opportunity to appear.

The applicants and objector had been invited to attend and be represented at the meeting. Both of the above applicants were not in attendance.

11th April 2023

Agenda Item No. 4

Annual Taxi/Private Hire Car Inspection Report for February to April Tests - Levenmouth Zone

Report by: Billy Ferguson, Service Manager, Fleet Operations

Wards Affected: 22 and 23

Purpose:

To advise the Committee of the outcome of the Annual Taxi and Private Hire Car Inspection Tests for the Levenmouth Zone.

Recommendation:

It is recommended that:

- (1) a random inspection test, three 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 one random inspection test.

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 Levenmouth Zone from February to April 2023.
- 1.2 Of the 87 vehicles licensed in Levenmouth, 86 passed first time, which equates to 99%, 1 failed and passed on re-test equating to 1%. The percentage pass rate in 2022 was 98%.
- 1.3 Summaries of the results and failures are attached in Appendix 1 to this report.

2.0 Issues and Options

- 2.1 As well as considering a random test of the vehicle that failed the test, the Committee, may deem it appropriate to:
 - consider whether or not to hold a Hearing, for the operator whose vehicle failed the test, 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 I am delighted to report that there has been a slight increase to the first-time pass rate results this year. However, Operators should be reminded of their responsibilities to maintain their vehicles at all times.

Background Papers

Hackney Carriage Test Reports for 87 vehicles.

Report Contact

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**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTION REPORT
RESULTS FOR THE LEVENMOUTH ZONE APPENDIX 1**

<u>NAME</u>	<u>PL. NO.</u>	<u>DATE OF REG.</u>	<u>MAKE</u>	<u>MODEL</u>	<u>DATE OF TEST</u>	<u>RESULT</u>
ANDERSON, William	P013	28/03/2018	VW	PASSAT	03/03/2023	PASS
BONE, William	P002	01/04/2021	SKODA	OCTAVIA	02/03/2023	PASS
	P006	24/08/2017	SEAT	TOLEDO	17/03/2023	PASS
	P016	17/03/2020	SEAT	LEON	08/03/2023	PASS
	P040	22/02/2018	SEAT	TOLEDO	08/03/2023	PASS
BOYNE, Margaret	T015	14/09/2018	SKODA	OCTAVIA	01/03/2023	PASS
GILLAN, James	P015	06/04/2018	FORD	TOURNEO	22/03/2023	PASS
GOODSIR, David	P004	24/02/2017	CITREON	RELAY	21/03/2023	PASS
	P017	26/04/2019	RENAULT	MASTER	15/03/2023	PASS
	P018	03/06/2015	PEUGEOT	BOXER	21/03/2023	PASS
	P023	05/12/2016	CITROEN	RELAY	17/03/2023	PASS
	P036	15/05/2018	PEUGEOT	BOXER	24/03/2023	PASS
	P039	31/12/2017	FORD	TRANSIT	23/03/2023	PASS
	P041	27/12/2017	PEUGEOT	BOXER	16/03/2023	PASS
	P044	22/05/2015	RENAULT	MASTER	09/03/2023	PASS
	P047	28/12/2018	PEUGEOT	BOXER	14/03/2023	PASS
	P054	30/12/2016	PEUGEOT	BOXER	22/03/2023	PASS
	P001	14/02/2017	PEUGEOT	BOXER	09/03/2023	PASS
	P042	03/04/2017	FIAT	DUCATO	02/03/2023	PASS
	P056	15/03/2018	VAUXHALL	MOVANO	08/03/2023	PASS
GREEN, Sam	P021	10/03/2016	SEAT	TOLEDO	08/03/2023	PASS
	P049	15/06/2018	SEAT	TOLEDO	21/03/2023	PASS
KENNEDY, Lorraine	P050	27/11/2020	SKODA	OCTAVIA	23/03/2023	PASS
	P058	06/02/2019	RENAULT	TRAFIC	21/03/2023	PASS
	T023	13/03/2020	SEAT	LEON	03/03/2023	PASS
	T042	11/03/2020	SKODA	OCTAVIA	08/03/2023	PASS
LAWSON, William	P007	26/07/2017	SEAT	TOLEDO	08/03/2023	PASS
	P048	01/07/2015	SKODA	OCTAVIA	08/03/2023	PASS
	T017	22/04/2016	DACIA	LOGAN	16/03/2023	PASS
LYLE, James	T003	28/07/2022	KIA	CEED	22/03/2023	PASS

<u>NAME</u>	<u>PL. NO.</u>	<u>DATE OF REG.</u>	<u>MAKE</u>	<u>MODEL</u>	<u>DATE OF TEST</u>	<u>RESULT</u>
MCCALLUM, James	T031	07/03/2018	FORD	JOURNEY GRAND	10/03/2023	PASS
	P034	31/10/2014	FORD	TOURNEO	15/03/2023	PASS
	T005	15/05/2015	MERCEDES-BENZ	E220	14/03/2023	PASS
	T022	25/08/2017	MERCEDES	E220	08/03/2023	PASS
MCWILLIAMS, Alan	P055	12/12/2016	FORD	TOURNEO	23/03/2023	PASS
MCWILLIAMS, Amanda	P012	22/07/2014	VAUXHALL	ZAFIRA	21/03/2023	FAIL
	P019	17/05/2019	FORD	TOURNEO	02/03/2023	PASS
	P033	18/01/2017	FORD	MONDEO	14/03/2023	PASS
	T009	18/01/2017	FORD	MONDEO	08/03/2023	PASS
MELDRUM, Carole	T041	29/05/2018	SEAT	TOLEDO	03/03/2023	PASS
MELDRUM, Peter	P005	09/03/2017	MERCEDES	VITO	16/03/2023	PASS
	P011	17/06/2015	CITREON	BERLINGO	22/03/2023	PASS
	P020	10/07/2015	SEAT	TOLEDO	15/03/2023	PASS
	T002	02/12/2021	KIA	CEED	15/03/2023	PASS
	T010	29/03/2017	SEAT	TOLEDO	02/03/2023	PASS
	T011	29/01/2016	SEAT	TOLEDO	23/03/2023	PASS
	T016	09/07/2018	FORD	GRAND C MAX	01/03/2023	PASS
	T028	18/07/2016	CITROEN	PICASSO	17/03/2023	PASS
T033	28/03/2018	SEAT	TOLEDO	10/03/2023	PASS	
NISBET, Andrew	P008	05/07/2013	PEUGEOT	HORIZON	09/03/2023	PASS
	P025	21/11/2017	FORD	PROCAB	08/03/2023	PASS
PAGE, John	T032	14/07/2020	SKODA	OCTAVIA	16/03/2023	PASS
PAGE, Lindsey	T034	11/09/2020	SKODA	OCTAVIA	09/03/2023	PASS
	T008	29/05/2018	SEAT	TOLEDO	08/03/2023	PASS
ROBERTSON, Gordon	P009	07/07/2016	HYUNDAI	I800	15/03/2023	PASS
SMITH, Alister	T021	01/03/2022	KIA	CEED	14/03/2023	PASS
SMITH, John David	T026	12/03/2019	SKODA	OCTAVIA	10/03/2023	PASS

<u>NAME</u>	<u>PL. NO.</u>	<u>DATE OF REG.</u>	<u>MAKE</u>	<u>MODEL</u>	<u>DATE OF TEST</u>	<u>RESULT</u>
TAXI CENTRE FIFE LIMITED	T007	20/06/2018	VOLKSWAGEN	CADDY-MAXI	22/03/2023	PASS
	P024	31/10/2019	SKODA	OCTAVIA	16/02/2023	PASS
	P026	06/12/2017	RENAULT	TRAFIC	04/04/2023	PASS
	P028	19/12/2017	CITROEN	BERLINGO	23/03/2023	PASS
	P031	18/01/2022	SKODA	OCTAVIA	03/03/2023	PASS
	P037	18/01/2022	SKODA	OCTAVIA	09/03/2023	PASS
	P053	30/09/2021	VOLKSWAGEN	CADDY MAXI	15/03/2023	PASS
	T012	05/12/2022	SKODA	SCALA	02/03/2023	PASS
	T018	16/03/2023	SKODA	OCTAVIA	23/03/2023	PASS
	T027	25/06/2019	SEAT	LEON	16/03/2023	PASS
	T029	11/02/2022	KIA	CEED	03/03/2023	PASS
	T030	24/01/2022	SKODA	OCTAVIA	14/03/2023	PASS
	T035	11/11/2020	SEAT	LEON	15/03/2023	PASS
	T040	13/06/2019	SEAT	LEON	14/03/2023	PASS
	T024	05/12/2022	SKODA	SCALA	02/03/2023	PASS
	P022	16/11/2021	FORD	TOURNEO	02/03/2023	PASS
	T025	16/10/2017	VW	CADDY MAXI	10/03/2023	PASS
	T036	02/03/2020	SEAT	LEON	17/03/2023	PASS
	T039	13/03/2018	SEAT	LEON	08/03/2023	PASS
	WALLACE, John	T001	29/09/2020	SKODA	OCTAVIA	08/03/2023
T006		29/09/2020	SKODA	OCTAVIA	10/03/2023	PASS
T013		29/09/2020	SKODA	OCTAVIA	02/03/2023	PASS
WHITTLE, Karen	P032	08/10/2018	FORD	MONDEO	17/03/2023	PASS
	P035	18/10/2018	FORD	MONDEO	10/03/2023	PASS
	T004	03/03/2014	FORD	MONDEO	01/03/2023	PASS
	T020	28/09/2018	FORD	MONDEO	16/03/2023	PASS
WHITTLE, Thomas	P027	09/02/2015	FORD	MONDEO	14/03/2023	PASS
	T037	30/06/2017	FORD	MONDEO	21/03/2023	PASS
	T038	05/12/2018	FORD	MONDEO	01/03/2023	PASS
WILSON, David	T014	14/10/2019	SKODA	OCTAVIA	09/03/2023	PASS

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

Name	Date of Reg	Plate No.	Date of Re-Test	Faults
MCWILLIAMS, Amanda	22/07/2014	P012	28/03/2023	1. No spare wheel or repair kit 2. Front imbalance on brakes 3. O/S passenger belt holed 4. Extinguisher in the red Advisories at fail: 1. Gearbox leak 2. N/S wing dented 3. Driver door dented 4. N/S/R arch dented. Rear bumper scuffed. Boot lid damaged. Pass at Re-Test Advisories: 1. Gearbox leak 2. N/S wing dented 3. Driver door dented 4. N/S/R arch dented. Rear bumper scuffed. Boot lid damaged.