

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

16th May, 2023

9.30 a.m. – 12.48 p.m

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Sean Dillon, Gavin Ellis, Alycia Hayes, Donald Lothian, Lea McLelland, David MacDiarmid, John O'Brien, 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, Service Manager and Steven Duffy, Workshop Team Manager both Fleet Operations (for item 29 only).

APOLOGIES: Councillors Carol Lindsay, Julie MacDougall and Nicola Patrick.

27. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 11th April, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

28. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCES

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 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 had been suspended with immediate effect.

29./

29. **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 February to May, 2023.

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 one operator, who had vehicles failing in the past, be brought in to the next Committee for possible suspension of his licence and those other operators, whose vehicles failed the test, be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of their vehicles.

30. **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 January to March, 2023.

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 three 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.

31. **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)	Dale Carpenter	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)/

2023.R.L.26

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

Decision

The Committee agreed to grant the licence.

(c)	Alan Manzie	Taxi Driver (new application) 1 year
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Motion

Councillor Ellis, seconded by Councillor O'Brien, moved that the licence be granted.

Amendment

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

Vote

Amendment	-	3
Motion	-	9

Decision

The Committee agreed to grant the licence.

(d)	Terence Stubbs	Taxi Driver (new application) 1 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 (d) were present and heard.

Consideration of the applications at (a), (c) and (d) above was continued from the meeting held on 11th April, 2023.

(Prior to consideration of the application at (c) above, Councillor Hayes declared an interest in this item, as she was known to the applicant, and left the meeting for this item only).

2023.R.L.27

The reason for refusal of the applications at (a) and (d) 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.

32. **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 the Council's Civic Government Licensing Enforcement Officer thereon, dealt with the licence as shown:-

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

The licenceholder had been invited to attend and be represented at the meeting but was not present.

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; (ii) the carrying on of the activity to which the licence related was likely to cause a threat to public safety; and (iii) conditions of the licence had been contravened.

33. **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.

34. **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 Council's Lead Officer, Miscellaneous Licensing thereon, dealt with the licence as shown:-

2023.R.L.28

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
Stephen Greens	Taxi Driver 3178/0046964 Expiry Date: 18 December 2023

Decision

The Committee noted that the licenceholder had surrendered his licence.

The licenceholder had been invited to attend and be represented at the meeting but was not present.

35. **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)	James Barclay	Taxi Driver (renewal) 3 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	John Mackenzie	Taxi Driver (renewal) 1 year
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Motion

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

Amendment

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved, as an Amendment, that the licence be granted with a warning.

Vote

Amendment	-	7
Motion	-	6

Decision

The Committee agreed to grant the licence with a warning.

2023.R.L.29

- (c) Lee Faulks Window Cleaner
(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.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicant at (c) were present and heard. The applicant at (a) was supported by his employer, Mitchell Harley, Taxi Operator.

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.

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), dealt with the applications as shown:-

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

Decision

The Committee noted that the applicant had now withdrawn his application for a Taxi Driver's licence.

(b)	Paul Maksymuik	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the applicant had now withdrawn his application for a Taxi Driver's licence.

(c)	Stephen Whitehurst	Taxi Driver (new application) 1 year
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2023.R.L.30

Motion

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

Amendment

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

Vote

Amendment	-	6
Motion	-	6

The Convener exercised his casting vote in favour of the Amendment.

Decision

The Committee agreed to grant the licence with a warning.

The applicants and objector had been invited to attend and be represented at the meeting and all were present and heard. The applicant at (c) was represented by his Solicitor Iain McCafferty, Glenrothes.

Consideration of the application at (a) above was continued from the meeting held on 11th April, 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.
