

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 & 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 & 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 |
|-----|-------------|--|

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 & 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 & Expiry Date</u> |
|-----|------------------------------|---------------|--|
| (d) | Sam Green, Booking Office | T/A Magnum | 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.

2022.R.L.31

| Applicant | Activity and period of licence applied for |
|---------------|--|
| (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 |
|---------------|------------------------------------|

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 & 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

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 & 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 |
|-----|-----------------|--|

Decision

The Committee agreed to grant the licence with a warning.

| | | |
|-----|-----------|--|
| (c) | Steven To | Taxi Driver (new application) 1 year |
|-----|-----------|--|

Decision

The Committee agreed to refuse the licence.

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.

2022.R.L.34

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 |
|-----|---------------|--|

Decision

The Committee agreed to refuse the licence.

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.

2022.R.L.35

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.
