

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

11th April, 2023

9.30 a.m. – 11.35 a.m

PRESENT: Councillors Tom Adams, Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, Lea McLelland, Julie MacDougall, Nicola Patrick, Gordon Pryde and Jonny Tepp.

ATTENDING: Neil MacDonald, Litigation and Licensing Team Manager, 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 20 only).

APOLOGIES: Councillors Lynn Ballantyne-Wardlaw, David MacDiarmid, John O'Brien, and Darren Watt.

18. **URGENT BUSINESS**

The Convener advised that in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, he had agreed that the item of business at 21 below be considered as a matter of urgency.

19. **MINUTE**

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

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

20. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in February, March and April, 2023.

Decision

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

(1)/

2023.R.L.18

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

21. **REQUEST FOR RECALL OF IMMEDIATE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

(Previous Minute Reference: para. 37 of 2022.R.L.32 and 33 refers)

The Committee considered a request from the undernoted to recall the immediate suspension of his taxi/private hire car driver's licence which was made under paragraph 11 of Schedule 1 to the above Act and, having heard the Council's Lead Officer (Miscellaneous Licensing) as well as the licenceholder thereon, dealt with the request as shown:-.

<u>Licenceholder</u>	<u>No. of Previous Licence and Length of Suspension</u>
Muhammad Anwar	2139/0043926 - suspended until expiry date of licence being 1 October 2024

Decision

The Committee agreed to recall the immediate suspension of the above licence.

The licence was returned to the licenceholder to allow him to continue to drive taxis/private hire cars until the expiry date of the licence, as above.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard.

22. **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) Dale Carpenter	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 an opportunity to appear.

(b)/

2023.R.L.19

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

Decision

The Committee agreed to grant the licence with a warning.

(c)	Naeem Khalid	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above application had now been withdrawn.

(d)	Mark McGillvary	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(e)	Alan Manzie	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 an opportunity to appear.

(f)	Scott Reid	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(g)/

2023.R.L.20

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(g)	Keiren Spowart	Taxi Driver (new application) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

(h)	Terence Stubbs	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 an opportunity to appear.

The Applicants had been invited to attend and be represented at the meeting and with the exception of the Applicants at (a), (c), (e), (g) and (h) were all present and heard.

The warning given to the Applicants at (b) and (f) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

23. **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.

24. **CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI DRIVER'S 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 taxi driver's licence, and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the licenceholder thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
William Anderson	Taxi Driver 8413/0046718 Expiry Date: 18 November 2025

Motion/

2023.R.L.21

Motion

Councillor Tepp, seconded by Councillor Pryde, moved that the licence should not be suspended.

Amendment

Councillor Lindsay, seconded by Councillor McLelland, moved, as an amendment, that the licence should be suspended.

Vote

Amendment - 5
Motion - 6

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented and was present and heard.

25. **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)	Lee Davidson	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Thomas Nicolson	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(c)/

2023.R.L.22

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

Decision

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

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicant at (a) were both present and heard.

Consideration of the application at (a) above was continued from the meeting held on 14th March, 2023.

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.

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 as well as incidents he had been involved in.

26. **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 refuse the licence.

(b)/

2023.R.L.23

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b)	Maros Gamec	Taxi Driver (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.

(c)	Amanat Shah	Taxi Driver (renewal) 3 year
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Decision

The Committee noted that the above application had now been withdrawn.

The applicants and objector had been invited to attend and be represented at the meeting. None of the above applicants were in attendance.

Consideration of the applications at (a) and (c) above was continued from the meeting held on 14th March, 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 as well as incidents he had been involved in.
