

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

15th February 2022

9.30 a.m. – 4.15 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, John Docherty, Zoe Hisbent, Lea McLelland, David MacDiarmid, Graham Ritchie and David J Ross.

ATTENDING: Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Licensing Enforcement Officer all in Finance and Corporate Services; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Bill Connor, David Graham, Garry Haldane, Gavin Ellis, Gordon Langlands, Jane Ann Liston and Ryan Smart.

OBSERVER: Lindsay Thomson, Head of Legal & Democratic Services.

417. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 14th December, 2021.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

418. **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 Civic Government (Scotland) Act 1982 having advised the Convener and Vice-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.

419./

2022.R.L.402

419. 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)	Mr. Ahmad Alghazawi	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence.

(b)	Mr. Michael Berturelli	Taxi Driver (renewal) 1 year
-----	------------------------	------------------------------------

Decision

The Committee agreed to grant the licence with a warning.

(c)	Mr. Michael Beveridge	Taxi Driver (new application) 1 year
-----	-----------------------	--------------------------------------------

Motion

Councillor Graham Ritchie, seconded by Councillor David J Ross, moved that the licence be granted.

Amendment

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

Vote

Amendment	-	4
Motion	-	4

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

Decision

The Committee agreed to grant the licence with a warning.

(d)/

2022.R.L.403

Applicant

Activity & Period of Licence Applied For

- (d) Mr. Madhav Chhetri Taxi Driver
(new application)
1 year

Decision

The Committee agreed to refuse the licence.

- (e) Mr. Muhammad Din Bibi Taxi Driver
(new application)
3 year

Motion

Councillor John Docherty, seconded by Councillor David J Ross, moved that the licence be granted with a warning.

Amendment

Councillor Alistair Cameron, seconded by Councillor David MacDiarmid, moved, as an Amendment, that the licence be refused.

Vote

Amendment - 3
Motion - 5

Decision

The Committee agreed to grant the licence with a warning.

- (f) Mr. Lee Gilmour Taxi Driver
(new application)
1 year

Decision

The Committee agreed to grant the licence.

- (g) Miss Laura Harkins Taxi Driver
(new application)
1 year

Motion

Councillor Alistair Cameron, seconded by Councillor Graham Ritchie, moved that the licence be granted with a warning.

Amendment/

2022.R.L.404

Amendment

Councillor Lea McLelland, seconded by Councillor David J Ross, moved, as an Amendment, that the licence be granted.

Vote

Amendment - 5
Motion - 3

Decision

The Committee agreed to grant the licence.

- (h) Mr. Aidan Niven 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.

- (i) Mr. Sean Penman Taxi Driver
 (new application)
 1 year

Decision

The Committee agreed to grant the licence subject to further satisfactory information being submitted to the Council's Licensing Team.

- (j) Mr. Jamie Scott 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.

- (k) Mr. Mark Stewart Taxi Driver
 (renewal)
 3 year

Decision

The Committee agreed to grant the licence with a warning.

(l)/

2022.R.L.405

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(l)	Mr. Iain Watt	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.

The Applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (h), (j) and (l) were all present and heard. The Applicant at (e) was supported by his friend, Mr Adeel Afzal and the Applicant at (g) was supported by her prospective employer, Mr. James Glen, Taxi Operator, East Fife.

Consideration of the applications at (d), (e) and (f) above was continued from the meeting held on 23rd November, 2021.

The warning given to the applicants at (b), (c), (e) and (k) 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 previous convictions recorded against him.

420. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES**

The Committee considered exercising its 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 Council's Civic Government Enforcement Officer on the matter at (a) and the representative for Police Scotland (Fife Division) on the matter at (b) as well as the licenceholders thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Mr. Brian Gunn	Taxi Driver 2461/0043158 Expiry Date: 7 March 2022

Motion

Councillor David MacDiarmid, seconded by Councillor Alistair Cameron, moved that the licence not be suspended.

Amendment/

2022.R.L.407

421. 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.

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

(Previous Minute Reference: para. 408 of 2021.R.L.393 and 394 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 Civic Government (Scotland) Act 1982 and, having heard the representative for Police Scotland (Fife Division) and the Council's Lead Officer, Miscellaneous Licensing as well as the applicant thereon, dealt with the request as shown:-.

<u>Applicant</u>	<u>No. of Previous Licence and Length of Suspension</u>
Mr. Imran Hanif	2496/0043412 - suspended for a period of 1 year until 2nd November 2022

Decision

The Committee agreed to recall the immediate suspension of the above licence. The licence was returned to the applicant. The Committee also added a warning to the existing licence.

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

The warning given was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

423. 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 thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Mr. Michael Burt	Taxi Driver 8455/0043027 Expiry Date: 5 March 2022

Decision/

Decision

The Committee agreed not to suspend the licence.

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

424. 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)	Mr. Muhammad Ayaz	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	Mr. Derek Bruley	Taxi Driver (renewal) 1 year
-----	------------------	------------------------------------

Decision

The Committee agreed to refuse the licence.

(c)	Mr. Edward Dunn	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.

(d)	Miss Samantha McQueen-White	Taxi Driver (renewal) 3 year
-----	-----------------------------	------------------------------------

Decision

The Committee agreed to grant the licence.

(e)/

2022.R.L.409

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(e)	Mr. Alexander Moir	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.

(f)	Mr. Ryan Nellies	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.

The Applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (c), (e) and (f) were all present and heard. The Applicant at (d) was supported by her mother, Margaret White.

Consideration of the applications at (c) and (f) above was continued from the meeting held on 23rd November, 2021.

The warning given to the applicant at (a) 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 (b) 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 incident he had been involved in.

425. **OPPOSED APPLICATIONS**

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(a)	Mr. Paul Davies	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)/

2022.R.L.410

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(b) Mr. Thomas Kerr	Taxi Driver (temporary application) 6 weeks

Decision

The Committee agreed to refuse the licence.

(c) Mr. William McHale	Taxi Driver (temporary application) 6 weeks
------------------------	---------------------------------------------------

Decision

The Committee agreed to grant the licence.

(d) Mr. Jordan Slaven	Taxi Driver (new application) 1 year
-----------------------	--------------------------------------------

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 with the exception of the Applicant at (a) were all present and heard. The Applicant at (b) was supported by his friend, Steven Dunsmuir.

The warning given to the Applicant at (d) 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 (b) above was that the Applicant was not considered to be a fit and proper person to hold the licence applied in view of the nature and extent of previous convictions recorded against him and an incident he had been involved in.
