

Council Chamber, Fife House, Glenrothes
Tuesday, 4th October, 2022 - 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 6th September, 2022. 3 - 11

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

4. **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) Gillian Aitken | Taxi Driver (new application) | 1 year |
| (D) | (ii) Tomas Kristof | Taxi Driver (new application) | 1 year |
| | (iii) Steven To | Taxi Driver (new application) | 1 year |
| | (v) Karen Whittle | Vehicle Operator – P035 – Levenmouth Zone (renewal) | 1 year |

| | <u>Applicant</u> | <u>Activity</u> | <u>Period of Licence Applied For</u> |
|------|--------------------------|---|--------------------------------------|
| (vi) | Thomas and Karen Whittle | Vehicle Operator – P027 – Levenmouth Zone (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 applications at (i) and (ii) above is continued from the meeting held on 6th September, 2022.

5. 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> |
|-------|------------------|---|--------------------------------------|
| (i) | Ryan Nellies | Taxi Driver (new application) | 1 year |
| (ii) | Kenneth Swankie | Taxi Driver (new application) | 1 year |
| (iii) | Daniel Watson | Taxi Driver (new application) | 1 year |

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

6. URGENT BUSINESS - Any other items which the Convener decides are urgent.

Eileen Rowand,
Executive Director,
Finance and Corporate Services,
Fife House,
North Street,
Glenrothes,
Fife, KY7 5LT

28th September, 2022

If telephoning please ask for:-

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

6th September, 2022

9.30 a.m. – 12.50 p.m.

PRESENT: Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, 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; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors John Caffrey, Gavin Ellis, Alycia Hayes and John O'Brien.

17. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 9th August, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

18. TAXI FARE SCALE REVIEW 2022/2023

The Committee considered a report by the Executive Director, Finance and Corporate Services on the Taxi Fare Scale Review for 2022/2023.

Decision

The Committee:-

- (1) agreed to accept the recommendation of the Members on the Taxi Fare Scale Review Sub-Committee that there be an increase in the existing fares for the 12 months from 5th December, 2022 as follows:-

The flag be increased from £3.20 to £3.60 and the additional yardage be decreased from 900 yards to 600 yards at stages 1 and 2;

- (2)/

2022.R.L.14

- (2) agreed to authorise/remit to:
- (i) the Executive Director, Finance & Corporate Services to advertise the agreed tariff for 2022/2023; and
 - (ii) the Taxi Fare Scale Review Sub-Committee to consider any further representations following the advertisement of the proposed tariff; and
- (3) noted that any person would have the opportunity to make representations in writing within one month of the first publication of the proposed scales and thereafter the fixed scales would be advertised after giving any person who operates a taxi or any organisation appearing to be a representative of taxi operators the opportunity to appeal to the Scottish Traffic Commissioner within a 14 day period.

19. 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) | Dragomir Asenov | Taxi Driver (new application) 1 year |

Motion

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

First Amendment

Councillor Lindsay, seconded by Councillor Patrick, moved, as an Amendment, that the licence be granted with a warning subject to the applicant satisfying the Lead Officer, Miscellaneous Licensing and the Civic Government Licensing Enforcement Officer that he understood all conditions relating to Taxi Drivers' licences.

Second Amendment

Councillor MacDiarmid, seconded by Councillor Tepp, moved, as an Amendment, that the licence be refused.

Vote/

2022.R.L.15

Vote

Second Amendment - 2
First Amendment - 7
Motion - 3

The Motion and Second Amendment fell.

Decision

The Committee agreed to grant the licence with a warning subject to the applicant satisfying the Lead Officer, Miscellaneous Licensing and the Civic Government Licensing Enforcement Officer that he understood all conditions relating to Taxi Drivers' licences.

- (b) David Cathie Taxi Driver
(new application)
3 year

Decision

The Committee agreed to grant the licence.

- (c) Nicola Gough Taxi Driver
(new application)
1 year

Motion

Councillor Lindsay, seconded by Councillor McLelland, moved that consideration of the application be continued to the Committee's next meeting to afford the applicant a further opportunity to appear.

Amendment

Councillor MacDiarmid, seconded by Councillor Browne, moved, as an Amendment, that the application be heard there and then.

Vote

Amendment - 4
Motion - 7

Decision

The Committee agreed to continue consideration of the above application to its next meeting to afford the applicant a further opportunity to appear.

2022.R.L.16

| | <u>Applicant</u> | <u>Activity & Period of Licence Applied For</u> |
|-----|------------------|---|
| (d) | Grant Kennedy | Taxi Driver (new application) 1 year |

Decision

The Committee agreed to grant the licence.

| | | |
|-----|----------------|------------------------------------|
| (e) | Sean Kitchener | Taxi Driver (renewal) 1 year |
|-----|----------------|------------------------------------|

Decision

The Committee agreed to grant the licence with a warning.

| | | |
|-----|--------------|------------------------------------|
| (f) | Alan Mayanja | Taxi Driver (renewal) 1 year |
|-----|--------------|------------------------------------|

Motion

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

Amendment

Councillor Lindsay, seconded by Councillor Ballantyne-Wardlaw, 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 had been invited to attend and be represented at the meeting and with the exception of the applicants at (c) and (d) were all present and heard. The applicant at (a) was supported by his friend, Valentin Getov.

Consideration of the applications at (a), (b), (c), (d) and (e) above was continued from the meeting held on 9th August, 2022.

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

Councillor MacDougall asked for it to be noted that her understanding of the taxi drivers training course was that it involved an exam which would include the applicant understanding all conditions relating to taxi drivers licences and made the motion to grant the licence at (a) based on this.

20. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife Division) and the applicant thereon, dealt with the application as shown:-

| <u>Applicant</u> | <u>Activity and period of licence applied for</u> |
|------------------|---|
| David Sawko | Taxi Driver (new application) 1 year |

Decision

The Committee agreed to refuse the licence.

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

The reason for refusal of the above application 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 and offence recorded against him.

21. **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.

22./

22. **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 continue consideration of the above application to its next meeting to afford the applicant a further opportunity to appear.

| | | |
|-----|-------------|--|
| (b) | Morgan Dick | Taxi Driver (new application) 1 year |
|-----|-------------|--|

Decision

The Committee agreed to grant the licence with a warning.

| | | |
|-----|---------------|--|
| (c) | Tomas Kristof | 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) | Danielle Martin | Taxi Driver (renewal) 1 year |
|-----|-----------------|------------------------------------|

Decision

The Committee agreed to grant the licence with a warning.

2022.R.L.19

| | <u>Applicant</u> | <u>Activity & Period of Licence Applied For</u> |
|-----|------------------|---|
| (e) | David Sinclair | Taxi Driver (renewal) 3 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 with the exception of the applicants at (a) and (c) were all present and heard.

Consideration of the applications at (a), (b), (c) and (e) above was continued from the meeting held on 9th August, 2022.

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

23. **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) | Valentin Getov | Taxi Driver (new application) 1 year |

Decision

The Committee agreed to refuse the licence.

(b)/

2022.R.L.20

| <u>Applicant</u> | <u>Activity and period of licence applied for</u> |
|------------------|---|
| (b) Kaan Polat | Taxi Driver (new application) 1 year |

Prior to a decision being taken on the above application, the Committee took a vote on whether a second Police report should be released and considered by the Committee. The vote was as follows:-

Motion

Councillor McLelland, seconded by Councillor Lindsay, moved that it was necessary for a second Police report to be released and considered by the Committee.

Amendment

Councillor Pryde, seconded by Councillor Lothian, moved as an Amendment, that it was not necessary for a second Police report to be released and considered by the Committee.

Vote

| | |
|-------------|---|
| Amendment - | 6 |
| Motion - | 6 |

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

The Committee agreed that it was not necessary for a second Police report to be released and considered by the Committee.

The Committee then took a decision on the application as follows:-

Decision

The Committee agreed to refuse the licence.

The applicants and objector had been invited to attend and be represented at the meeting and were all present and heard.

Consideration of the application at (b) above was continued from the meeting held on 9th August, 2022.

The/

2022.R.L.21

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.

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 an incident he had been involved in.
