

**Council Chamber, Fife House, Glenrothes  
Tuesday, 22nd June 2021 - 9.30 a.m.**

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AGENDA

Page Nos.

- 1. **APOLOGIES FOR ABSENCE.**
- 2. **DECLARATIONS OF INTEREST.**
- 3. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 18th May, 2021. 4 - 12

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- 4. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER’S REPORT** - 13 - 18  
Report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer.
- 5. **APPLICATION FOR THE GRANT OF A TAXI OPERATOR’S LICENCE** - The Committee is asked to consider the undernoted application for the grant of a Taxi Operator’s Licence:-

<u>Applicant</u>	<u>Area and Period of Licence Applied for</u>
Mr Seán F. Ó Dúláin-Osborne, 2 The Heathers Wynd, Dunfermline.	West Fife Area - 1 year

**N.B. The applicant has been invited to attend and be represented at the meeting.**

- 6. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** – Consideration of applications for licences by the undernoted in respect of which comment has been made, and, in terms of Schedule 1 to the above Act, 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>
(i) Mr. Muhammad Arif, 41 Kennedy Crescent, Kirkcaldy.	Taxi Driver <b>(new application)</b>	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(ii) Mr. Robert Byers, 36 Laurel Crescent, Kirkcaldy.	Taxi Driver <b>(renewal)</b>	1 year
	(iii) Mr Stewart Couper, 27 Ewing Street, Cowdenbeath.	Taxi Driver <b>(new application)</b>	1 year
(D)	(iv) Mr. Travis Davidson, 21 Colton Court, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
	(v) Mr Darren Graham, 76 Woodstock Court, Waverly Drive, Glenrothes.	Taxi Driver <b>(renewal)</b>	3 year
(D)	(vi) Mr. Arturas Iesmantas, 26 Clay Acres Court, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
	(vii) Mr Brian Rodger, 15 Kenmore Terrace, Kirkcaldy.	Taxi Driver <b>(renewal)</b>	1 year
(D)	(viii) Mr. Arshdeep Singh, 16 Rothes Park, Leslie.	Taxi Driver <b>(new application)</b>	1 year
	(ix) Mr Douglas Watterston 13 Willow Crescent Glenrothes	Taxi Driver <b>(renewal)</b>	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 (ii), (iv), (vi) and (viii) above is continued from the meeting held on 18th May, 2021.**

**7. OPPOSED APPLICATION** - Consideration of application for licence by the undernoted in respect of which objections have been lodged, and, in terms of Schedule 1, paragraph 4(2) to the above Act, to hear the objectors and the applicants thereon:

<u>Applicant</u>	<u>Activity and period of licence applied for</u>	<u>Objection</u>
CR Gordon Sales Ltd., Tailabout Farm, Cupar	Second Hand Dealer selling cars from Tailabout Farm, Cupar between the hours of 9.00 am – 6.00pm 7 days a week <b>(new application)</b> 3 year	1. Annaline Barr 2. Ursula Webster

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

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

**8. APPLICATION IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE -**

Consideration of application for licence by the undernoted in respect of which Police Scotland (Fife Division) has made comment, and, in terms of Schedule 1 to the Civic Government (Scotland) Act 1982, to hear the applicant or her representative in support of the application:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
Miss Chanel Stewart, 124 Golfdrum Street, Dunfermline.	Street Trader <b>(new application)</b> Selling hot & cold food & drinks Monday – Friday 7 am – 2 pm Saturday 8 am – 1pm	1 year

**N.B. The applicant and those making representation have been invited to attend and be represented at the meeting.**

**9. OPPOSED APPLICATION -** Consideration of application for licence by the undernoted in respect of which a police objection has been lodged, and, in terms of Schedule 1, paragraph 4(2) to the above Act, to hear the objector and the applicant thereon:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
Mr John Kay, 26 Cluny Park, Cardenden.	Taxi Driver <b>(new application)</b>	1 year

**N.B. The applicant has been invited to attend and be represented at the meeting.**

**10. URGENT BUSINESS -** Any other items which the Chair decides are urgent.

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

16th June, 2021

If telephoning please ask for:-

Gillian Love, Lead Officer, Miscellaneous Licensing, Fife House, Glenrothes  
Telephone: 03451 555555; Ext. 442170 or E-mail - [gillian.love@fife.gov.uk](mailto:gillian.love@fife.gov.uk)

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**THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES**

**18th May, 2021**

**9.30 a.m. – 2.15 p.m.**

**PRESENT:** Councillors Carol Lindsay (Convener), Alistair Cameron, Bill Connor, John Docherty, Mick Green, Garry Haldane, Zoe Hisbent, Gordon Langlands, Lea McLelland, David MacDiarmid, Dominic Nolan and Graham Ritchie.

**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 David Graham, Jane Ann Liston and Ryan Smart.

**363. MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 10th November, 2020.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**364. 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 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.

365./

365. **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) or the Council's Lead Officer, Miscellaneous Licensing as well as the applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(a)	Mr. Robert Byers, 36 Laurel Crescent, Kirkcaldy.	Taxi Driver (renewal) 1 year

Motion

Councillor Graham Ritchie, seconded by Councillor John Docherty, moved that consideration of the above application be continued to the Committee's next meeting to afford the applicant a further opportunity to appear.

Amendment

Councillor Lea McLelland, seconded by Councillor Mick Green, moved as an amendment, that the application should be considered at this meeting of the Committee.

Vote

Amendment -	6
Motion -	6

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

**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)	Mr. Alister Cumming, Sherwood Cottage, Farnell, Brechin.	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence.

(c)/

## 2021.R.L.350

<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(c) Mr. Travis Davidson, 21 Colton Court, Dunfermline.	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) Mr. Ryan Dickson, 75 Mellerstain Road, Kirkcaldy.	Taxi Driver (renewal) 1 year
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### **Decision**

The Committee agreed to grant the licence.

(e) Mr. Mark Gorgon, 21 Henderson Terrace, Leuchars.	Taxi Driver (new application) 1 year
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### **Decision**

The Committee agreed to grant the licence.

(f) Mr. Steffan Hunter, 5 Ardgowan Place, Leven.	Taxi Driver (new application) 1 year
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### **Decision**

The Committee agreed to grant the licence.

(g) Mr. Arturas Iesmantas, 26 Clay Acres Court, Dunfermline.	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 a further opportunity to appear.

(h)/

## 2021.R.L.351

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(h)	Mr. Evelin Kunchev, 92 Pittencrieff Street, Dunfermline.	Taxi Driver (new application) 1 year

### **Decision**

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

(i)	Mr. Craig Morris, 5 Birrell Drive, Dunfermline.	Taxi Driver (new application) 1 year
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### **Motion**

Councillor Garry Haldane, seconded by Councillor Gordon Langlands, 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	-	6
Motion	-	6

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

### **Decision**

The Committee agreed to refuse the licence.

(j)	Mr. Arshdeep Singh, 16 Rothes Park, Leslie.	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 a further opportunity to appear with a representative.

(k)/

## 2021.R.L.352

<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(k) Mr. Michael Winston, 52 Lomond Crescent, Dunfermline.	Taxi Driver (renewal) 1 year

### Motion

Councillor John Docherty, seconded by Councillor David MacDiarmid, moved that the licence be refused.

### Amendment

Councillor Graham Ritchie, seconded by Councillor Garry Haldane, moved, as an amendment, that the licence be granted with a warning.

### Vote

Amendment - 7  
Motion - 5

### 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), (c) and (h) above were all present and heard.

The warning given to the applicant at (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 (i) 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.

## 366. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which a police objection had been intimated and dealt with the application as shown:-

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Mr. John Duncan, 49 Meadowfield, Dalgety Bay.	Window Cleaner (new application) 1 year



## 2021.R.L.353

### Motion

Councillor Garry Haldane, seconded by Councillor John Docherty, moved that the licence be granted with a warning.

### Amendment

Councillor David MacDiarmid, seconded by Councillor Gordon Langlands, moved, as an amendment, that the licence be refused.

### Vote

Amendment - 2  
Motion - 10

### Decision

The Committee agreed to grant the licence with a warning.

The applicant had been invited to attend and be represented at the meeting and was present and represented by his Solicitor, Janet Hood, Angus.

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

### 367. **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.

### 368. **CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

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 taxi/private hire car driver's licence and, having heard the representative for Police Scotland (Fife Division) and the licenceholder's representative thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Mr. Sirfraz Mohammad, 67 Braemar Gardens, Glenrothes.	Taxi Driver 8853/0040981 Expiry Date: 10 December, 2022

### Motion

Councillor Garry Haldane, seconded by Councillor John Docherty, moved that the licence should not be suspended.

## 2021.R.L.354

### Amendment

Councillor Graham Ritchie, seconded by Councillor Alistair Cameron, moved, as an amendment, that the licence be suspended.

### Vote

Amendment - 7  
Motion - 4

### Decision

The Committee agreed to suspend the licence with immediate effect.

Thereafter the Committee took a decision on the length of suspension.

### Motion

Councillor Graham Ritchie, seconded by Councillor David MacDiarmid, moved that the licence be suspended until 10<sup>th</sup> December 2022. This being the unexpired portion of the duration of the licence.

### First Amendment

Councillor Garry Haldane, seconded by Councillor Dominic Nolan, moved, as an amendment, that the licence be suspended until midnight on 19<sup>th</sup> May 2021.

### Second Amendment

Councillor Lea McLelland, seconded by Councillor John Docherty, moved, as a further amendment, that the licence be suspended for a period of 12 weeks.

### Vote

First Amendment - 3  
Second Amendment - 7  
Motion - 2

### Decision

The Committee agreed to suspend the licence for a period of 12 weeks.

The licenceholder had been invited to attend and be represented at the meeting and was present and represented by his Solicitor, Sally McKenzie, Kirkcaldy.

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.

## 2021.R.L.355

### 369. 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 or their representative thereon, dealt with the applications as shown:-

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(a) Mr. Barry Arnot, 32 Thomson Place, Rosyth.	Taxi Driver (renewal) 3 year

#### **Decision**

The Committee agreed to grant the licence with a warning.

(b) Mr. Ethelbert Cowe, The Flat, 6 Woodburn Road, Ceres.	Taxi Driver (renewal) 1 year
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#### **Decision**

The Committee agreed to grant the licence.

(c) Miss Danielle Martin, 56 School Drive, Glenrothes.	Taxi Driver (new application) 1 year
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#### **Decision**

The Committee agreed to grant the licence.

(d) Mr. Robert Sim, 23 Aitken Court, Leven.	Taxi Driver (renewal) 1 year
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#### **Decision**

The Committee agreed to grant the licence with a warning.

(e)/

**2021.R.L.356**

	<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(e)	Miss Shona Stewart, 17 Skye Road, Dunfermline.	Taxi Driver (renewal) 1 year

**Decision**

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

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

The applicant at (c) was represented by her Solicitor, Sally McKenzie, Kirkcaldy.

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

*(Councillor Garry Haldane left the meeting following consideration of the application at (a) above).*

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22 June 2021

Agenda Item No. 4

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## **Civic Government Licensing Enforcement Officer Report**

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Report by: Eileen Rowand, Executive Director, Finance and Corporate Services

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Wards Affected: All

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### **Purpose**

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The purpose of this report is to inform members of the Committee of the activities of the Civic Government Licensing Enforcement Officer from February – May 2021.

### **Recommendation(s)**

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The Committee is asked to note the contents of the report.

### **Resource Implications**

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The costs of the officer's activities are met from the existing budget.

### **Legal & Risk Implications**

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The activities of the Civic Government Licensing Enforcement Officer will ensure the Council are seen to be taking appropriate action to ensure those individuals and companies issued with licences by Fife Council are maintaining high standards and complying with the conditions of the licences issued.

### **Impact Assessment**

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The activities of the Civic Government Licensing Enforcement Officer will not impact on any one area of the community more than any other. There is therefore no requirement for an impact assessment.

### **Consultation**

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To ensure the activities of the Civic Government Licensing Enforcement Officer are focussed on areas of particular need close consultation is held with members of the Civic Government Licensing Team, the Convener and Vice Convener of the Committee, other services within Fife Council and Police Scotland Fife Division. Licence-holders and members of the public are consulted on a needs basis during enquiries into complaints or compliance checks.

## 1.0 Background

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1.1 There is 1 Civic Government Licensing Enforcement Officer working 9am to 5pm Monday to Thursday, with flexibility for working outwith these hours/days. The objectives of this post are to:

- Make enquiry into complaints relating to the holders of licences under the Civic Government (Scotland) Act 1982
- To undertake spot checks to ensure the conditions of licences are complied with
- To take appropriate enforcement action where conditions of licences are not being complied with
- To improve standards of licence holders
- To undertake joint inspections with other agencies or services of Fife Council to determine compliance with licence conditions
- To take action in relation to unlicensed activities and report where necessary to Police Scotland (Fife Division) for consideration of prosecution

## 2.0 Enquiry Activity

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2.1 This report covers the period from 1 February – 31 May 2021. The activities of the Enforcement Officer have obviously been curtailed and constrained by the varying levels of the national Covid-19 restrictions and the existing instruction to work from home.

2.2 The Enforcement Officer has undertaken 22 enquiries into complaints, suspected non-compliance with licence conditions and other licensing issues. Some of these complaints have been straightforward and were easily resolved, others however have been more complex and required extended enquiry and input from other services or agencies. These enquiries covered the following licensed activities:

- Market Operators 1
- Metal Dealer 1
- Second Hand Dealers 2
- Skin Piercing & Tattooing 1
- Street Traders 8
- Taxi Drivers 8
- Taxi Operators 1

2.3 These have resulted in the following outcomes/disposals:

- Advice 9
- Licence Applied for 1
- Monitored 3
- Other Agency 1
- Unfounded 4
- Warning 4

Further details can be found in Appendix 1.

2.4 4 Spot checks have been conducted by the Enforcement Officer on the following licensed activities:

- Late Hours Catering 1
- Street Traders 3

2.5 These have resulted in the following outcomes/disposals:

- No Issues 4

2.6 A Joint inspection of Street Traders was conducted with Environmental Health at two locations in Fife; Mugdrum car park, Newburgh and Fife Leisure Park, Dunfermline. A number of food stalls were inspected with the following results.

- Advice 4
- No issues 5
- Licence applied for 1

Further details can be found in Appendix 2.

## 2.7 Facebook Update

The Facebook page continues to be a popular means to circulate information relevant to the taxi trade in Fife. Recent posts have included:

- Road Closures and diversions
- Details about the Covid-19 restrictions
- Information on grants available to taxi drivers

## 2.8 Unmet Demand Monitoring

While the usual regular checks at taxi ranks across Fife were not possible, discussion with taxi operators continued during the period covered by this report to assess levels of demand. These consultations show there is no change to the level of demand for taxi services. Rank checks have now resumed and will be reported on in due course.

There is not therefore considered to be any significant unmet demand for taxi services in Fife. The 2014 Halcrow report on unmet demand remains relevant.

## 3.0 Conclusions

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3.1 The work of the Enforcement Officer continues to focus on areas of particular need through the analysis of complaints and observations in the Licensing Unit and at Regulation and Licensing Committee.

Consultation with other services and joint working is continuing to ensure a co-ordinated approach to enforcement where that is appropriate.

## **Report Contact**

Craig Ritchie  
Civic Government Licensing Enforcement Officer,  
Finance and Corporate Services,  
Telephone: 03451 55 55 55 442166  
Enforcementofficer@fife.gov.uk



Section 2.2-2.3 of the report gives quantitative information relating to enquiries or complaints received.

This appendix gives more detail in relation to some of the outcomes listed in that section.

### **Verbal Advice**

Advice was given to:

- 3 Street Traders and the complainers on the appropriate use of chimes
- A Street Trader and the complainer regarding appropriate use of language
- 5 taxi drivers in relation to parking, use of licensed vehicles and driving standards

### **Licences Applied For**

A Market Operator Licence was applied for after enquiries were made by the Enforcement Officer.

### **Monitor**

Monitoring is continuing into the activities of a second hand car dealer, a street trader and taxi operators regarding potential breaches of conditions.

### **Other Agency**

A tattooist was referred to Police Scotland for enquiry after a report of illegal tattooing within his home address.

### **Unfounded**

4 complaints were considered unfounded after investigation; these related to a Taxi Operator, a Street Trader, a Metal Dealer and a Second Hand Dealer

### **Warning**

4 verbal warnings were given for minor indiscretions; these related to 2 taxi drivers and 2 street traders

Section 2.4-2.5 gives quantitative information relating to spot checks conducted by the Enforcement Officer.

This appendix gives detail in relation to some of the outcomes listed in that section.

**Checks were made on:**

- a Late Hours Catering licence holder
- 3 Street Traders selling food and drinks

There were no issues in relation to the checks carried out with all licence holders complying with the conditions of their licences.

Section 2.6 gives quantitative information relating to spot checks conducted by the Enforcement Officer and Environmental Health.

This appendix gives detail in relation to some of the outcomes listed in that section.

**Checks were made on:**

- a Street Trader at Mugdrum car park, Newburgh following noise complaints in the area. Advice was given with regard to measures to take to improve his trading.
- 8 Street Traders selling food and drinks at a market in Dunfermline. The market organiser was advised and assisted in applying for a Market Operator licence. Advice was given to traders without Fife Street Trader licences and on a minor adjustment to a working vehicle.