

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

13th February, 2024

9.30 a.m. – 2.00 p.m.

**PRESENT:** Councillors Tom Adams (Convener), Patrick Browne, Carol Lindsay, Donald Lothian, David MacDiarmid, Julie MacDougall, John O'Brien, Nicola Patrick, Gordon Pryde 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 Sean Dillon, Gavin Ellis, Alycia Hayes, Lea McLelland and Jonny Tepp.

85. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 16th January, 2024.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

86. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCES**

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 two taxi/private hire car drivers licences with immediate effect under paragraph 12 of Schedule 1 to the above Act 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 two taxi/private hire car drivers licences had been suspended with immediate effect.

87. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 16 MARCH 2024**

The Committee considered a report by the Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen a non-BBFC certificated film.

**Decision**

The Committee agreed to grant permission to allow the non-BBFC certificated film, as circulated to the Committee, to be shown by the Byre Theatre on 16 March 2024.

**88. TAXI FARE SCALE REVIEW**

The Committee considered a report by Executive Director, Finance and Corporate Services advising of the requirement under the Civic Government (Scotland) Act 1982 to review the taxi fare scales operating throughout the local authority area. Consultation is required to be carried out with representatives of taxi operators before any decision can be taken on the review. In order to enable a decision to be taken by this Committee and still allow appropriate time for advertising and the lodging of appeals, if any, a decision on the review would require to be taken at the meeting held on 12th March, 2024.

**Decision**

The Committee agreed that:-

- (a) a Sub-Committee consisting of Councillors Adams, Browne, Hayes, Lindsay, MacDiarmid and Pryde consider the 2024 statutory review of taxi fares and related matters in Fife and meet with the representatives of taxi operators in Fife to make recommendations to this Committee on the level of fares for 2024/2025; and
- (b) a report be submitted to the Committee on 12th March, 2024 for a decision on what the fare scales will be for the eighteen months following 3rd June, 2024.

**89. MISCELLANEOUS LICENSING – REVIEW OF FEES**

The Committee considered a report by Executive Director, Finance and Corporate Services on proposals for an increase in the miscellaneous licensing fees.

**Motion**

Councillor Lindsay, seconded by Councillor Patrick, moved that officers go back and look at other options with more detailed information.

**Amendment**

Councillor Browne, seconded by Councillor Pryde, moved, as an amendment, to approve the fees detailed in Appendix 1 of the above report in respect of miscellaneous licensing fees with effect from 1st April 2024.

**Vote**

Amendment – 6  
Motion – 3

**Decision**

The Committee, having heard the Council's Lead Officer, Miscellaneous Licensing on the report and following discussion, approved the proposed increases to miscellaneous licensing fees from 1st April, 2024.

90. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT**

The Committee considered a report by Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer from October to December, 2023.

**Decision**

The Committee, having heard the Civic Government Licensing Enforcement Officer on the report and following discussion, noted:-

- (1) the extensive and varied amount of work carried out by the Enforcement Officer during the three month period identified; and
- (2) that there would be further updates, on the activities of the Enforcement Officer, brought before the Committee on a regular basis.

91. **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 &amp; Period of Licence Applied For</u>
(a)	Jay Fotheringham	Street Trader selling ice-cream on a mobile basis in Fife – 7 days a week (renewal) 1 year

**Decision**

The Committee agreed to grant the licence with a warning.

(b)	William Davie	Taxi Driver (new application) 3 year
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**Decision**

The Committee agreed to grant the licence with a warning.

(c)	Christopher Evans	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

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| (d) | Seremaia Sovinasalevu | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The Committee noted that the applicant now wished to withdraw his application for a taxi driver's licence.

The applicants had been invited to attend and be represented at the meeting. The applicants at (a), (b) and (c) were present and heard. The applicant at (d) was not in attendance.

Consideration of the application at (d) above was continued from the meeting held on 16th January, 2024.

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

*(Councillor John O'Brien entered the meeting prior to consideration of the application at (b) above).*

**92. 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 below 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.

**93. 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 licenceholder at (c) and his representative thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(a)	Two Sons	Skin Piercing and Tattooing 135/0047912 Expiry Date: 20 January 2026



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	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(a)	Fife Vans and Trucks Ltd.	Second Hand Dealer selling used vehicles from The Garage, 12 High Street, Cowdenbeath Monday – Saturday 10.00am – 7.00pm (renewal) 3 year

### Motion

Councillor MacDiarmid, seconded by Councillor Adams, moved that the licence be granted with a warning.

### Amendment

Councillor Lothian, seconded by Councillor Lindsay, moved, as an amendment, that the licence be granted.

### Vote

Amendment – 7

Motion – 3

### Decision

The Committee agreed to grant the licence.

(b)	Ernest Boundy	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.

(c)	Laura Harkins	Taxi Driver (new application) 1 year
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### Motion

Councillor MacDougall, seconded by Councillor O'Brien, moved that the licence be granted,

### Amendment

Councillor Pryde, seconded by Councillor MacDiarmid, moved, as an amendment, that the licence be granted with a warning.

Vote

Amendment – 6

Motion – 3

**Decision**

The Committee agreed to grant the licence with a warning.

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| (d) | Darren Lewis | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The Committee agreed to grant the licence with a warning.

The applicants had been invited to attend and be represented at the meeting. The applicants at (a), (c) and (d) were present and heard. The applicant at (b) was not in attendance.

Consideration of the applications at (c) and (d) above was continued from the meeting held on 16th January, 2024.

95. **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>
Saad Khan	Taxi Driver (new application) 3 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 both were present and heard.

Consideration of the above application was continued from the meeting held on 16th January, 2024.

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 previous incidents he had been involved in.

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