

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

**8th August, 2023**

**9.30 a.m. – 12.20 p.m.**

**PRESENT:** Councillors Tom Adams, Patrick Browne, Alycia Hayes, Donald Lothian, David MacDiarmid, Julie MacDougall, Nicola Patrick, Gordon Pryde and Jonny Tepp.

**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 Lynn Ballantyne-Wardlaw, Sean Dillon, Gavin Ellis, Lea McLelland and Darren Watt.

**OBSERVERS:** Alison Higgins, Solicitor, Finance & Corporate Services and Sharon Wallace, Licensing Administrator, Police Scotland (Fife Division).

**46. MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 13th June, 2023.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**47. CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - IN SEPTEMBER AND NOVEMBER, 2023**

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

**Decision**

The Committee agreed to grant permission to allow two non-BBFC certificated films to be shown in the Byre Theatre in September and November, 2023.

48. **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)	Ryan Blaney	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to grant the licence.

(b)	Colin Brown	Taxi Driver (renewal) 1 year
-----	-------------	------------------------------------

**Motion**

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

**Amendment**

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

**Vote**

Amendment – 4  
Motion - 5

**Decision**

The Committee agreed to grant the licence.

(c)	James French	Taxi Driver (renewal) 1 year
-----	--------------	------------------------------------

**Decision**

The Committee agreed to grant the licence with a warning.

(d)	Michael Jamieson	Taxi Driver (new application) 1 year
-----	------------------	--

## 2023.R.L.39

### **Decision**

The Committee agreed to grant the licence with a warning.

- |     |              |  |
|-----|--------------|--|
| (e) | Robert Jones | Taxi Driver<br>(new application)<br>1 year |
|-----|--------------|--|

### **Decision**

The Committee agreed to grant the licence with a warning.

- |     |             |                                    |
|-----|-------------|------------------------------------|
| (f) | Vikas Kumar | Taxi Driver<br>(renewal)<br>1 year |
|-----|-------------|------------------------------------|

### **Decision**

The Committee agreed to grant the licence with a warning.

- |     |                |  |
|-----|----------------|--|
| (g) | Robbie McPhail | Taxi Driver<br>(new application)<br>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.

- |     |              |  |
|-----|--------------|--|
| (h) | Paul Michael | Taxi Driver<br>(new application)<br>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) | Jason Quinn | Taxi Driver<br>(renewal)<br>1 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 (g) and (h) above were all present and heard. The applicant at (c) above was supported by his partner.

## 2023.R.L.40

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

### 49. 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.

### 50. 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 &amp; Period of Licence Applied For</u>
(a)	Ryan Clark	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)	Bruce Davis	Taxi Driver (renewal) 1 year
-----	-------------	------------------------------------

#### Decision

The Committee agreed to grant the licence.

(c)	Vorena Maricic	Taxi Driver (new application) 1 year
-----	----------------	--

#### Motion

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

#### Amendment

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

#### Vote/

Vote

Amendment – 7  
Motion - 2

**Decision**

The Committee agreed to grant the licence with a warning.

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

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

51. **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 Council's Lead Officer, Miscellaneous Licensing, for the application at (a) below and the representative for the applicant at (b) below thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	James Downie	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to refuse the licence.

(b)	Alexander Nimmo	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 read information regarding consideration of his application.

## **2023.R.L.42**

The applicants and objector had been invited to attend and be represented at the meeting. The applicant at (a) was not in attendance, the applicant at (b) was in attendance and represented by Mr David Gibb, prospective employer, East Fife.

Consideration of both of the above applications was continued from the meeting held on 13th June 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.

---