

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

12th March, 2024

9.30 a.m. – 2.15 p.m.

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, 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, Alycia Hayes and Jonny Tepp.

96. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 13th February, 2024.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

97. **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 above Act having advised the Convener and Depute Convener of the Committee of this decision. The decision was taken as information had been received from Police Scotland (Fife Division) 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.

98. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 19 - 21 APRIL 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 non-BBFC certificated films.

**Decision**

The Committee agreed to grant permission to allow the non-BBFC certificated films, as circulated to the Committee, to be shown at the Byre Theatre from 19 – 21 April 2024.

99. **TAXI FARE SCALE REVIEW 2024/2025**

The Committee considered a report by the Executive Director, Finance and Corporate Services on the Taxi Fare Scale Review for 2024/2025.

**Decision**

The Committee:-

- (1) agreed to accept the recommendation of the Members on the Taxi Fare Scale Review Sub-Committee that there be no increase in the existing fares for the 18 months from 3rd June, 2024;
- (2) agreed to authorise/remit to:
  - (i) the Executive Director, Finance & Corporate Services to advertise the agreed tariff for 2024/2025; 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 scale 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.

100. **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)	James Anderson	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.

## 2024.R.L.83

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(b)	Robert Green	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.

(c)	Muhammad Tahir	Taxi Driver (new application) 1 year
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### Motion

Councillor MacDougall, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be granted with a warning.

### Amendment

Councillor O'Brien, seconded by Councillor MacDiarmid, 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 applicants had been invited to attend and be represented at the meeting. The applicant at (c) was present, heard and supported by Ahsan Mujahid. The applicants at (a) and (b) were not in attendance.

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.

## 101. **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.

102. **APPLICATION IN RESPECT OF WHICH POLICE COMMENTS HAD BEEN MADE**

The Committee considered application for licence by the undernoted and, having heard the representative for Police Scotland (Fife Division) thereon, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
Ernest Boundy	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to refuse the licence.

The applicant had been invited to attend and be represented at the meeting but was not in attendance.

Consideration of the above application was continued from the meeting held on 13th February, 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 convictions recorded against him as well as an incident he had been involved in.

103. **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) the applicant at (a) and the applicant at (b) with his representative thereon, dealt with the applications as shown:-

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

**Motion**

Councillor Ellis, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be granted.

**First Amendment**

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

## 2024.R.L.85

### Second Amendment

Councillor Adams, seconded by Councillor Browne, moved, as a further amendment, that the licence be refused.

### Vote

Second Amendment – 2  
First Amendment – 6  
Motion – 4

The Second Amendment fell and a vote was taken on the First Amendment and the Motion.

### Vote

First Amendment – 9  
Motion – 3

### Decision

The Committee agreed to grant the licence with a warning.

- (b) Amanat Shah                      Taxi Driver  
    (new application)  
    3 year

### Motion

Councillor Patrick, seconded by Councillor MacDiarmid, moved that the licence be refused.

### Amendment

Councillor Lindsay, seconded by Councillor Lothian, 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 motion.

### Decision

The Committee agreed to refuse the licence.

## 2024.R.L.86

The applicants and objector had been invited to attend and be represented at the meeting and all were present and heard. The applicant at (b) was represented by his Solicitor, Sally McKenzie Kirkcaldy.

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 as well as previous road traffic offences recorded against him.

### 104. 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), the licenceholder and his interpreter thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Adil Khaleel	Taxi Driver 1885/0048140 Expiry Date: 24 May 2026

#### **Decision**

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of suspension.

#### **Decision**

The Committee agreed to suspend the licence until its expiry being 24 May 2026, this being with immediate effect.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard together with an interpreter, Adnan Hassan.

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.

(Councillor Darren Watt left the meeting during consideration of the above matter).

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