

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

5th September, 2023

9.30 a.m. – 12.40 p.m.

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Sean Dillon, Gavin Ellis, Alycia Hayes, Carol Lindsay, 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 Donald Lothian and John O'Brien.

OBSERVER: Sharon Wallace, Licensing Administrator, Police Scotland (Fife Division).

52. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 8th August, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

53. 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 April to June, 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.

Councillor Hayes entered the meeting during discussion of the above item.

54. **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 & Period of Licence Applied For</u>
(a)	Mark Addison	Taxi Driver (new application) 3 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)	Stephen Boyle	Taxi Driver (new application) 1 year
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Motion

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

Amendment

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

Vote

Amendment – 8
Motion – 6

Decision

The Committee agreed to grant the licence with a warning.

(c)	Jeremy Grimwood	Taxi Driver (renewal) 1 year
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Motion

Councillor MacDougall, seconded by Councillor Dillon, moved that the licence be granted and requested that the applicant re-attend the next available taxi drivers' training course at Fife House in Glenrothes.

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Amendment

Councillor Lindsay, seconded by Councillor McLelland, moved, as an amendment, that the licence be granted with a warning and requested that the applicant re-attend the next available taxi drivers' training course at Fife House in Glenrothes.

Vote

Amendment – 11

Motion – 3

Decision

The Committee agreed to grant the licence with a warning and requested that the applicant re-attend the next available taxi drivers' training course at Fife House in Glenrothes.

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| (d) | Grant Mayes | 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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| (e) | Paul Michael | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to refuse the licence.

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

Consideration of the application at (e) above was continued from the meeting held on 8th August, 2023.

The warning given to the applicants at (b), (c) and (d) 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 (e) 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/offences recorded against him.

55. **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.

56. **CONSIDERATION OF POSSIBLE SUSPENSION OF 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 licence, and, having heard the representative for Police Scotland (Fife Division) on the matter as well as the licenceholder, his representative and those in attendance supporting the licenceholder, thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Ugur Emre	Late Hours Catering for premises at 13 Bell Street, St. Andrews 90/0045874 Expiry Date: 29 January 2026

Motion

Councillor Lindsay, seconded by Councillor Ballantyne-Wardlaw, moved that the licence should be suspended.

Amendment

Councillor Tepp, seconded by Councillor Pryde, moved, as an Amendment, that the licence should not be suspended.

Vote

Amendment - 4
Motion - 10

Decision

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of suspension as follows:-

Decision

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

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The licenceholder had been invited to attend and be represented. He was present, heard and represented by his Solicitor, Peter Aitken, Kirkcaldy. He was also supported by three members of staff who worked in the premises.

The ground for suspension of the above licence was that the licenceholder was no longer considered to be a fit and proper person to hold the licence.

57. 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) and the applicant thereon, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
Ryan Clark	Taxi Driver (new application) 1 year

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 heard.

Consideration of the above application was continued from the meeting held on 8th August, 2023.

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.

58. OPPOSED APPLICATIONS

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and, having heard the Council's Lead Officer, Miscellaneous Licensing thereon, dealt with the applications as shown:-

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

Decision

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

2023.R.L.48

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b)	Rhys Wither	Taxi Driver (new application) 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. Neither of the above applicants were present.

Consideration of the application at (a) above was continued from the meeting held on 8th August, 2023.
