

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

9th April, 2024

9.30 a.m. – 5.05 p.m.

PRESENT: Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Carol Lindsay, Donald Lothian, David MacDiarmid, Julie MacDougall, Nicola Patrick, Gordon Pryde, Jonny Tepp and Darren Watt.

ATTENDING: Kimberley Langley, Solicitor and Gillian Love, Lead Officer, Miscellaneous Licensing both in Finance and Corporate Services; Barry Smith, Lead Officer – Private Housing (for item 111 only); and Sergeant Neil Ewing, Police Scotland (Fife Division) (for items 108 – 110 only).

APOLOGIES: Councillors Gavin Ellis, Alycia Hayes and John O'Brien.

OBSERVER: Inspector Helen Manuel, Police Scotland (Fife Division) (for items 108 – 110 only).

105. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 12th March, 2024.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

106. **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.

107. **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.

108. **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 & Period of Licence Applied For</u>
(a)	James Anderson	Taxi Driver (new application) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

(b)	Morgan Dow	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(c)	Robert Green	Taxi Driver (new application) 1 year
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Motion

Councillor Lindsay, seconded by Councillor MacDougall, moved that the licence be refused.

Amendment

Councillor Watt seconded by Councillor Tepp, moved, as an amendment, that the licence be granted.

Vote

Amendment - 3
Motion - 8

Decision

The Committee agreed to refuse the licence.

2024.R.L.89

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

Consideration of the applications at (a) and (c) above was continued from the meeting held on 12th March, 2024.

The warning given to the applicant at (b) 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 (c) 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 conviction recorded against him.

109. 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 items of business at 110 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.

110. OPPOSED APPLICATIONS

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	Shane Allen	Street Trader (new application) 1 year

Decision

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

(b)	Muhammad Junaid	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 an opportunity to appear.

(c)	Jamie Thomson	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 an opportunity to appear.

The applicants had been invited to attend and be represented at the meeting. None of the above applicants were in attendance.

111. OPPOSED APPLICATIONS

The Committee considered applications for licences by the undernoted in respect of which objections had been intimated and, having heard the applicants at (a), the applicant at (b) and (c) and her representative as well as objectors to the applications, dealt with the applications as shown:-

	<u>Applicants</u>	<u>Activity and period of licence applied for</u>
(a)	Henry & Linda Fraser T/A Comfort Stays Ltd	Short Term Let Licence for Whinstone, South Street West, Falkland (new application) 3 year

Decision

The Committee agreed to continue consideration of the above application to its next meeting to afford the applicants an opportunity to seek further information.

(b)	John & Toni Mair T/A Morachd Ltd	Short Term Let Licence for Carphin House, Lower Luthrie Farm, Broomhill, Luthrie (new application) 3 year
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Decision

The Committee agreed not to uphold the objections.

(c)	John & Toni Mair T/A Morachd Ltd	Short Term Let Licence for Carphin Stables, Lower Luthrie Farm, Broomhill, Luthrie (new application) 3 year
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Decision

The Committee agreed not to uphold the objections.

2024.R.L.91

The applicants and objectors had been invited to attend and be represented at the meeting. The applicants at (a) were present and heard. Jim Brown, Robbie & Allison Nellies and John & Josephine Smith were in attendance as objectors to the application at (a) above. Toni Mair, one of the applicants at (b) and (c) was present and heard and represented by her solicitor, Alison Marks, Dundee. Ian Arbuckle, Laura Arbuckle, Charles Lawrie, Kathleen Lawrie and Linda Telford on behalf of the Luthrie Residents Group were in attendance as objectors to the applications at (b) and (c) above.

(Prior to consideration of the applications at (a), (b) and (c) above, Councillors Lothian and MacDiarmid declared an interest in these items, as they were known to the objectors, and left the meeting).

(Prior to consideration of the applications at (b) and (c) above, Councillor Tepp, having applied the objective test, declared an interest in these items, by virtue of having being involved in considering applications for the properties at other committees and left the meeting).
