

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

11th June, 2024

9.30 a.m. – 4.51 p.m.

PRESENT: Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Alycia Hayes, Carol Lindsay, Lea McLelland, David MacDiarmid, 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; Sergeant Neil Ewing, Police Scotland (Fife Division); and Steven Duffy, Workshop Team Manager, Fleet Operations (for items 114, 115 and 116 only).

APOLOGIES: Councillors Sean Dillon, Gavin Ellis, Donald Lothian, John O'Brien and Darren Watt.

OBSERVER: Ian Duthie, Workshop Controller, Fleet Operations (for items 114, 115 and 116 only).

112. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 9th April, 2024.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

113. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 19 JUNE 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 at the Byre Theatre on 19 June 2024.

114. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - EAST FIFE AREA**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the East Fife area in February to May, 2024.

Decision

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

(Cllr. Tepp entered the meeting during consideration of the above item).

115. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in March, 2024.

Decision

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

116. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - WEST FIFE AREA

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the West Fife area in February to May, 2024.

Decision

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

117. 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:-

2024.R.L.94

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

Decision

The Committee agreed to grant the licence with a warning.

(b)	Nathan Hutchison	Taxi Driver (new application) 1 year
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Motion

Councillor Browne seconded by Councillor Hayes, moved that the licence be granted with a warning.

Amendment

Councillor Patrick, seconded by Councillor Lindsay, moved, as an amendment, that the licence be refused.

Vote

Amendment – 2
Motion – 8

Decision

The Committee agreed to grant the licence with a warning subject to satisfactory information being received before licence was issued.

(c)	George Matthewson	Taxi Driver (renewal) 1 year
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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.

(d)	Euan Paul	Taxi Driver (renewal) 1 year
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Decision

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

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| (e) | Calum Robertson | 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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| (f) | Angel Tiklarov | Taxi Driver
(new application)
3 year |
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Decision

The Committee agreed to grant the licence with a warning satisfactory information being received before licence was issued.

The applicants had been invited to attend and be represented at the meeting. All applicants were present and heard. The applicant at (c) was represented by his Solicitor, Kerr Sneddon, Kirkcaldy.

The warning given to all of the above applicants was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

(Councillor Lindsay left the meeting prior to discussion of item (c) above, as she was known to the applicant, and re-entered the meeting prior to discussion of the item at (d) above).

118. 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> |
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| (a) | Thomas Innes | Taxi Driver
(new application)
1 year |

Decision

The Committee agreed to refuse the licence.

2024.R.L.96

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b)	Ionut Mihai	Taxi Driver (new application) 1 year

Motion

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

Amendment

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

Vote

Amendment – 3

Motion – 7

Decision

The Committee agreed to refuse the licence.

(c)	Edward Miller	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.

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

The reason for refusal of the applications at (a) and (b) above was that the applicants were not considered to be fit and proper persons to hold the licences applied for in view of the nature and extent of previous convictions recorded against them.

119. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising power of suspension under paragraph 11 of Schedule 1 to the above Act in respect of the undernoted licence, and, having heard the Council's Civic Government Licensing Enforcement Officer and the licenceholder on the report, dealt with the licence as shown:-

2024.R.L.97

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Stephen Windsor	Street Trader 4704/0046482 Expiry Date: 11 July 2024

Decision

The Committee agreed to suspend the licence until its expiry being 11 July 2024.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard.

The ground for suspension of the above licence was that a condition of the licence had been contravened.

(Councillor Hayes left the meeting following consideration of the above matter).

120. 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.

121. 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 and period of licence applied for</u>
(a)	Alan Gore	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	Patryk Libiszewski	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

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| (c) | Ewan Russell | Taxi Driver
(renewal)
3 year |
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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) | Robert Todd | Taxi Driver
(new application)
3 year |
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Decision

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

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| (e) | Robert Todd | Private Hire Vehicle Hire Operator –
Glenrothes Zone
(new application)
1 year |
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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 and all were present and heard. The applicant at (c) was supported by his employer, William Laing, Taxi Operator.

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.

122. **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:-

2024.R.L.99

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

Decision

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

(b)	Naim Hasan	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(c)	Muhammad Junaid	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

(d)	Drew McIntosh	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.

(e)	Jamie Thomson	Taxi Driver (new application) 1 year
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Decision

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

The applicants and objector had been invited to attend and be represented at the meeting. The applicants at (a), (b) and (c) above were present and heard. The applicants at (d) and (e) were not in attendance. The applicant at (b) was supported by Mohammed Hashmi and the applicant at (c) was supported by RMT Taxi Drivers Association in Dundee.

Consideration of the applications at (c) and (e) above was continued from the meeting held on 9th April, 2024.

2024.R.L.100

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 previous incidents he had been involved in.

123. 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 licenceholders thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Jacqueline Fraser	Taxi Driver 7891/0044609 Expiry Date: 14 April 2025

Decision

The Committee agreed not to suspend the licence.

(b)	Mohammed Tariq	Taxi Driver 9389/0045827 Expiry Date: 20 June 2025
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Decision

The Committee agreed to suspend the licence.

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

Motion

Councillor Lindsay, seconded by Councillor MacDiarmid, moved that the licence be suspended until 20 June 2025, this being the expiry date of the licence.

Amendment

Councillor Browne, seconded by Councillor Adams, moved, as an amendment, that the licence be suspended for a period of one month.

Vote

Amendment – 4
Motion – 5

Decision

The Committee agreed to suspend the licence until its expiry being 20 June 2025.

2024.R.L.101

The licenceholders had been invited to attend and be represented at the meeting and were present and heard.

The grounds for suspension of the licence at (b) above were that (i) the licenceholder was no longer 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.

124. **OPPOSED APPLICATION**

The Committee considered application for a licence by the undernoted in respect of which objections had been intimated and dealt with the application as shown:-

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

Decision

As the Committee became inquorate, it was agreed that consideration of the above application be continued to the Committee's next meeting.

Consideration of the above application was continued from the meeting held on 9th April, 2024.
