

THE FIFE COUNCIL – SPECIAL MEETING OF THE REGULATION AND LICENSING COMMITTEE - GLENROTHES

9th July, 2024

9.30 a.m. – 2.00 p.m.

PRESENT: Councillors Tom Adams (Convener), Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, David MacDiarmid, John O'Brien, 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; Sergeant Neil Ewing, Police Scotland (Fife Division); and Barry Smith, Lead Officer – Private Housing (for item 129 only).

APOLOGIES: Councillors Lynn Ballantyne-Wardlaw, Sean Dillon, Nicola Patrick and Gordon Pryde.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

125. 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 and taxi operators 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 special meeting of the Committee.

Decision

The Committee noted that a taxi/private hire car driver and taxi operators licence had been suspended with immediate effect.

126. APPLICATION IN RESPECT OF WHICH COMMENTS HAD BEEN MADE

The Committee considered application for licence by the undernoted and, having heard the Council's Lead Officer, Miscellaneous Licensing and the applicant thereon, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
Patrick Reilly	Taxi Driver (new application) 3 year

Decision

The Committee agreed to grant the licence with a warning.

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

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.

127. 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 128 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.

128. 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), the licenceholder and his representative on the matters, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Abas Algabery	Taxi Driver 1890/0048281 Expiry Date: 27 June 2026
	<u>Decision</u>	
	The Committee agreed to suspend the licence until its expiry being 27 June 2026, this being with immediate effect.	
(b)	Abas Algabery and Fatima Bakir	Taxi Licence No 583 – Plate No. T082 – East Fife Zone Expiry Date: 27 February 2027

Decision

The Committee noted that Abas Algabery wished to resign from the above licence.

The licenceholders had been invited to attend and be represented at the meeting and were present, heard and represented by Joe Myles, Solicitor, Dundee.

The grounds for suspension of the licence at (a) above was 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.

129. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which objections had been intimated and, having heard the applicants as well as objectors to the application, 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

The Committee agreed not to uphold the objections.

The applicants and objectors had been invited to attend and be represented at the meeting. The applicants were present and heard. Jim Brown, JD McClymont and Robert & Allison Nellies were in attendance as objectors to the above application. Robert Nellies also represented the objectors John & Josephine Smith.

(Prior to consideration of the above application Councillors Lothian and MacDiarmid declared an interest in this item, as they were known to the objectors, and left the meeting).
