

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

3rd October, 2023

9.30 a.m. - 2.45 p.m.

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Sean Dillon, Gavin Ellis, Alycia Hayes, Donald Lothian, Lea McLelland, David MacDiarmid, John O'Brien, 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; Inspector Stuart Allan, Police Scotland (Fife Division) (for items 62 – 65 only); Billy Ferguson, Service Manager and Steven Duffy, Workshop Team Manager both Fleet Operations (for items 60 and 61 only); Calum Ross, Solicitor and Barry Smith, Lead Officer – Private Housing (both for item 66 only).

**APOLOGIES:** Councillors Carol Lindsay and Julie MacDougall.

**OBSERVERS:** Sharon Wallace, Licensing Administrator, Police Scotland (Fife Division) (for items 62 – 65 only); and Laura Smith, Housing Professional, Private Sector Housing – HMO Licensing/Short-term Lets (for item 66 only).

59. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 5th September, 2023.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

60. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – KIRKCALDY ZONE –**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Kirkcaldy Zone in July to September, 2023.

**Decision**

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

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that a letter be sent to those three operators failing the test reminding them of the standards expected for maintaining their vehicles.

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### 61. 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 July to September, 2023.

#### Decision

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

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that (i) five operators whose vehicles failed the test and had vehicles failing tests in the past, be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of their vehicles; and (ii) a letter be sent to the other two operators failing the test reminding them of the standards expected for maintaining their vehicles.

### 62. 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)	Mark Addison	Taxi Driver (new application) 3 year

#### Decision

The Committee agreed to refuse the licence.

(b)	Robbie McPhail	Taxi Driver (new application) 1 year
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#### Motion

Councillor O'Brien, seconded by Councillor Ballantyne-Wardlaw, moved that the application be heard there and then.

#### Amendment

Councillor Patrick, seconded by Councillor McLelland, moved, as an amendment, to continue consideration of the application to its next meeting to afford the applicant a further opportunity to appear.



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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.

The reason for refusal of the application at (a) 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 offence recorded against him.

### 63. **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 64 and 65 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.

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

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

<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
Michael Minick	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.

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

### 65. **OPPOSED APPLICATION**

The Committee considered application for licence 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 application as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Paddy Queen	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.

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

**66. APPLICATION IN RESPECT OF WHICH REPRESENTATIONS HAD BEEN MADE -**

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Giovanni Valente	House in Multiple Occupation for 2 Livingstone Crescent, St Andrews (new application) 3 year

The Committee considered the application and representations received and agreed that:

- The applicant was fit and proper to be authorised to permit persons to occupy any living accommodation as an HMO; and
- The property could be made suitable for use as an HMO with Conditions

The Committee then considered if granting the licence would NOT result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated and, thereafter, made the following decision on the application:

**Decision**

The Committee agreed (i) that the granting of the above application would not be contrary to the Council's Overprovision Policy nor would it result in the overprovision of HMOs in the locality; and (ii) not to uphold the representations and moved the application to the next stage of the process.

The applicant and the respondents were invited to attend and be represented at the meeting. The applicant was in attendance and represented by his agent, Kenneth Gray, Solicitor, Cupar. Gordon Methven, a respondent to the application was represented by John Watchman, Solicitor, St. Andrews and David Middleton (CSARA) was present and heard as a respondent to the application. No other respondents were in attendance. Jim Sinclair, the applicant's letting agent for his other properties was in attendance as an observer for the above application.

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