

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

15th March, 2022

9.30 a.m. – 1.45 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, John Docherty, Zoe Hisbent, Lea McLelland, David MacDiarmid, Graham Ritchie and David J Ross.

ATTENDING: Steven Paterson, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Licensing Enforcement Officer all in Finance and Corporate Services; Sergeant Neil Ewing, Police Scotland (Fife Division); and Tom Henderson, Service Manager, Fleet Operations (for item 428 only).

APOLOGIES: Councillors Bill Connor, Gavin Ellis, David Graham, Garry Haldane, Gordon Langlands, Jane Ann Liston and Ryan Smart.

426. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 15th February, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

427. **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 Vice-Convener of the Committee of this decision. The decision was taken as information had been received 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.

As Tom Henderson was due to retire from the Council and this was his last meeting, the Convener took the opportunity to express the Committee's appreciation for his attendance and presentations, on behalf of Fleet Operations, at the Committee over many years.

428. **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 between September 2021 and January 2022.

Decision

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

- (i) congratulated those operators whose vehicles passed the test first time; and
- (ii) agreed that letters be sent to all operators failing the test reminding them of the standards expected for maintaining their vehicles.

429. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS – THE BYRE THEATRE, ABBEY STREET, ST ANDREWS – 25-27 MARCH, 2022**

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 certified films.

Decision

The Committee agreed to grant permission to allow the non-BBFC certificated programme of films featured in Sands: International Film Festival of St. Andrews to be shown in the Byre Theatre between 25th and 27th March, 2022 and as the suggested age recommendation for these films was 12+, 15, 15+ and 18+ the Committee asked that adequate measures be put in place to ensure that anyone attending the films were of the age expected.

430. **CONSIDERATION OF POSSIBLE VARIATION OF MARKET OPERATOR'S LICENCE**

The Committee considered exercising its power of variation under Paragraph 10 of Schedule 1 to the above Act in respect of the undernoted market operator's licence, and, having heard the Council's Lead Officer and Enforcement Officer, both Miscellaneous Licensing, those making complaint to the licence and the licenceholder's representative thereon, dealt with the licence as shown:-

Licenceholder

Type and No. of Licence

Tayport Football Club,
The Canniepairt,
Shanwell Road,
Tayport.

Market Operator –117/0041865

Decision/

Decision

The Committee agreed to vary the licence to the effect that:

- The market will now be held every two weeks between April and September in each year only with no rollover in the event of inclement weather (the market day will continue to be on a Sunday and the hours of operation will be between 8.00 am and 2.00 pm); and
- The Club shall be required to produce an events management plan in relation to the Club's operation of the markets incorporating a traffic management plan in addition to a noise management plan. The completed plan should be submitted to the Council's Licensing Team for consideration within 28 days from the date of the Committee's decision letter sent to the club.

Thereafter the Committee:

- further agreed at the conclusion of the Hearing that a style events management plan be issued to the Club by way of illustration and as an informative;
- recommended that the Club introduce a liaison committee with the local residents, to meet on a regular basis, to discuss any issues around the operation of the markets that may give rise to concerns within the community; and
- reminded the Club of their continued responsibilities in terms of the 33 conditions relating to the Market Operator's Licence. The Club was directed in particular to the respective terms of licensing conditions 1, 15, 19 and 26.

The licenceholder had been invited to attend and be represented at the meeting and was represented by the Club's Chairman, David Baikie who was present and heard. Gordon Brankin, Karen Ellerby, Andrew Tomlinson and David Yule were also present and heard as persons making complaint to the licence.

431. 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)	Mr. Imran Arshad	Taxi Driver (new application) 1 year
	<u>Motion/</u>	

2022.R.L.415

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(d)	Mr. Aidan Niven	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(e)	Mr. Jamie Scott	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

(f)	Mr. Iain Watt	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above applicant now wished to withdraw his application for a taxi driver's licence.

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

Consideration of the applications at (d), (e) and (f) above was continued from the meeting held on 15th February, 2022.

The warning given to the applicants at (a), (b) 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 applications at (c) and (e) 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 or offences recorded against them.

432. **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.

2022.R.L.416

433. 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) thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Mr. Mohammed Asif	Taxi Driver 8689/0040161 Expiry Date: 31st July 2022

Decision

The Committee agreed to suspend the licence with immediate effect.

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

Decision

The Committee agreed to suspend the licence until its expiry being 31st July, 2022.

(b)	Mr. Michael Paterson	Taxi Driver 9286/0044543 Expiry Date: 11th November 2022
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Decision

The Committee agreed to continue consideration of the above matter to its next meeting to afford the licenceholder a further opportunity to appear.

The licenceholders had been invited to attend and be represented. Neither of the licenceholders were present.

The grounds for suspension of the licence at (a) above were that (i) the licenceholder was no longer considered to be 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.

434. 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:-

Applicant/

2022.R.L.417

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(a) Mr. Twana Amin	Taxi Driver (renewal) 3 year

Decision

The Committee agreed to grant the licence.

(b) Mr. Twana Amin	Taxi Operator - T083 – East Fife Area (renewal) 3 year
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Decision

The Committee agreed to grant the licence.

(c) Mr. Aaron Anderson	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(d) Mr. Edward Dunn	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above applicant now wished to withdraw his application for a taxi driver's licence.

(e) Mr. Callum Grubb	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above applicant now wished to withdraw his application for a taxi driver's licence.

(f)/

2022.R.L.418

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(f) Mr. Alexander Moir	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(g) Mr. Ryan Nellies	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

The applicants and objector had been invited to attend and be represented at the meeting and with the exception of the Applicants at (d), (e), (f) and (g) above were all present and heard. The Applicant at (a) was supported by three of his friends who were also witnesses to the incident he had been involved in.

Consideration of the applications at (d), (f) and (g) above was continued from the meeting held on 15th February, 2022.

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 applications at (f) and (g) 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 or because of incidents they had been involved in.

435. OPPOSED APPLICATION

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

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
Mr. Paul Davies	Taxi Driver (new application) 1 year

Decision/

Decision

The Committee noted that the above applicant now wished to withdraw his application for a taxi driver's licence.

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

Consideration of the above application was continued from the meeting held on 15th February, 2022.
