

Council Chamber, Fife House, Glenrothes
Tuesday, 15th March, 2022 - 9.30 a.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF INTEREST.**
3. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 15th February, 2022. 5 - 14

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

4. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE** - To report to the Committee that a decision was taken by the Executive Director, Finance and Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' in consultation with the Convener and Vice-Convener of the Committee, to suspend a taxi driver's licence with immediate effect under paragraph 12 of Schedule 1 to the above Act. This decision was taken as information had been received from Police Scotland (Fife Division) and had to be considered prior to this meeting of the Committee.
5. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – WEST FIFE AREA** - 15 - 21
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.
6. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - 25TH - 27TH MARCH 2022** 22 - 26
Report by Lead Officer Miscellaneous Licensing on request to vary licence conditions to allow the theatre to screen non BBFC certified films.
7. **CONSIDERATION OF POSSIBLE VARIATION OF MARKET OPERATOR'S LICENCE** - The Committee is asked to consider exercising power of variation under paragraph 10 of Schedule 1 to the above Act in respect of the undernoted Market Operator's licence, and, in terms of subparagraph 10(2)(b) of said paragraph 10 to afford the licenceholder an opportunity to be heard. The Council's Lead Officer & Enforcement Officer, both Miscellaneous Licensing will report.

Licenceholder

Type and No. of Licence

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

Market Operator –117/0041865

8. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** – Consideration of applications for licences by the undernoted in respect of which comment has been made, and, in terms of Schedule 1 to the above Act, to hear the applicants, or their representatives, in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(i) Mr. Imran Arshad	Taxi Driver (new application)	1 year
	(ii) Mr. Kenneth Culross	Taxi Driver (renewal)	1 year
	(iii) Mr. Sean Henderson	Taxi Driver (new application)	1 year
(D)	(iv) Mr. Aidan Niven	Taxi Driver (new application)	1 year
(D)	(v) Mr. Jamie Scott	Taxi Driver (new application)	1 year
(D)	(vi) Mr. Iain Watt	Taxi Driver (new application)	1 year

N.B. The applicants and those making representation have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the applications at (iv), (v) and (vi) above is continued from the meeting held on 15th February, 2022.

THE FOLLOWING APPLICATIONS ARE LIKELY TO BE CONSIDERED IN PRIVATE – IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

9. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES** - The Committee is asked to consider exercising power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 in respect of the undernoted licences, and, in terms of subparagraph (7) of said paragraph 11 to afford the licenceholders an opportunity to be heard. The representative for Police Scotland (Fife Division) will report.

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(i)	Mr. Mohammed Asif	Taxi Driver 8689/0040161 Expiry Date: 31st July 2022
(ii)	Mr. Michael Paterson	Taxi Driver 9286/0044543 Expiry Date: 11th November 2022

10. APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE -

Consideration of applications for licences by the undernoted in respect of which police comment has been made, and, in terms of Schedule 1 to the Civic Government (Scotland) Act 1982, to hear the applicants or their representatives in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(i) Mr. Twana Amin	Taxi Driver (renewal)	3 year
	(ii) Mr. Twana Amin	Taxi Operator - T083 – East Fife Area (renewal)	3 year
	(iii) Mr. Aaron Anderson	Taxi Driver (renewal)	1 year
(D)	(iv) Mr. Edward Dunn	Taxi Driver (new application)	1 year
	(v) Mr. Callum Grubb	Taxi Driver (new application)	1 year
(D)	(vi) Mr. Alexander Moir	Taxi Driver (new application)	1 year
(D)	(vii) Mr. Ryan Nellies	Taxi Driver (new application)	1 year

N.B. The applicants and those making representation have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the applications at (iv), (vi) and (vii) above is continued from the meeting held on 15th February, 2022.

11. OPPOSED APPLICATION - Consideration of application for licence by the undernoted in respect of which a police objection has been lodged, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982, to hear the objector and the applicant thereon:

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

N.B. The applicant and objector have been invited to attend and be represented at the meeting.

(D) Deferral - Consideration of the above application is continued from the meeting held on 15th February, 2022.

12./

12. URGENT BUSINESS - Any other items which the Chair decides are urgent.

Eileen Rowand,
Executive Director,
Finance and Corporate Services,
Fife House,
North Street,
Glenrothes,
Fife, KY7 5LT

9th March, 2022.

If telephoning please ask for:-

Gillian Love, Lead Officer, Miscellaneous Licensing, Fife House, Glenrothes

Telephone: 03451 555555; Ext. 442170 or E-mail - gillian.love@fife.gov.uk

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

15th February 2022

9.30 a.m. – 4.15 p.m.

- PRESENT:** Councillors Carol Lindsay (Convener), Alistair Cameron, John Docherty, Zoe Hisbent, Lea McLelland, David MacDiarmid, Graham Ritchie and David J Ross.
- ATTENDING:** Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Licensing Enforcement Officer all in Finance and Corporate Services; and Sergeant Neil Ewing, Police Scotland (Fife Division).
- APOLOGIES:** Councillors Bill Connor, David Graham, Garry Haldane, Gavin Ellis, Gordon Langlands, Jane Ann Liston and Ryan Smart.
- OBSERVER:** Lindsay Thomson, Head of Legal & Democratic Services.

417. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 14th December, 2021.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

418. **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 Civic Government (Scotland) Act 1982 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.

419./

2022.R.L.402

419. **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. Ahmad Alghazawi	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence.

(b)	Mr. Michael Berturelli	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(c)	Mr. Michael Beveridge	Taxi Driver (new application) 1 year
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Motion

Councillor Graham Ritchie, seconded by Councillor David J Ross, moved that the licence be granted.

Amendment

Councillor David MacDiarmid, seconded by Councillor Zoe Hisbent, moved, as an Amendment, that the licence be granted with a warning.

Vote

Amendment - 4
Motion - 4

The Convener exercised her casting vote in favour of the Amendment.

Decision

The Committee agreed to grant the licence with a warning.

(d)/

2022.R.L.403

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

Decision

The Committee agreed to refuse the licence.

(e)	Mr. Muhammad Din Bibi	Taxi Driver (new application) 3 year
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Motion

Councillor John Docherty, seconded by Councillor David J Ross, moved that the licence be granted with a warning.

Amendment

Councillor Alistair Cameron, seconded by Councillor David MacDiarmid, moved, as an Amendment, that the licence be refused.

Vote

Amendment - 3
Motion - 5

Decision

The Committee agreed to grant the licence with a warning.

(f)	Mr. Lee Gilmour	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(g)	Miss Laura Harkins	Taxi Driver (new application) 1 year
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Motion

Councillor Alistair Cameron, seconded by Councillor Graham Ritchie, moved that the licence be granted with a warning.

Amendment/

2022.R.L.404

Amendment

Councillor Lea McLelland, seconded by Councillor David J Ross, moved, as an Amendment, that the licence be granted.

Vote

Amendment - 5
Motion - 3

Decision

The Committee agreed to grant the licence.

- (h) Mr. Aidan Niven 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.

- (i) Mr. Sean Penman Taxi Driver
(new application)
1 year

Decision

The Committee agreed to grant the licence subject to further satisfactory information being submitted to the Council's Licensing Team.

- (j) Mr. Jamie Scott 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.

- (k) Mr. Mark Stewart Taxi Driver
(renewal)
3 year

Decision

The Committee agreed to grant the licence with a warning.

- (l)/

2022.R.L.405

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(l)	Mr. Iain Watt	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 Applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (h), (j) and (l) were all present and heard. The Applicant at (e) was supported by his friend, Mr Adeel Afzal and the Applicant at (g) was supported by her prospective employer, Mr. James Glen, Taxi Operator, East Fife.

Consideration of the applications at (d), (e) and (f) above was continued from the meeting held on 23rd November, 2021.

The warning given to the applicants at (b), (c), (e) and (k) 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 (d) 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 convictions recorded against him.

420. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES**

The Committee considered exercising its 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 Council's Civic Government Enforcement Officer on the matter at (a) and the representative for Police Scotland (Fife Division) on the matter at (b) as well as the licenceholders thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a)	Mr. Brian Gunn	Taxi Driver 2461/0043158 Expiry Date: 7 March 2022

Motion

Councillor David MacDiarmid, seconded by Councillor Alistair Cameron, moved that the licence not be suspended.

Amendment/

2022.R.L.406

Amendment

Councillor Lea McLelland, seconded by Councillor Graham Ritchie, moved, as an Amendment, that the licence be suspended.

Vote

Amendment - 5
Motion - 3

Decision

The Committee agreed to suspend the licence.

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 7th March, 2022.

- (b) Mr. Ewan MacDonald Taxi Driver
1683/0044120
Expiry Date: 6 September 2022

Motion

Councillor Zoe Hisbent, seconded by Councillor Lea McLelland, moved that the licence be suspended.

Amendment

Councillor David MacDiarmid, seconded by Councillor Alistair Cameron, moved, that the licence not be suspended.

Vote

Amendment - 5
Motion - 3

Decision

The Committee agreed not to suspend the licence.

The licenceholders had been invited to attend and be represented. They were both present and heard.

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.

421. **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.

422. **REQUEST FOR RECALL OF IMMEDIATE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

(Previous Minute Reference: para. 408 of 2021.R.L.393 and 394 refers)

The Committee considered a request from the undernoted to recall the immediate suspension of his taxi/private hire car driver's licence which was made under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 and, having heard the representative for Police Scotland (Fife Division) and the Council's Lead Officer, Miscellaneous Licensing as well as the applicant thereon, dealt with the request as shown:-.

<u>Applicant</u>	<u>No. of Previous Licence and Length of Suspension</u>
Mr. Imran Hanif	2496/0043412 - suspended for a period of 1 year until 2nd November 2022

Decision

The Committee agreed to recall the immediate suspension of the above licence. The licence was returned to the applicant. The Committee also added a warning to the existing licence.

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

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

423. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

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 licence, and, having heard the representative for Police Scotland (Fife Division) and the licenceholder thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Mr. Michael Burt	Taxi Driver 8455/0043027 Expiry Date: 5 March 2022

Decision/

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented. He was present and heard.

424. 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. Muhammad Ayaz	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	Mr. Derek Bruley	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to refuse the licence.

(c)	Mr. Edward Dunn	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.

(d)	Miss Samantha McQueen-White	Taxi Driver (renewal) 3 year
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Decision

The Committee agreed to grant the licence.

(e)/

2022.R.L.409

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(e)	Mr. Alexander Moir	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.

(f)	Mr. Ryan Nellies	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 had been invited to attend and be represented at the meeting and with the exception of the applicants at (c), (e) and (f) were all present and heard. The Applicant at (d) was supported by her mother, Margaret White.

Consideration of the applications at (c) and (f) above was continued from the meeting held on 23rd November, 2021.

The warning given to the applicant at (a) 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 (b) 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 incident he had been involved in.

425. 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)	Mr. Paul Davies	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.

(b)/

2022.R.L.410

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(b) Mr. Thomas Kerr	Taxi Driver (temporary application) 6 weeks

Decision

The Committee agreed to refuse the licence.

(c) Mr. William McHale	Taxi Driver (temporary application) 6 weeks
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Decision

The Committee agreed to grant the licence.

(d) Mr. Jordan Slaven	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

The applicants and objector had been invited to attend and be represented at the meeting and with the exception of the Applicant at (a) were all present and heard. The Applicant at (b) was supported by his friend, Steven Dunsmuir.

The warning given to the Applicant at (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 application at (b) above was that the Applicant was not considered to be a fit and proper person to hold the licence applied in view of the nature and extent of previous convictions recorded against him and an incident he had been involved in.

15th March, 2022
Agenda Item No. 5

Annual Taxi/Private Hire Car Inspection Report for September 2021 - January 2022 - West Fife Area

Report by: Tom Henderson, Service Manager, Fleet Operations.

Wards Affected: 1, 2, 3, 4, 5, 6, 7, 8 and 9

Purpose:

To advise the Committee of the outcome of the Annual Taxi and Private Hire Car Inspection Tests for the West Fife Area.

Recommendation:

It is recommended that:

- (1) random inspection tests, six months after the annual test dates, should be considered, where appropriate, to ensure public safety; and
- (2) the Committee takes any other steps it deems appropriate.

Resource Implication:

Arrangements may have to be made for five random inspection tests.

Legal & Risk Implications:

There is a possible public safety risk if no random inspections are carried out.

Policy & Impact Assessment:

None

Consultation:

None

1.0 Background

- 1.1 This report gives details of the results of the inspections carried out on vehicles operating in West Fife between September 2021 and January 2022.
- 1.2 Of the 95 vehicles tested in West Fife, 90 passed first time which equated to 95%. The percentage pass rate in August, 2021 and November, 2019 was 92% and 99% respectively and the percentage fail rate on these dates was 8% and 1% respectively.
- 1.3 Summaries of the results are attached in Appendix 1 to this report.

2.0 Issues and Options

- 2.1 As well as considering random testing of vehicles, the Committee, may deem it appropriate to:
 - invite those operators whose vehicles failed the test to a meeting with the Convener and Vice Convener of the Committee to discuss their maintenance procedures; or
 - consider whether or not to hold a Hearing under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 which relates to suspension of the licence.

3.0 Conclusions

- 3.1 The first-time pass rate has decreased slightly since 2019. However, the Operators should still be congratulated for their first-class efforts in continuing to maintain their cars to a very high standard particularly at this very difficult time.

Background Papers

Hackney Carriage Test Reports for 95 vehicles.

Report Contact:

Tom Henderson
Service Manager
Fleet Operations
Bankhead Central
Bankhead Park
Glenrothes

Telephone: 03451 55 55 55, Ext. 473392, E-mail: tom.henderson@fife.gov.uk

FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTIONS
RESULTS FOR THE WEST AREA SEPTEMBER TO DECEMBER 2021

APPENDIX 1

Name	Make	Model	1st Reg	Plate No.	Test Date	Result
AITCHISON, John	FIAT	DOBLO	03/06/2019	P081	08/11/2021	PASS
	SEAT	TOLEDO	15/09/2015	T045	16/11/2021	PASS
AITCHISON, Neil	SEAT	TOLEDO	27/05/2015	P085	09/11/2021	PASS
	SEAT	TOLEDO	30/04/2018	P138	18/11/2021	PASS
	SEAT	TOLEDO	25/09/2013	T140	08/12/2021	PASS
	SEAT	TOLEDO	14/09/2017	P042	03/11/2021	PASS
AITCHISON, Stella	SEAT	TOLEDO	30/04/2018	T009	17/11/2021	PASS
ANDERSON, Stephen	CITREON	BRELINGO	21/12/2016	T084	24/11/2021	PASS
BAHIA, Kamaljit	SKODA	OCTAVIA	06/02/2020	T076	23/11/2021	PASS
BEATTIE, Tony	CITROEN	BERLINGO	31/12/2014	T116	30/11/2021	PASS
BERTURELLI, Morag	VAUXHALL	ZAFIRA	29/01/2015	P136	18/11/2021	PASS
BUCHAN, Alana	FORD	MONDEO	11/07/2017	P131	24/11/2021	PASS
BUCHAN, Dale	FORD	MONDEO	28/07/2014	T023	18/11/2021	PASS
BUCHAN, James	FORD	MONDEO	01/03/2015	T114	29/11/2021	PASS
	FORD	MONDEO	01.12.2016	T141	18/10/2021	PASS
BUCHAN, Mark	FORD	MONDEO	30/06/2016	T078	15/11/2021	PASS
	FORD	MONDEO	21/10/2015	T085	24/11/2021	PASS
	FORD	MONDEO	01/09/2015	T091	23/11/2021	PASS
BUCHANAN, Brian	SEAT	TOLEDO	06/09/2016	P039	07/12/2021	PASS
BUCKLE, Lynn	PEUGEOT	E7	28/07/2016	T112	29/11/2021	PASS

Name	Make	Model	1st Reg	Plate No.	Test Date	Result
CAMPBELL, Paul	VAUXHALL	ZAFIRA	31/03/2016	T070	15/12/2021	PASS
COYLE, Joseph	SKODA	OCTAVIA	22/09/2014	T080	23/11/2021	PASS
CUNNINGHAM, Edward	PEUGEOT	PARTNER	13/03/2018	T162	10/01/2022	PASS
DOUGLAS, Marion	SEAT	TOLEDO	14/12/2014	P113	11/11/2021	PASS
DRUMMOND, Maureen	FORD	FOCUS	21/11/2016	P005	01/11/2021	PASS
GALLOWAY, John	VAUXHALL	ZAFIRA	20/06/2014	T109	12/01/2022	PASS
GRIMWOOD, Jeremy	FORD	TOURNEO	05/03/2018	T151	06/12/2021	PASS
GUNN, Jamie	VAUXHALL	VIVARO	17/05/2013	T001	17/11/2021	PASS
	SKODA	OCTAVIA	30/06/2014	T113	29/11/2021	PASS
	SKODA	OCTAVIA	02/07/2013	T119	30/11/2021	PASS
GUNN, Melanie	VAUXHALL	ZAFIRA	29/01/2014	P130	15/11/2021	PASS
	SEAT	TOLEDO	09/06/2015	T072	22/11/2021	PASS
HEBENTON, Gary	RENAULT	TRAFIC	25/10/2012	P028	02/11/2021	PASS
	VAUXHALL	VIVARO	09/09/2015	P059	04/11/2021	PASS
HUSSAIN, Pervez	SKODA	OCTAVIA	16/11/2018	T018	17/11/2021	FAIL
HUTCHISON, Ewen	SKODA	OCTAVIA	01/03/2017	T087	24/11/2021	PASS
KEGGAN, Robert	FORD	C-MAX	23/06/2014	T135	02/12/2021	PASS
KREMEYER, Stephen	FORD	MONDEO	04/07/2017	T071	22/11/2021	PASS
LAING, William	FORD	TOURNEO	02/10/2019	P077	08/11/2021	PASS
	FORD	TRANSIT	30/09/2015	P086	09/11/2021	PASS
	VW	PASSAT	24/06/2016	P135	15/11/2021	PASS
LANG, James	VAUXHALL	ZAFIRA	23/12/2014	T054	18/11/2021	FAIL
MCMENAMIN-HUNTER, Caroline	KIA	OPTIMA	13/06/2017	T097	20/12/2021	PASS

Name	Make	Model	1st Reg	Plate No.	Test Date	Result
MACDONALD, William	RENAULT	TRAFIC	09/07/2015	P033	03/11/2021	PASS
	MERCEDES	C270	31/01/2019	P043	02/11/2021	PASS
	TOYOTA	COROLLA	16/01/2020	P117	11/11/2021	PASS
	TOYOTA	AVENSIS	15/09/2017	P122	15/11/2021	PASS
	PEUGEOT	BOXER 440	21/09/2015	P128	11/11/2021	PASS
	RENAULT	TRAFIC	15/06/2015	P151	06/12/2021	PASS
	SKODA	OCTAVIA	18/04/2013	T108	08/12/2021	PASS
	TOYOTA	AVENSIS	27/07/2018	T110	29/11/2021	PASS
	TOYOTA	COROLLA	16/01/2020	T118	07/09/2021	PASS
	FORD	GRAND FREEDOM	13/09/2021	T120	30/11/2021	PASS
	DACIA	LOGAN	25/01/2018	T123	25/11/2021	PASS
	DACIA	LOGAN	29/12/2015	T127	16/11/2021	PASS
	TOYOTA	AVENSIS	04/04/2018	T147	30/11/2021	FAIL
	MAYS, Charlene	FORD	MONDEO	03/10/2012	T062	02/12/2021
MCGUIRE, John	FORD	GALAXY	08/01/2015	T013	17/11/2021	PASS
	KIA	OPTIMA	28/03/2017	P012	01/11/2021	PASS
MICHIE, Helen	RENAULT	GRAND-SCENIC	07/09/2016	T130	01/12/2021	PASS
MITCHELL, William	FORD	MONDEO	01/09/2017	T056	22/11/2021	PASS
MOHYIDIN, Shahnaz	SKODA	SUPERB	18/06/2014	T128	01/12/2021	FAIL
MORGAN, Robert	SKODA	OCTAVIA	16/09/2016	P049	03/11/2021	PASS
	RENAULT	TRAFIC	01/09/2014	P102	10/11/2021	PASS
	FORD	MONDEO	13/05/2016	T082	23/11/2021	PASS
MORGAN, William	PEUGEOT	EXPERT	24/04/2015	P056	04/11/2021	PASS
MORRISON, Margaret	FORD	MONDEO	30/06/2015	T150	06/12/2021	PASS
MULLIGAN, John	FORD	TOURNEO	01/03/2021	P066	08/11/2021	PASS
MUTTER, Angela	DACIA	LOGAN	28/09/2017	P021	02/11/2021	PASS
	DACIA	LOGAN	17/01/2018	T105	25/11/2021	FAIL
MUTTER, Thomas	RENAULT	TRAFIC	01/09/2016	P063	04/11/2021	PASS
	RENAULT	TRAFIC	31/07/2018	P150	16/11/2021	PASS
NICOL, Walter	DACIA	LOGAN	16/03/2017	P034	03/11/2021	PASS

Name	Make	Model	1st Reg	Plate No.	Test Date	Result
NOOR, Abdul Khaled	FORD	TOURNEO	12/11/2014	P044	01/12/2021	PASS
PATERSON, Brian	RENAULT	TRAFIC	24/11/2015	P097	10/11/2021	PASS
	RENAULT	TRAFIC	24/11/2015	P106	10/11/2021	PASS
RICHARDSON, Mark	SKODA	OCTAVIA	09/11/2016	T126	01/12/2021	PASS
	MAZDA	5	07/09/2015	T129	01/12/2021	PASS
ROBERTSON, Peter	DACIA	LOGAN	18/10/2016	P008	02/12/2021	PASS
	VOLKS	TRANSPORTER	30/09/2013	P100	10/11/2021	PASS
SCOTT, Graeme	FORD	GALAXY	23/03/2016	P108	10/11/2021	PASS
SETHI, Hitansh	MERCEDES	VITO	26/03/2018	P054	07/12/2021	PASS
SIMPSON, Don	TOYOTA	PROACE	07/06/2017	P088	16/11/2021	PASS
	NISSAN	NV200	22/03/2013	P137	09/11/2021	PASS
SNEDDON, Colin	FORD	GALAXY	24/02/2017	P041	07/12/2021	PASS
SNEDKER, Michael	FORD	GALAXY	18/06/2014	P095	29/11/2021	PASS
	FORD	MONDEO	14/03/2016	T019	25/11/2021	PASS
WILSON, Iain	VAUXHALL	ZAFIRA	20/04/2016	P074	25/11/2021	PASS
	SKODA	OCTAVIA	04/09/2017	T083	08/11/2021	PASS
WILSON, Joseph	SKODA	SUPERB	29/04/2013	T161	06/12/2021	PASS
WILSON, Martin	FORD	GALAXY	29/06/2012	P007	30/11/2021	PASS
	FORD	GALAXY	01/09/2016	P083	09/11/2021	PASS
	FORD	GALAXY	14/11/2014	T067	22/11/2021	PASS
WILSON, Stuart	MERCEDES	VITO	11/06/2019	T170	07/12/2021	PASS
WRIGHT, Siobhan	SKODA	OCTAVIA	29/01/2019	T081	26/10/2021	PASS

FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTIONS
FAULTS FOR THE WEST AREA

Name	Date of Reg.	Plate No.	Faults
HUSSAIN, Pervez	01/03/2017	T018	Nearside right caliper leaking brake fluid PLATES REMOVED mileage at fail 84,474 on 17/11/2021 mileage at pass 84,482 on 18/11/2021
LANG, James	23/12/2014	T054	1. Failed brake test on handbrake performance 2. Offside front suspension arm rear bush excessive movement PLATES REMOVED mileage at fail 133,469 on 18/11/2021 mileage at pass 133,519 on 22/11/2021
MACDONALD, Willian	04/04/2018	T147	Warning lights on dash electronic parking brake MIL indicates a malfunction PLATES REMOVED mileage at fail 26,343 on 30/11/2021 mileage at pass 26,416 on 02/12/2021
MOHYIDIN, Shahnaz	18/06/2014	T128	Reverse lights on at all times showing white light to rear PLATES REMOVED mileage at fail 137,019 on 01/12/2021 mileage at pass 137,039 on 03/12/2021
MUTTER, Angela	17/01/2018	T105	1. Taxi sign - light inoperable 2. Two way radio insecure 3. Nearside head lamp beam - pattern not right PLATES REMOVED mileage at fail 73,689 on 25/11/2021 mileage at pass 73,701 on 26/11/2021

15th March, 2022
Agenda Item No. 6

Cinemas Act 1985 – Variation of Licensing Conditions - The Byre Theatre, Abbey Street, St. Andrews - 25th - 27th March 2022

Report by: Gillian Love, Lead Officer, Miscellaneous Licensing

Wards Affected: 17, 18, 19, 20 and 21

Purpose:

The Council has received a request for authorisation to screen uncertified films at the Byre Theatre, St. Andrews

Recommendation:

It is recommended that the Committee:

- (i) notes this report; and
- (ii) grants permission to allow specific uncertificated films, from the list of titles circulated, to be shown between 25th and 27th March, 2022 at the Byre Theatre, St. Andrews

Resource Implication:

None

Legal & Risk Implications:

None

Policy & Impact Assessment:

None

Consultation:

None

1.0 Background

- 1.1 In February 2022 the Council received notice from a representative of the Byre Theatre regarding films due to be screened between 25th and 27th March, 2022.
- 1.2 Typically most of these films are yet to be released and have still to be classified by the BBFC. Therefore, as required by the Council's Standard Conditions of Licence, the Byre Theatre is seeking permission for the films within the programme to be shown. The committee has previously agreed to similar variations.
- 1.3 Committee members should note that any permitted variation would relate only to the films specified on the list circulated to members, and any films not so specified would be required to adhere to the Council's Standard Conditions of Licence.
- 1.4 This permission will apply, as appropriate, to the Byre Theatre between 25th and 27th March 2022.

2.0 Conclusions

- 2.1 Condition 3 of the Council's standard conditions, which applies to all cinema licences, states that:
No film shall be exhibited unless -
 - (a) it has received a "Uc", "U", "PG", "12A", "12", "15" or "18" certificate of the British Board of Film Classification; or
 - (b) it is a current news-reel which has not been submitted to the British Board of Film Classification.Full conditions are attached at Appendix 1.
- 2.2 However, condition 7 of the cinema licence conditions states a film may be exhibited, or persons or any class of persons, may be admitted thereto if the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
- 2.3 The Committee has given approval for certain venues to show uncertificated films in previous years.

Background Papers

Fife Council Cinema Licensing Conditions

Report Contact

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CONDITIONS

1. The licence holder or the responsible manager, his deputy for the time being or occupier of the premises shall immediately communicate to the Chief Fire Officer of Fife Fire and Rescue Service any outbreak of fire, however slight.
2. All attendants on duty to assist persons entering or leaving the auditorium shall wear a distinguishing uniform, armband or badge.
3. No film shall be exhibited unless -
 - (a) it has received a "Uc", "U", "PG", "12A", "12", "15" or "18" certificate of the British Board of Film Classification; or
 - (b) it is a current news-reel which has not been submitted to the British Board of Film Classification.
4. No person under the age of 18 years shall be admitted to any exhibition at which there is to be shown any film which has received an "18" certificate from the British Board of Film Classification.
5. No person under the age of 15 years shall be admitted to any exhibition at which there is to be shown any film which has received a "15" certificate from the British Board of Film Classification.
6. No person under the age of 12 years shall be admitted to any exhibition at which there is to be shown any film which has received a "12A" certificate from the British Board of Film Classification unless they are accompanied during the showing of the film by a person of 18 years or over.
7. Notwithstanding the conditions hereinbefore contained, a film may be exhibited, or persons or any class of persons, may be admitted thereto if the permission of the Licensing Authority is first obtained and any conditions of such permission are complied with.
8. A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.
9. There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures -
 - (a) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration;
 - (b) the approximate times of commencement of each such films;
 - (c) whether each such film has received a "Uc", "U", "PG", "12A", "12", "15" or "18" certificate from the British Board of Film Classification.
 - (d) The effect of such "Uc", "U", "PG", "12A", "12", "15" or "18" certificates in relation to the admission of persons under the age of 18 years.
10. The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the letter "Uc", "U", "PG", "12A", "12", "15" or "18" in any advertisement of the film displayed at the premises.

11. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.
12. Where the Licensing Authority has given notice in writing to the licence holder of the premises objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.
13. Where the Licensing Authority has given notice in writing to the licence holder of the premises prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Licensing Authority.