

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 8th August, 2023 - 9.30 a.m.

AGENDA

Page Nos.

- 1. **APOLOGIES FOR ABSENCE.**
- 2. **DECLARATIONS OF INTEREST** - Members of the Committee are asked to declare any interest(s) in particular items on the agenda and the nature of the interest(s) at this stage.
- 3. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 13th June, 2023. 5 - 10

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- 4. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - IN SEPTEMBER AND NOVEMBER, 2023** 11 - 15
 Report by Lead Officer, Miscellaneous Licensing on request to vary licence conditions to allow the theatre to screen non BBFC certificated films.
- 5. **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)	Ryan Blaney	Taxi Driver (new application)	1 year
(ii)	Colin Brown	Taxi Driver (renewal)	1 year
(iii)	James French	Taxi Driver (renewal)	1 year
(iv)	Michael Jamieson	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(v)	Robert Jones	Taxi Driver (new application)	1 year
(vi)	Vikas Kumar	Taxi Driver (renewal)	1 year
(vii)	Robbie McPhail	Taxi Driver (new application)	1 year
(viii)	Paul Michael	Taxi Driver (new application)	1 year
(ix)	Jason Quinn	Taxi Driver (renewal)	1 year

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

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

- 6. 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)	Ryan Clark	Taxi Driver (new application)	1 year
(ii)	Bruce Davis	Taxi Driver (renewal)	1 year
(iii)	Vorena Maricic	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.

- 7. OPPOSED APPLICATIONS -** Consideration of applications for licences by the undernoted in respect of which police objections have been lodged, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982, to hear the objector and the applicants thereon:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(i) James Downie	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(ii) Alexander Nimmo	Taxi Driver (new application)	1 year

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

(D) Deferral - Consideration of both of the above applications is continued from the meeting held on 13th June, 2023.

8. 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

2nd August, 2023

If telephoning please ask for:-

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

13th June, 2023

9.30 a.m. – 2.05 p.m.

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Sean Dillon, Carol Lindsay, David MacDiarmid, Julie MacDougall, 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); Billy Ferguson, Service Manager, Steven Duffy, Workshop Team Manager and Steven Haddow, Workshop Co-ordinator all Fleet Operations (for items 39 and 41 only); and Barry Smith, Lead Officer – Private Housing (for item 45 only).

APOLOGIES: Councillors Gavin Ellis, Alycia Hayes, Donald Lothian and Darren Watt.

OBSERVERS: Laura Smith, Housing Professional, Private Sector Housing – HMO Licensing/ Short-term Lets (for item 45 only) and Hayden Thomson, Work Experience (for items 37 to 39 only).

37. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 16th May, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

38. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS LICENCES**

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 two taxi/private hire car drivers licences 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 which had to be considered prior to this meeting of the Committee.

Decision

The Committee noted that two taxi/private hire car drivers licences had been suspended with immediate effect.

39./

39. **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 June, 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;
- (2) agreed that those operators who had vehicles failing the test be brought in for a meeting with the Convener and Depute Convener regarding the maintenance of their vehicles; and
- (3) requested that three open days be held at each of the garages in the East, West and Central areas with all licensed operators being given the opportunity to attend. This is in an effort to show operators how the annual tests are carried out. Advice will also be given on daily checks of their vehicles and the operators will be given the opportunity to ask any questions of the testers.

40. **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)	Stuart Devlin	Taxi Driver (new application) 1 year

Motion

Councillor MacDougall, seconded by Councillor Dillon, moved that the licence be granted.

Amendment

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

Vote

Amendment - 5
Motion - 5

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

Decision/

Decision

The Committee agreed to grant the licence with a warning.

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| (b) | Karl Kinsella | 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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| (c) | John Ogilvie | Taxi Driver
(new application)
1 year |
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Decision

The Committee noted that the applicant had now withdrawn 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 applicant at (c) above were all present and heard.

The warning given to the applicants at (a) and (b) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

41. 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 Service Manager, Fleet Operations and Lead Officer, Miscellaneous Licensing, thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
Thomas Mutter and William Davie	Private Hire Operator's Licence – P011 – West Fife Zone – 22 November 2023

Decision

The Committee agreed not to suspend the licence but subjected the vehicle to a random test within six months of the annual test carried out on the vehicle.

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

42. **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 43 and 44 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.

43. **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 & Period of Licence Applied For</u>
(a)	Mehdi Mukhtar	Taxi Driver (new application) 1 year

Motion

Councillor Brown, seconded by Councillor Pryde, moved that the licence be granted.

Amendment

Councillor Lindsay, seconded by Councillor Patrick, moved, as an Amendment, that the licence be granted with a warning.

Vote

Amendment	-	5
Motion	-	5

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

Decision

The Committee agreed to grant the licence with a warning.

(b)	Lee Faulks	Window Cleaner (new application) 3 year
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Decision

The Committee agreed to grant the licence with a warning.

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

Consideration of the application at (b) above was continued from the meeting held on 16th May, 2023.

(Prior to consideration of the application at (b) above, Councillor Patrick declared an interest in this item, as she was known to the applicant, and left the meeting for this item only).

The warning given to the applicants at (a) and (b) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

44. **OPPOSED APPLICATIONS**

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife Division), dealt with the applications as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
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| (a) James Downie | 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 an opportunity to appear.

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| (b) Alexander Nimmo | 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 an opportunity to appear.

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| (c) Peter Pickford | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to grant the licence with a warning.

The/

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

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.

45. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which objections had been intimated and, having heard the representative for the applicant as well as one of the objectors to the application, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
George Christie	Short Term Let Licence for Pickle House, 16 Pickletillum Avenue, Drumoig (new application) 3 year

Decision

The Committee agreed to grant the licence for one year only with the following additional conditions to be added to the licence:

- The property be licensed for 8 persons, in total;
- No more than four cars to be parked on the property; and
- No on street parking is permitted.

The Committee also requested that the applicant make his letting agent aware of these additional conditions of licence to ensure that they are included in all posts advertising the property for let.

The applicant was advised that the Committee took its decision in the knowledge that he would be installing CCTV at the property and would distribute contact details to nearby residents in the event of any emergency/issues at the property.

The applicant and objectors had been invited to attend and be represented at the meeting. Mr George Christie was in attendance as the applicant with his son, Fraser Christie. The applicant was also represented by Mr. Robin Beattie, Solicitor, Dundee. Mr Ian Wilson was in attendance as an objector to the application and as Secretary of the Drumoig Residents' Association. No other objectors to the application were in attendance.

8th August, 2023
Agenda Item No. 4

Cinemas Act 1985 – Variation of Licensing Conditions - The Byre Theatre, Abbey Street, St. Andrews – September & November 2023

Report by: Gillian Love, Lead Officer, Miscellaneous Licensing
Wards Affected: ALL

Purpose:

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

Recommendation:

It is recommended that the Committee:

- (i) notes this report; and
- (ii) grants permission to allow the uncertificated films, detailed in the information circulated, to be shown in September and November 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 August 2023 the Council received notice from a representative of the Byre Theatre regarding films due to be screened in September and November 2023.
- 1.2 This films still have 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, detailed in the information circulated, 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 as circulated to members, and any film 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 on 15 September and 16 November, 2023 only.

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 previously.

Background Papers

Fife Council Cinema Licensing Conditions

Report Contact

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Lead Officer
Miscellaneous Licensing
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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.