

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

**9th August, 2022**

**9.30 a.m. – 5.22 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, David MacDiarmid, Julie MacDougall, 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; Sergeant Neil Ewing, Police Scotland (Fife Division); and Billy Ferguson, Fleet Operations Manager (for items 5, 6 & 7 only).

**1. CONVENER'S INTRODUCTORY REMARKS**

Councillor Adams paid tribute to the previous Convener and Vice-Convener as well as all councillors who were not re-elected, or who had retired, for their positive contribution to the Committee and thereafter welcomed all new councillors.

**2. MEMBERSHIP AND REMIT**

The Committee considered a report by the Executive Director (Finance & Corporate Services) detailing the membership and remit of the Committee.

**Decision**

The Committee noted the contents of the report.

**3. APPOINTMENT OF DEPUTE CONVENER**

**Motion**

Councillor Pryde, seconded by Councillor MacDougall, moved that Councillor Browne be appointed Depute Convener of the Regulation & Licensing Committee.

**Amendment**

Councillor MacDiarmid, seconded by Councillor Patrick moved, as an amendment, that Councillor Lindsay be appointed Depute Convener of the Regulation & Licensing Committee.

**Vote**

Amendment – 6  
Motion – 8

**Decision/**

**Decision**

Councillor Browne was appointed Depute Convener of the Regulation & Licensing Committee.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

4. **APPEAL TO SHERIFF – MARKET OPERATOR’S LICENCE**  
(Previous Minute Reference: 430 of 2022.R.L.412 & 413 refers)

**Decision**

The Committee, after hearing the Council’s Lead Officer, Miscellaneous Licensing thereon, noted that an appeal had been made to the Sheriff by Tayport Football Club against the decision on 15th March, 2022 to vary their market operator’s licence.

5. **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 April to July, 2022.

**Motion**

Councillor Lindsay, seconded by Councillor MacDiarmid, moved that those operators whose vehicles passed the test first time be congratulated and requested that letters be sent to ten operators failing the test reminding them of the standards expected for maintaining their vehicles and one operator, whose vehicle failed the test, should be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of her vehicles as she has had vehicles failing the test in the past.

**Amendment**

Councillor Lothian, seconded by Councillor Tepp, moved, as an Amendment, that those operators whose vehicles passed the test first time be congratulated and requested that letters be sent to all operators failing the test reminding them of the standards expected for maintaining their vehicles.

**Vote**

Amendment -	6
Motion -	8

**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 letters be sent to ten operators failing the test reminding them of the standards expected for maintaining their vehicles and one operator, whose vehicle failed the test, would be brought in for a meeting with the Convener & Depute Convener regarding the maintenance of her vehicles as she has had vehicles failing the test in the past.

6. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in April to June, 2022.

**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 letters be sent to the two operators failing the test reminding them of the standards expected for maintaining their vehicles.

7. **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 May and June, 2022.

**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 letters be sent to the two operators failing the test reminding them of the standards expected for maintaining their vehicles.

8. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – DURING SEPTEMBER AND NOVEMBER, 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, from the list of titles circulated at Committee, to be shown in the Byre Theatre on specific dates in September and November 2022.

9. **TAXI FARE SCALE REVIEW**

The Committee considered a report by the Executive Director (Finance & Corporate Services) advising of the requirement under the Civic Government (Scotland) Act 1982 to review the taxi fare scales operating throughout the local authority area. Consultation is required to be carried out with representatives of taxi operators before any decision can be taken on the review. In order to enable a decision to be taken by this Committee and still allow appropriate time for advertising and the lodging of appeals, if any, a decision on the review would require to be taken at the meeting held on 6th September, 2022.

**Decision**

The Committee agreed that:-

- (a) a Sub-Committee consisting of Councillors Adams, Ballantyne-Wardlaw, Browne, Ellis, Lindsay and MacDougall consider the 2022 statutory review of taxi fares and related matters in Fife and meet with the representatives of taxi operators in Fife to make recommendations to this Committee on the level of fares for 2022/2023; and
- (b) a report be submitted to the Committee on 6th September, 2022 for a decision on what the fare scales will be for the twelve months following 5th December, 2022.

10. **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 Civic Government (Scotland) Act 1982 having advised the 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.

11. **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, the Council's Civic Government Licensing Enforcement Officer (for the application at (k) below) and the applicants thereon, dealt with the applications as shown:-

## 2022.R.L.5

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(a)	Ugur Emre	Late Hours Catering for premises at 13 Bell Street, St. Andrews Until 3.00 am 7 days (new application) 3 year

### Motion

Councillor Lindsay, seconded by Councillor O'Brien, moved that the licence be granted with a warning.

### Amendment

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved, as an Amendment, that the licence be refused.

### Vote

Amendment	-	3
Motion	-	11

### Decision

The Committee agreed to grant the licence with a warning.

(b)	Ugur Emre	Late Hours Catering for premises at 149 Market Street, St. Andrews Until 3.00 am 7 days (new application) 3 year
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### Decision

The Committee agreed to grant the licence with a warning.

(c)	Dragomir Asenov	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)	Neil Cameron	Taxi Driver (new application) 3 year
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### Decision

The Committee agreed to grant the licence.

## 2022.R.L.6

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(e)	David Cathie	Taxi Driver (new application) 3 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)	Nathan Connelly	Taxi Driver (new application) 1 year
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### Motion

Councillor Ellis, seconded by Councillor MacDougall, 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	-	6
Motion	-	7

### Decision

The Committee agreed to grant the licence.

(g)	Kevin Dent	Taxi Driver (new application) 1 year
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### Motion

Councillor O'Brien, seconded by Councillor Hayes, moved that the licence be granted.

### Amendment

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved, as an Amendment, that the licence be granted with a warning.

### Vote

Amendment	-	3
Motion	-	10

**Decision**

The Committee agreed to grant the licence.

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| (h) | Nicola Gough | Taxi Driver<br>(new application)<br>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.

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| (i) | Grant Kennedy | Taxi Driver<br>(new application)<br>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.

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| (j) | Sean Kitchener | Taxi Driver<br>(renewal)<br>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.

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| (k) | Mahmood Rashid | Taxi Driver<br>(new application)<br>3 year |
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**Decision**

The Committee agreed to delegate the decision to the Lead Officer (Miscellaneous Licensing) and the Civic Government Licensing Enforcement Officer to take a decision on the application following a meeting with the Applicant.

The Applicants had been invited to attend and be represented at the meeting and with the exception of the Applicants at (c), (e), (h), (i) and (j) were all present and heard.

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

*(Councillor Lindsay left the meeting following consideration of item (f) above).*

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

*(Previous Minute Reference: para. 416 of 2021.R.L.400 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>
Sirfraz Mohammed	8853/0040981 - suspended until expiry date of licence being 10 December 2022

Motion

Councillor Ellis, seconded by Councillor Watt, moved that the suspension of the licence be recalled and the licence be returned to the applicant with a warning.

Amendment

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved, as an Amendment, that the suspension of the licence should not be recalled and should remain in effect.

Vote

Amendment	-	4
Motion	-	8

Decision

The Committee agreed to recall the immediate suspension of the above licence.

The licence was returned to the applicant and he was warned that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

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

13. **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.



14. **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 &amp; Period of Licence Applied For</u>
(a)	Gillian Aitken	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)	Morgan Dick	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.

(c)	William Fitzsimmons	Taxi Driver (renewal) 1 year
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**Decision**

The Committee agreed to grant the licence.

(d)	Tomas Kristof	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.

(e)	James McCarthy	Taxi Driver (temporary application) 6 weeks
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**Decision**

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

(f)	Zoe McIntyre	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence.

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| (g) | George Morris | Taxi Driver<br>(renewal)<br>1 year |
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**Decision**

The Committee agreed to grant the licence.

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| (h) | William Penman | Taxi Driver<br>(renewal)<br>1 year |
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**Decision**

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

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| (i) | Kashif Rehman | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The Committee agreed to grant the licence.

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| (j) | David Sinclair | Taxi Driver<br>(renewal)<br>3 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 (a), (b), (d), (e) and (j) were present and heard.

**15. 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 and No. of Licence &amp; Expiry Date</u>
(a) Greg McColl	Taxi Driver 1760/0045808 Expiry Date: 16th June 2025

**Decision**

The Committee agreed not to suspend the licence subject to further satisfactory information being received from the licenceholder within the duration of the licence.

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| (b) | Dobromir Stoyanov | Taxi Driver<br>1671/0043938<br>Expiry Date: 20th September 2024 |
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**Decision**

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of suspension.

**Decision**

The Committee agreed to suspend the licence until its expiry being 20th September, 2024, this being with immediate effect.

The licenceholders had been invited to attend and be represented. The licenceholder at (a) was present and heard. The licenceholder at (b) was not present.

The grounds for suspension of the licence at (b) 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.

16. **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) | Michael Foy      | Street Trader selling hot & cold food<br>Monday – Friday from 7.00 am – 2.00 pm<br>(new application)<br>1 year |

**Decision**

The Committee agreed to refuse the licence.

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| (b) | James Cunningham | Taxi Driver<br>(renewal)<br>1 year |
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**Decision**

The Committee agreed to refuse the licence.

## 2022.R.L.12

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(c)	Kaan Polat	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 and objector had been invited to attend and be represented at the meeting. Neither of the above applicants were in attendance.

*(Councillor Tepp left the meeting following consideration of item (a) above).*

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 previous convictions recorded against him.

The reason for refusal of the application at (b) above was that the Applicant was no longer considered to be a fit and proper person to hold such a licence in view of the nature and extent of charges recorded against him, having regard to the activity he had applied for.

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