

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

14th February, 2023

9.30 a.m. – 1.54 p.m.

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Alycia Hayes, Carol Lindsay, Donald Lothian, Lea McLelland, David MacDiarmid, Julie MacDougall, 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); Billy Ferguson, Service Manager and Steven Duffy, Workshop Team Manager both Fleet Operations (for items 4 and 5 only).

APOLOGIES: Councillors Sean Dillon and Gavin Ellis.

1. **URGENT BUSINESS**

The Convener advised that in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, he had agreed that the item of business at 9 below be considered as a matter of urgency.

2. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 6th December, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

3. **APPEALS TO SHERIFF - TAXI/PRIVATE HIRE CAR DRIVERS LICENCES**

(Previous Minute References: paras. 36(c) of 2022.R.L.31 and 32 and 16(b) of 2022.R.L.11 and 12 refer)

Decision

The Committee, after hearing the Council's Lead Officer, Miscellaneous Licensing thereon, noted that:

(i) an Appeal had been made to the Sheriff by Sam Green, against the decision on 1st November, 2022 to refuse his application for renewal of his taxi/private hire car driver's licence; and

(ii)/

2023.R.L.2

- (ii) the Appeal lodged with the Sheriff by James Cunningham against the decision on 9 August, 2022 to refuse his application for renewal of his taxi/private hire car driver's licence had been unsuccessful, the Committee's decision upheld and the licence had been refused.

4. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - GLENROTHES ZONE

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Glenrothes Zone in October, November and December, 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 all operators, whose vehicles failed the test, would be brought in for a meeting with the Convener and Vice-Convener regarding the maintenance of their vehicles.

5. 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 November and December, 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 all operators, whose vehicles failed the test, would be brought in for a meeting with the Convener and Vice-Convener regarding the maintenance of their vehicles.

6. CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - IN MARCH, 2023

The Committee considered a report by the Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen a non-BBFC certificated film.

Decision

The Committee agreed to grant permission to allow the non-BBFC certificated film to be shown in the Byre Theatre in March, 2023.

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7. 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) or the Council's Lead Officer in Miscellaneous Licensing as well as the applicants thereon, dealt with the applications as shown:-

| <u>Applicant</u> | <u>Activity & Period of Licence Applied For</u> |
|--------------------------|---|
| (a) Mohammed Al-Shaibany | 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 an opportunity to appear.

| | |
|---------------------|--|
| (b) Steven Campbell | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (c) Lee Connor | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (d) Ugur Emre | Taxi Driver (new application) 3 year |
|---------------|--|

Motion

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

Amendment

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

Vote/

2023.R.L.4

Vote

Amendment - 5
Motion - 8

Decision

The Committee agreed to grant the licence.

- (e) Mihvan Hamdi Taxi Driver
 (new application)
 3 year

Motion

Councillor MacDougall, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be granted.

Amendment

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

Vote

Amendment - 5
Motion - 8

Decision

The Committee agreed to grant the licence.

- (f) David Lawrie Taxi Driver
 (new application)
 1 year

Motion

Councillor Lothian seconded by Councillor Hayes, moved that the licence be granted.

Amendment

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

Vote

Amendment - 8
Motion - 5

2023.R.L.6

| <u>Applicant</u> | <u>Activity & Period of Licence Applied For</u> |
|---------------------|---|
| (j) Grant Robertson | 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 an opportunity to appear.

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| (k) William Stein | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (l) William Tully | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (m) Matthew Watson | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (n) Mark White | Taxi Driver (renewal) 3 year |
|----------------|------------------------------------|

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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| (o) Edwin Wright | Taxi Driver (new application) 1 year |
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Decision

The Committee agreed to grant the licence.

2023.R.L.7

The applicants had been invited to attend and be represented at the meeting. Apart from the applicants at (a), (i), (j) and (n) they were all present and heard.

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

8. 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.

9. CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI DRIVER'S 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 taxi driver's licence, and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer in Miscellaneous Licensing and the licenceholder thereon, dealt with the licence as shown:-

| <u>Licenceholder</u> | <u>Type and No. of Licence & Expiry Date</u> |
|----------------------|---|
| Robert Parker | Taxi Driver Lic. No.: 9374/0045617 Expiry Date: 19 May 2023 |

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard. He was also supported by his employer, Stephen Psyl, Private Hire Operator.

10. 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)/ | |

2023.R.L.8

| | <u>Applicant</u> | <u>Activity & Period of Licence Applied For</u> |
|-----|------------------|---|
| (a) | Lee Davidson | 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 an opportunity to appear.

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| (b) | Yousef Mohammad | Taxi Driver (new application) 3 year |
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Decision

The Committee agreed to refuse the licence.

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| (c) | Jamie Stein | Taxi Driver (renewal) 1 year |
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Decision

The Committee agreed to grant the licence.

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| (d) | Michael Taggerty | Taxi Driver (new application) 3 year |
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Decision

The Committee agreed to grant the licence.

The applicants had been invited to attend and be represented at the meeting and were all present and heard apart from the applicant at (a) above. The applicant at (c) above was supported by his friend, Jessica Simford.

(Prior to consideration of the application at (c) 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 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 previous incidents he had been involved in.

10. **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) and the applicants thereon, dealt with the applications as shown:-

| <u>Applicant</u> | <u>Activity and period of licence applied for</u> |
|--------------------|---|
| (a) Fabio Garraffo | Street Trader selling pizzas at events in Fife (new application) 1 year |

Motion

Councillor Watt, seconded by Councillor Lothian, moved that the licence be granted with a warning.

Amendment

Councillor Lindsay, seconded by Councillor McLelland, moved, as an amendment, that the licence be refused.

Vote

Amendment - 11
Motion - 2

Decision

The Committee agreed to refuse the licence.

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| (b) Greg Ellis | 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. Both applicants were present and heard.

The reason for refusal of the above applications was that the applicants were not considered to be fit and proper persons to hold such a licence in view of the nature and extent of previous incidents they were involved in.

(Councillor MacDougall left the meeting following consideration of the item at (a) above).
