

Conference Room 2, Ground Floor, Fife House, Glenrothes
 Tuesday, 14th March, 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 14th February, 2023. 5 - 13

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 Depute 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. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 14TH - 16TH APRIL, 2023** 15 - 19
 Report by Lead Officer, Miscellaneous Licensing on request to vary licence conditions to allow the theatre to screen non BBFC certificated films.
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 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>
(D) (i) Mohammed Al-Shaibany	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
	(ii) Mohammed Ajmal	Taxi Driver (new application)	3 year
	(iii) David Robertson	Taxi Driver (renewal)	1 year
(D)	(iv) Grant Robertson	Taxi Driver (new application)	1 year
	(v) Marc Whip	Taxi Driver (new application)	1 year
(D)	(vi) Mark White	Taxi Driver (renewal)	3 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 (i), (iv) and (vi) above is continued from the meeting held on 14th February, 2023.

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

- 7. 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) Ali Ahidar	Taxi Driver (renewal)	1 year
	(ii) Andy Anderson	Taxi Driver (renewal)	1 year
(D)	(iii) Lee Davidson	Taxi Driver (new application)	1 year
	(iv) Alexander Laing	Taxi Driver (renewal)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(v)	Laurence Taylor	Taxi Driver (renewal)	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 application at (iii) above is continued from the meeting held on 14th February, 2023.

8. 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>
(i)	Mohammed Khalid T/A My Tint Fife Ltd.	Second Hand Dealer selling used cars Monday - Saturday from 9.30 a.m. - 5.30 p.m. from premises at 22b Poplar Road, Glenrothes (new application)	3 year
(ii)	Amanat Shah	Taxi Driver (renewal)	3 year

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

9. 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

8th March, 2023

If telephoning please ask for:-

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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.

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.

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

The Committee agreed to grant the licence.

(d) Ugur Emre	Taxi Driver (new application) 3 year
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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.5

Decision

The Committee agreed to grant the licence with a warning.

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|-----|----------------|------------------------------------|
| (g) | Norman Macleod | Taxi Driver
(renewal)
1 year |
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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	-	9
Motion	-	4

Decision

The Committee agreed to grant the licence with a warning.

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| (h) | Behzad Nasir | 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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| (i) | Robert Quayle | Taxi Driver
(new application)
1 year |
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Decision

The Committee noted that the applicant had withdrawn his application for a taxi driver's licence.

- (j)/

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.

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

The Committee agreed to grant the licence.

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

The Committee agreed to grant the licence.

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

The Committee agreed to grant the licence.

(n) Mark White	Taxi Driver (renewal) 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 an opportunity to appear.

(o) Edwin Wright	Taxi Driver (new application) 1 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. 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.

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

The Committee agreed to refuse the licence.

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

The Committee agreed to grant the licence.

(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.

(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).

14th March, 2023

Agenda Item No. 5

Cinemas Act 1985 – Variation of Licensing Conditions - The Byre Theatre, Abbey Street, St. Andrews - 14th - 16th April 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 specific uncertificated films, from the list of titles circulated, to be shown between 14th and 16th April, 2023 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 March 2023 the Council received notice from a representative of the Byre Theatre regarding films due to be screened between 14th and 16th April, 2023.
- 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 14th and 16th April 2023.

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

Gillian Love
Lead Officer
Miscellaneous Licensing
Fife House
North Street
Glenrothes
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E-mail: gillian.love@fife.gov.uk

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.