

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

12th April, 2022

9.30 a.m. – 1.09 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, Garry Haldane, Zoe Hisbent, Gordon Langlands, Lea McLelland, David MacDiarmid, John O'Brien, Graham Ritchie and David J Ross.

ATTENDING: Steven Paterson, Solicitor and Gillian Love, Lead Officer, Miscellaneous Licensing both in Finance and Corporate Services; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Bill Connor, Gavin Ellis, Jane Ann Liston and Ryan Smart.

436. CHANGE OF MEMBERSHIP

Councillor Carol Lindsay welcomed Councillor John O'Brien to his first meeting of the Regulation & Licensing Committee and Members noted that Councillor O'Brien had replaced Councillor Docherty as a Member of the Committee.

437. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 15th March, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

438. 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 above Act 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.

439./

2022.R.L.421

439. 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)	Breakout Events Ltd.	Public Entertainment for music festival including fairground at the Esplanade, Kirkcaldy Between the hours of 1200 and 2300 on Friday and between 1100 and 2300 on Saturday and Sunday (temporary application) 27th – 29th May, 2022

Decision

The Committee agreed to grant the licence subject to a number of additional conditions recommended by Police Scotland.

(b)	Mr. Paul Gardiner	Street Trader Selling hot & cold food & drinks Monday - Friday from 10.00 a.m. to 2.00 p.m. from Cavendish Way, Southfield Industrial Estate, Glenrothes (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(c)	Mr. Alan Watters	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence and requested that the applicant attend the first available taxi driver's training course at Fife House, Glenrothes.

The/

2022.R.L.422

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

Sergeant Susie O'Brien was in attendance as representative for Police Scotland for the application at (a) above. Ian Arnott, Stuart Prentice, John O'Neil, Scott Finlay & Kayla Robinson were in attendance, for the application at (a) above.

(Prior to consideration of the application at (a) above, Councillor John O'Brien declared an interest in this item, as he was known to one of the Police Scotland representatives, and left the meeting for this item only).

(Councillor Alistair Cameron left the meeting following consideration of the item at (c) above).

440. **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.

441. **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 & Expiry Date</u>
(a) Mr. Murray Clunie	Taxi Driver 1716/0044841 Expiry Date: 8th December 2022

Decision

The Committee agreed to suspend the licence with immediate effect.

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 8th December, 2022.

(b)/

2022.R.L.423

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
(b) Mr. Steven Dunsmuir	Taxi Driver 9282/0044471 Expiry Date: 26th October 2022

Decision

The Committee agreed not to suspend the licence.

(c) Mr. Michael Paterson	Taxi Driver 9286/0044543 Expiry Date: 11th November 2022
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Decision

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of the suspension as follows:-

Decision

The Committee agreed to suspend the licence until its expiry being 11th November, 2022.

The licenceholders had been invited to attend and be represented. The licenceholder at (b) was present and heard and supported by his brother, Alan Dunsmuir. The licenceholders at (a) and (c) were not present.

Consideration of the matter at (c) above was continued from the meeting held on 15th March, 2022.

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.

The ground for suspension of the licence at (c) above was that the licenceholder was no longer considered to be a fit and proper person to hold the licence.

2022.R.L.424

442. 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)	Mr. Lewis Macleod	Street Trader Selling hot & cold food from Kirkcaldy Retail Park Monday, Thursday, Friday, Saturday & Sunday from 7.00 am - 2.30 pm (new application) 1 year

Motion

Councillor Garry Haldane, seconded by Councillor Graham Ritchie, moved that the licence be granted.

Amendment

Councillor Lea McLelland, seconded by Councillor John O'Brien, moved, as an Amendment, that the licence be granted with a warning.

Vote

Amendment	-	4
Motion	-	5

Decision

The Committee agreed to grant the licence.

(b)	Mr. Ion Bobes	Taxi Driver (new application) 1 year
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Motion

Councillor Garry Haldane, seconded by Councillor David J. Ross, moved that the licence be granted with a warning subject to further satisfactory information being received by the Licensing Team.

Amendment

Councillor David MacDiarmid, seconded by Councillor John O'Brien, moved, as an Amendment, that the licence be refused.

Vote/

2022.R.L.425

Vote

Amendment - 3
Motion - 6

Decision

The Committee agreed to grant the licence with a warning subject to further satisfactory information being received by the Licensing Team.

- (c) Mr. Blair Forbes Taxi Driver
 (new application)
 1 year

Decision

The Committee agreed to grant the licence with a warning.

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

The applicant at (a) was supported by his partner, Tessa Gazioch.

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