

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

26th October, 2021

9.30 a.m. – 1.20 p.m.

PRESENT: For item 393 - Councillors Ryan Smart (Convener), Alistair Cameron, Ian Ferguson, David Graham, Garry Haldane, Donald Lothian, John O'Brien and Graham Ritchie.

For items 394 onwards - Councillors Carol Lindsay (Convener), Alistair Cameron, John Docherty, David Graham, Garry Haldane, Gordon Langlands, David MacDiarmid, Graham Ritchie and Ryan Smart.

ATTENDING: Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Licensing Enforcement Officer all in Finance and Corporate Services; Laura Smith, Housing Professional and Claire Seath, Housing Management Officer both HMO Licensing (for item 393 only); Tom Henderson, Service Manager, Fleet Operations (for item 395 only); and Sergeant Neil Ewing, Police Scotland (Fife Division) (for items 396 onwards).

APOLOGIES: Councillors Bill Connor, Gavin Ellis, Zoe Hisbent, Jane Ann Liston and Lea McLelland.

HOUSING (SCOTLAND) ACT 2006

393. **APPLICATION FOR GRANT OF HOUSE IN MULTIPLE OCCUPATION LICENCE -**
The Committee was asked to reconsider an application for the grant of a house in multiple occupation licence by the undernoted in respect of which representations had been lodged. The application was previously refused at the meeting on 10th December, 2019 and following an appeal to the Sheriff, the application had been remitted back for reconsideration by a differently constituted Committee as the full up to date information on the number and capacity of HMOs in the locality was not produced at the previous hearing.

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Miss Clementine White	House in Multiple Occupation for Top Floor Flat, 12 Howard Place, St. Andrews. (new application) 3 year

The/

2021.R.L.382

The Committee considered the application and agreed that:-

- the applicant was fit and proper to be authorised to permit persons to occupy any living accommodation as an HMO;
- the agent was fit and proper to be authorised to permit persons to occupy any living accommodation as an HMO; and
- the property was suitable for use as an HMO or could be made suitable with conditions;

The Committee then considered if granting the licence would NOT result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated.

The Committee, after hearing the applicant, her agent & Solicitor as well as those persons in attendance who had made representation to the application and considering the other representations and written submission received, made the following decision on the application.

Motion

Councillor Garry Haldane, seconded by Councillor Alistair Cameron, moved that the application be moved to the next stage of the application process as granting the licence would NOT result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated.

Amendment

Councillor David Graham, seconded by Councillor Ryan Smart, moved, as an amendment that the licence be refused as granting the licence would result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated.

Vote

Amendment	-	3
Motion	-	5

Decision

The Committee agreed that granting the licence would NOT result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated and moved the application to the next stage of the application process.

The/

The applicant and respondents were invited to attend and be represented at the meeting. The applicant was in attendance with her agent, Paul Shields & her Solicitor, Gillian Buchanan. Rev. Dr. John Cameron, Tony Gray, Chris Underwood, representing Sherri Underwood and Jill Cameron, representing Jim Kinghorn & Sheila Unkles were all present as respondents or their representatives to the application.

As the Sheriff directed that the application be considered by a differently constituted Committee, this would have resulted in the meeting being inquorate. Therefore, it was agreed that Councillors Ian Ferguson, Donald Lothian and John O'Brien would be in attendance, for the above hearing only, as they had all previously been on the Regulation and Licensing Committee in the past. The other Councillors in attendance at the hearing were not present at the previous hearing on 10th December, 2019.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

394. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 21st September, 2021.

Decision

The Committee approved the Minute.

395. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – KIRKCALDY ZONE**

The Committee considered a report by Service Manager, Fleet Operations on taxi and private hire car inspection tests carried out on vehicles in the Kirkcaldy zone between August and October, 2021.

Decision

The Committee, having heard the Service Manager, Fleet Operations on the report and, following discussion, congratulated those operators whose vehicles passed the test first time and otherwise noted the report.

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

Applicant/

2021.R.L.384

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Mr James Herkes	Taxi Driver (renewal) 3 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	Mr. Shaun McLaren	Taxi Driver (new application) 1 year
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Motion

Councillor David Graham, seconded by Councillor Graham Ritchie, moved that the licence be granted with a warning.

Amendment

Councillor Garry Haldane, seconded by Councillor Gordon Langlands, moved, as an Amendment that the licence be granted.

Vote

Amendment	-	2
Motion	-	6

Decision

The Committee agreed to grant the licence with a warning.

(c)	Mr. Fraser Macdonald	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 a further opportunity to appear.

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.

Consideration/

2021.R.L.385

Consideration of the applications at (b) and (c) above was continued from the meeting held on 21st September, 2021.

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.

(Councillor Ryan Smart left the meeting following consideration of the application at (a) above).

397. 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.

398. 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 applicant at (b) thereon, dealt with the applications as shown:-

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a) Mr. Savas Cecen	Late Hours Catering for premises at 12 North Street, Glenrothes Sunday – Thursday until 1.00 am & Friday & Saturday until 2.00 am (new application) 3 year

Decision

The Committee noted that the applicant now wished to withdraw his application for the above licence.

(b) Mr Liam Hogg	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

The/

2021.R.L.386

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

Consideration of the application at (a) above was continued from the meeting held on 21st September, 2021.

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

399. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising its power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 in respect of the undernoted licence, and, having heard the representative for Police Scotland (Fife Division) and the licenceholder thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Mr. Jason Clarke	Taxi Driver 1829/0038826 Expiry Date: 25 March, 2022

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented and was present and heard.

Consideration of the above matter was continued from the meeting held on 21st September, 2021.

400. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which police objections had been intimated and dealt with the application as shown:-

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Mr. Liam Mahady	Taxi Driver (new application) 3 year

Decision/

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 applicant and objector had been invited to attend and be represented at the meeting. The applicant was not present.

Consideration of the above application was continued from the meeting held on 21st September, 2021.
