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

**14th January, 2025 9.30 a.m. – 5.03 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Louise Kennedy-Dalby, Carol Lindsay, Donald Lothian, David MacDiarmid, John O’Brien, Nicola Patrick, Gordon Pryde and Jonny Tepp.

**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 163, 164 and 166 only); and Barry Smith, Lead Officer - Private Housing (for item 172 only).

**APOLOGIES:** Councillors Alistair Cameron, Eugene Clarke and Darren Watt.

161. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 3rd December, 2024.

**Decision**

The Committee approved the Minute.

162. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 31 JANUARY 2025**

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, as circulated to the Committee, to be shown at the Byre Theatre on 31 January 2025.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

163. **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 to December, 2024.

**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 requested that those operators failing the test attend an open day at Fleet Operations.

The Committee thereafter requested that all other operators, whose vehicles failed an annual test in 2024, attend an open day at Fleet Operations.

164. **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, 2024.

**Decision**

The Committee, having heard the Service Manager, Fleet Operations on the report and, following discussion, congratulated all operators for passing the test first time and otherwise noted the report.

165. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER’S REPORT**

The Committee considered a report by Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer from July to December 2024.

Decision

The Committee, having heard the Civic Government Licensing Enforcement Officer on the report and following discussion, noted:-

(1) the extensive and varied amount of work carried out by the Enforcement Officer during the six month period identified; and

(2) that there would be further updates, on the activities of the Enforcement Officer, brought before the Committee on a regular basis.

166. **CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER’S REPORT**

The Committee considered a report by Executive Director, Finance and Corporate Services on spot checks carried out by the Civic Government Licensing Enforcement Officer with officers of Fleet Operations & Police Scotland during November and December 2024.

Decision

The Committee, having heard the Civic Government Licensing Enforcement Officer and the Workshop Team Manager, Fleet Operations on the report and following discussion, requested that those operators failing the spot checks attend an open day at Fleet Operations.

167. **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:-

|  |  |  |
| --- | --- | --- |
|  | Applicant | Activity and period of licence applied for |
| (a) | Andrew Black | 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) | Brian Duguid | 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 an opportunity to appear. | |
| (c) | Michael Houston | Taxi Driver  (renewal)  1 year |
|  | **Decision**  The Committee agreed to grant the licence with a warning. | |

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

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

168. **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 items of business at 169 – 171 below 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.

169. **CONSIDERATION OF POSSIBLE SUSPENSION OF 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 licence, and, having heard the representative for Police Scotland (Fife Division) and the licenceholder thereon, dealt with the licence as shown:-

|  |  |  |  |
| --- | --- | --- | --- |
| Licenceholder | | Type, No. of Licence & Expiry Date | |
| Kenneth Crawford | | Taxi Driver’s Licence No 1536/0051510  Expiry Date: 4 October 2025 | |
| **Decision**  The Committee agreed not to suspend the licence. | | | |

170. **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:-

|  |  |  |
| --- | --- | --- |
|  | Applicant | Activity and period of licence applied for |
| (a) | Mustafa Albayrak | Taxi Driver  (new application)  3 year |
|  | Motion  Councillor Ellis, seconded by Councillor Lindsay, moved that the licence be granted with a warning.  Amendment  Councillor MacDiarmid, seconded by Councillor O’Brien, moved, as an amendment, that the licence be refused.  Vote  Amendment – 4  Motion – 8  **Decision**  The Committee agreed to grant the licence with a warning. | |

|  |  |  |
| --- | --- | --- |
|  | Applicant | Activity and period of licence applied for |
| (b) | Scott Reid | Taxi Driver  (new application)  1 year |
|  | Motion  Councillor Browne, seconded by Councillor Pryde, moved that the licence be refused.  Amendment  Councillor Lothian, seconded by Councillor Tepp, moved, as an amendment, that the licence be granted with a warning.  Vote  Amendment – 2  Motion – 10  **Decision**  The Committee agreed to refuse the licence. | |

The above applicants had been invited to attend and be represented at the meeting and both were present and heard.

Consideration of the application at (a) above was continued from the meeting held on 3rd December, 2024.

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

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 the incident he was involved in. The Committee also noted that the applicant’s last licence was granted on 11th April 2023 with a warning as to his future conduct.

171**. OPPOSED APPLICATIONS**

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

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| --- | --- | --- |
|  | Applicant | Activity and period of licence applied for |
| (a) | SNEM Ltd | Late Hours Catering for premises at 13 Bell Street, St Andrews selling Hot and Cold Food 7 days a week until 3.00 a.m.  (new application)  3 year |
|  | **Decision**  The Committee agreed to grant the licence but it does not come into effect until:   * The completed certificate of compliance is received by the Council’s licensing team; * The Council’s licensing team has sight of a fully completed lease in the name of SNEM Ltd.; * A legal undertaking is provided to the Council’s licensing team that the previous licenceholder will not be involved in or working at the above premises at any time from the issue date of the late hours catering licence; and * The licenceholders meet with a representative of Police Scotland, Fife Division as well as the Council’s Civic Government Licensing Enforcement Officer to discuss the operation of the business and what is expected of them as licenceholders. | |
| (b) | Daniel Frame | 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. | |
| (c) | Rafiqul Islam | 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. | |
| (d) | Callum Lewis | Taxi Driver  (new application)  1 year |
|  | Motion  Councillor Ellis, seconded by Councillor Ballantyne, moved that the licence be granted with a warning.  Amendment  Councillor MacDiarmid, seconded by Councillor Lindsay, moved, as an amendment, that the licence be refused.  Vote  Amendment – 4  Motion – 7  **Decision**  The Committee agreed to grant the licence with a warning. | |
| (e) | Sudesh Sallan | Taxi Driver  (new application)  1 year |
|  | Motion  Councillor Lindsay, seconded by Councillor MacDiarmid, moved that the licence be refused  Amendment  Councillor Browne, seconded by Councillor Ellis, moved, as an amendment, that the licence be granted.  Vote  Amendment – 3  Motion – 8  **Decision**  The Committee agreed to refuse the licence. | |
|  | The applicants and objector had been invited to attend and be represented at the meeting and with the exception of the applicants at (b) and (c) above were all present and heard. Stelios Paphitis and Theodoros Kalopedis were present for the applicant at (a) and were represented by their Solicitor, Audrey Junner, Glasgow. | |
|  | Consideration of the application at (c) above was continued from the meeting held on 3rd December, 2024.  The warning given to the applicant at (d) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.  The reason for refusal of the application at (e) 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 as well as convictions recorded against him.  *(Councillor O’Brien left the meeting following consideration of the item at (a) above).*  *(Councillor Browne left the meeting following consideration of the item at (e) above).* | |

172. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which objections had been intimated and, having heard the applicant as well as four of the objectors to the application, dealt with the application as shown:-

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| --- | --- |
| Applicant | Activity and period of licence applied for |
| Gabriel McNeil | Short Term Let Licence for  6B Manse Place,  High Street, Aberdour  (new application)  3 year |
| **Decision**  The Committee agreed to grant the licence. | |
| The applicant and objectors had been invited to attend and be represented at the meeting. The applicant was present and heard. Trevor & Rosemary Francis and Judith & Matthew Tidswell, objectors to the application, were also present and heard. Judith Tidswell also spoke, as representative for Gordon Dobbie, another objector to the application, who was not in attendance. No other objectors to the application were in attendance. | |

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