

**Conference Room 2, Ground Floor, Fife House, Glenrothes
Tuesday, 9th April, 2024 - 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 12th March, 2024. 5 - 10

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 - 19 - 21 APRIL 2024** 11 - 15
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) James Anderson	Taxi Driver (new application)	1 year
	(ii) Morgan Dow	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(iii) Robert Green	Taxi Driver (new application)	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 applications at (i) and (iii) above is continued from the meeting held on 12th March, 2024.

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

7. 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)	Shane Allen	Street Trader (new application)	1 year
(ii)	Muhammad Junaid	Taxi Driver (new application)	1 year
(iii)	Jamie Thomson	Taxi Driver (new application)	1 year

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

8. OPPOSED APPLICATIONS - Consideration of applications for licences by the undernoted in respect of which objections have been lodged, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982, to hear the objectors and the applicants thereon:

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>	<u>Objector</u>
(i)	John & Toni Mair T/A Morachd Ltd	Short Term Let Licence for Carphin House, Lower Luthrie Farm, Broomhill, Luthrie (new application) 3 year	Grace Arbuckle Ian Arbuckle Laura Arbuckle Charles Lawrie Kathleen Lawrie Luthrie Residents Group Michael Simm William Telford

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>	<u>Objector</u>
(ii)	John & Toni Mair T/A Morachd Ltd	Short Term Let Licence for Carphin Stables, Lower Luthrie Farm, Broomhill, Luthrie (new application) 3 year	Grace Arbuckle Ian Arbuckle Laura Arbuckle Charles Lawrie Kathleen Lawrie Luthrie Residents Group Michael Simm William Telford
(iii)	Henry and Linda Fraser T/A Comfort Stays Ltd.	Short Term Let Licence for Whinstone, South Street West, Falkland (new application) 3 year	Falkland and Newton of Falkland Community Council – c/o Jim Brown John Brown Peter Burman Robbie and Allison Nellies Phillip & Alison Page Deborah Roberts John & Josephine Smith

N.B. The applicants and objectors 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

3rd April 2024

If telephoning please ask for:-
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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

12th March, 2024

9.30 a.m. – 2.15 p.m.

PRESENT: Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Carol Lindsay, Donald Lothian, David MacDiarmid, Julie MacDougall, John O'Brien, Nicola Patrick, Gordon Pryde 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; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Sean Dillon, Alycia Hayes and Jonny Tepp.

96. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 13th February, 2024.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

97. 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 Depute Convener of the Committee of this decision. The decision was taken as information had been received from Police Scotland (Fife Division) 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.

98. CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 19 - 21 APRIL 2024

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

Decision

The Committee agreed to grant permission to allow the non-BBFC certificated films, as circulated to the Committee, to be shown at the Byre Theatre from 19 – 21 April 2024.

99. **TAXI FARE SCALE REVIEW 2024/2025**

The Committee considered a report by the Executive Director, Finance and Corporate Services on the Taxi Fare Scale Review for 2024/2025.

Decision

The Committee:-

- (1) agreed to accept the recommendation of the Members on the Taxi Fare Scale Review Sub-Committee that there be no increase in the existing fares for the 18 months from 3rd June, 2024;
- (2) agreed to authorise/remit to:
 - (i) the Executive Director, Finance & Corporate Services to advertise the agreed tariff for 2024/2025; and
 - (ii) the Taxi Fare Scale Review Sub-Committee to consider any further representations following the advertisement of the proposed tariff; and
- (3) noted that any person would have the opportunity to make representations in writing within one month of the first publication of the proposed scale and thereafter the fixed scales would be advertised after giving any person who operates a taxi or any organisation appearing to be a representative of taxi operators the opportunity to appeal to the Scottish Traffic Commissioner within a 14 day period.

100. **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)	James Anderson	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 a further opportunity to appear.

2024.R.L.83

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(b)	Robert Green	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 a further opportunity to appear.

(c)	Muhammad Tahir	Taxi Driver (new application) 1 year
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Motion

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

Amendment

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

Vote

Amendment – 2
Motion – 10

Decision

The Committee agreed to grant the licence with a warning.

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

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.

101. 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 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.

102. **APPLICATION IN RESPECT OF WHICH POLICE COMMENTS HAD BEEN MADE**

The Committee considered application for licence by the undernoted and, having heard the representative for Police Scotland (Fife Division) thereon, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
Ernest Boundy	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

The applicant had been invited to attend and be represented at the meeting but was not in attendance.

Consideration of the above application was continued from the meeting held on 13th February, 2024.

The reason for refusal of the above application 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 convictions recorded against him as well as an incident he had been involved in.

103. **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) the applicant at (a) and the applicant at (b) with his representative thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	Thomas Docherty	Taxi Driver (new application) 1 year

Motion

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

First Amendment

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

Second Amendment

Councillor Adams, seconded by Councillor Browne, moved, as a further amendment, that the licence be refused.

Vote

Second Amendment – 2
First Amendment – 6
Motion – 4

The Second Amendment fell and a vote was taken on the First Amendment and the Motion.

Vote

First Amendment – 9
Motion – 3

Decision

The Committee agreed to grant the licence with a warning.

- (b) Amanat Shah Taxi Driver
(new application)
3 year

Motion

Councillor Patrick, seconded by Councillor MacDiarmid, moved that the licence be refused.

Amendment

Councillor Lindsay, seconded by Councillor Lothian, moved, as an amendment, that the licence be granted with a warning.

Vote

Amendment – 6
Motion – 6

The Convener exercised his casting vote in favour of the motion.

Decision

The Committee agreed to refuse the licence.

2024.R.L.86

The applicants and objector had been invited to attend and be represented at the meeting and all were present and heard. The applicant at (b) was represented by his Solicitor, Sally McKenzie Kirkcaldy.

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 a previous incident he had been involved in as well as previous road traffic offences recorded against him.

104. 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), the licenceholder and his interpreter thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Adil Khaleel	Taxi Driver 1885/0048140 Expiry Date: 24 May 2026

Decision

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of suspension.

Decision

The Committee agreed to suspend the licence until its expiry being 24 May 2026, this being with immediate effect.

The licenceholder had been invited to attend and be represented at the meeting and was present and heard together with an interpreter, Adnan Hassan.

The grounds for suspension of the above licence 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.

(Councillor Darren Watt left the meeting during consideration of the above matter).

9th April, 2024

Agenda Item No. 5

Cinemas Act 1985 – Variation of Licensing Conditions - The Byre Theatre, Abbey Street, St. Andrews - 19 - 21 April 2024

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 the uncertificated films, detailed in the information circulated, to be shown between 19 – 21 April 2024 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 April 2024 the Council received notice from a representative of the Byre Theatre regarding films due to be screened as part of the Sands: International Film Festival of St Andrews between 19 – 21 April 2024.
- 1.2 This films still have 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, detailed in the information circulated, 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 as 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 on 19 – 21 April 2024 only.

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 previously.

Background Papers

Fife Council Cinema Licensing Conditions

Report Contact

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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.