

Conference Room 2, Ground Floor, Fife House, Glenrothes
Tuesday, 14th February, 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 6th December, 2022. 5 - 11

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

4. **APPEALS TO SHERIFF - TAXI/PRIVATE HIRE CAR DRIVERS LICENCES** - With reference to paragraph 36 (c) of 2022.R.L.31 and 32 to advise the Committee that an appeal has been lodged with 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

With reference to paragraph 16 (b) of 2022.R.L.11 and 12 to advise the Committee that the appeal lodged with the Sheriff by James Cunningham against the decision on 9th August, 2022 to refuse his application for renewal of his taxi/private hire car driver's licence has been unsuccessful, the Committee's decision upheld and the licence has been refused.
5. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - GLENROTHES ZONE** - 12 - 18
Report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Glenrothes Zone in October, November and December, 2022.
6. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - WEST FIFE AREA** - 19 - 24
Report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the West Fife Area in November and December, 2022.
7. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - IN MARCH, 2023** 25 - 29
Report by Lead Officer, Miscellaneous Licensing on request to vary licence conditions to allow the theatre to screen a non BBFC certificated film.

8. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** – Consideration of applications for licences by the undernoted in respect of which 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>
(i)	Mohammed Al-Shaibany	Taxi Driver (new application)	1 year
(ii)	Steven Campbell	Taxi Driver (new application)	1 year
(iii)	Lee Connor	Taxi Driver (new application)	1 year
(iv)	Ugur Emre	Taxi Driver (new application)	3 year
(v)	Mihvan Hamdi	Taxi Driver (new application)	3 year
(vi)	David Lawrie	Taxi Driver (new application)	1 year
(vii)	Norman Macleod	Taxi Driver (renewal)	1 year
(viii)	Behzad Nasir	Taxi Driver (new application)	1 year
(ix)	Robert Quayle	Taxi Driver (new application)	1 year
(x)	Grant Robertson	Taxi Driver (new application)	1 year
(xi)	William Stein	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(xii)	William Tully	Taxi Driver (new application)	1 year
(xiii)	Matthew Watson	Taxi Driver (new application)	1 year
(xiv)	Mark White	Taxi Driver (renewal)	3 year
(xv)	Edwin Wright	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.

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

- 9. 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)	Lee Davidson	Taxi Driver (new application)	1 year
(ii)	Yousef Mohammad	Taxi Driver (new application)	3 year
(iii)	Jamie Stein	Taxi Driver (renewal)	1 year
(iv)	Michael Taggerty	Taxi Driver (new application)	3 year

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

10. **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)	Fabio Garraffo	Street Trader selling pizzas at events in Fife (new application)	1 year
(ii)	Greg Ellis	Taxi Driver (new application)	1 year

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

11. **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 February, 2023

If telephoning please ask for:-

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

6th December, 2022

9.30 a.m. – 12.57 p.m.

PRESENT: Councillors Tom Adams (Convener for all items apart from item 42), Lynn Ballantyne-Wardlaw, Patrick Browne (Convener for item 42 only), Sean Dillon, Gavin Ellis, Donald Lothian, David MacDiarmid, Julie MacDougall, John O'Brien, 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; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Alycia Hayes, Carol Lindsay and Lea McLelland.

OBSERVER: Angela Tolley, Licensing Administrator, Police Scotland (Fife Division).

40. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 1st November, 2022.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

41. 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 June to October, 2022.

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 five 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.

42./

2022.R.L.37

42. APPLICATION IN RESPECT OF WHICH COMMENTS HAD BEEN MADE

The Committee considered application for licence by the undernoted and, having heard the Council's Lead Officer in Miscellaneous Licensing and the applicant thereon, dealt with the application as shown:-

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

Decision

The Committee agreed to grant the licence with a warning.

The applicant had been invited to attend and be represented at the meeting and was present and heard.

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

(Prior to consideration of the above application, Councillor Tom Adams declared an interest in this item, as he was known to the applicant, and left the meeting for this item only).

(Councillor John O'Brien entered the meeting following consideration of the above application).

43. OPPOSED APPLICATION

The Committee considered application for licence by the undernoted in respect of which a police objection had been intimated and, having heard the representative for Police Scotland (Fife Division) and the applicant thereon, dealt with the application as shown:-

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

Decision

The Committee agreed to refuse the licence.

The/

The applicant and objector had been invited to attend and be represented at the meeting. The applicant was present and heard.

The reason for refusal of the above application was that the applicant was not a fit and proper person to hold such a licence in view of the nature and extent of a previous conviction recorded against him.

44. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising power of suspension under paragraph 11 of Schedule 1 to the above Act in respect of the undernoted 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>
Uzair Zuber	Taxi Driver 3140/0046636 Expiry Date: 14 November 2023

Motion

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be suspended.

Amendment

Councillor Ellis, seconded by Councillor Lothian, moved, as an amendment, not to suspend the licence but added a warning to the licence.

Vote

Amendment – 9
Motion – 4

Decision

The Committee agreed not to suspend the licence but added a warning to the licence.

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

The warning given to the licenceholder above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

45. **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.

46. **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:-

<u>Licenceholder</u>	<u>Type and No. of Licence & Expiry Date</u>
Muhammad Abass	Taxi Driver 8922/0041499 Expiry Date: 3 April 2023

Motion

Councillor MacDiarmid, seconded by Councillor O'Brien, moved that the licence by suspended.

Amendment

Councillor Adams, seconded by Councillor Ballantyne-Wardlaw, moved, as an amendment, not to suspend the licence.

Vote

Amendment – 10
Motion - 3

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 son, Hussan Abass.

47./

47. **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)	Benn Arnott	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Sharon Nellies	Vehicle Operator – P066 – East Area (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(c)	Karen Whittle	Vehicle Operator – P035 – Levenmouth Zone (renewal) 1 year
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During consideration of the above application, the Committee took a vote on whether or not to ask for a recess for further information on the process for considering the application. The vote was as follows:-

Motion

Councillor Pryde, seconded by Councillor Lothian, moved that the Committee had a recess to seek further information on the process for considering the application.

Amendment

Councillor MacDiarmid, seconded by Councillor O'Brien, moved, as an amendment, that the Committee continue considering the application without any further information.

Vote

Amendment – 3
Motion – 10

Decision/

Decision

The Committee agreed to have a recess to seek further information on the process for considering the application.

Thereafter a vote was taken on the application as follows:-

Motion

Councillor Patrick, seconded by Councillor MacDiarmid, moved that the licence be granted with a warning.

Amendment

Councillor Ellis, seconded by Councillor Lothian, moved as an amendment, that the licence be granted.

Vote

Amendment – 10

Motion – 3

Decision

The Committee agreed to grant the licence.

- (d) Thomas and Karen Whittle Vehicle Operator – P027 – Levenmouth Zone
(renewal)
1 year

Motion

Councillor Ellis, seconded by Councillor O'Brien, moved that the licence be granted.

Amendment

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

Vote

Amendment – 3

Motion - 10

Decision

The Committee agreed to grant the licence.

2022.R.L.42

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

Consideration of the applications at (c) and (d) above was continued from the meeting held on 4th October, 2022.

The reason for refusal of the application at (a) 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 conviction recorded against him as well as previous incidents he had been involved in.

14th February 2023

Agenda Item No. 5

Annual Taxi/Private Hire Car Inspection Report for October, November and December Tests - Glenrothes Zone

Report by: Billy Ferguson, Service Manager, Fleet Operations.

Wards Affected: 14, 15 & 16

Purpose:

To advise the Committee of the outcome of the Annual Taxi and Private Hire Car Inspection Tests for the Glenrothes zone.

Recommendation:

It is recommended that:

- (1) random inspection tests, six months after the annual test dates, should be considered, where appropriate, to ensure public safety; and
- (2) the Committee takes any other steps it deems appropriate.

Resource Implication:

Arrangements may have to be made for 3 random inspection tests.

Legal & Risk Implications:

There is a possible public safety risk if no random inspections are carried out.

Policy & Impact Assessment:

None

Consultation:

None

1.0 Background

- 1.1 This report gives details of the results of the inspections carried out on vehicles operating in Glenrothes zone in October, November and December 2022.
- 1.2 Of the 92 vehicles licensed in Glenrothes, 89 passed first time, which equated to 97%, 3 failed and passed on re-test equating to 3%. The percentage pass rate in 2021 was 97%.
- 1.3 Summaries of the results and failures are attached in Appendix 1 to this report.

2.0 Issues and Options

- 2.1 As well as considering random testing of vehicles, the Committee, may deem it appropriate to:
 - invite those operators whose vehicles failed the test to a meeting with the Convener and Vice-Convener of the Committee to discuss their maintenance procedures; or
 - consider whether or not to hold Hearings under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 which relates to suspension of the licences.

3.0 Conclusions

- 3.1 I'm delighted to report that the first time pass rate has remained the same since 2021. The Operators should be congratulated for their first class efforts in continuing to maintain their cars to a very high standard.

Background Papers

Hackney Carriage Test Reports for 92 vehicles.

Report Contact

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**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTION REPORT
RESULTS FOR THE GLENROTHES ZONE**

APPENDIX 1

Name	Plate No.	Make	Model	Date of Test	Result of Test
AFZAL, Adeel	P054	RENAULT	MEGANE	30/11/2022	PASS
AHMED AHMED, Tanveer	T013	SEAT	TOLEDO	23/11/2022	PASS
	T037	SKODA	OCTAVIA	11/11/2022	PASS
	P020	SKODA	OCTAVIA	25/11/2022	PASS
AHMED, Erdoan	T015	AUDI	A6	23/11/2022	PASS
ALI, Shahzad	P058	TOYOTA	COROLLA	10/12/2022	PASS
	T005	SEAT	TOLEDO	24/11/2022	FAIL
	T007	SKODA	RAPID	18/11/2022	PASS
	T024	SEAT	TOLEDO	17/11/2022	PASS
BAIRD, John	P022	AUDI	A6	25/11/2022	PASS
	P023	RENAULT	TRAFIC	25/11/2022	PASS
	T006	FORD	TOURNEO	11/11/2022	PASS
	T039	SKODA	SUPERB	09/11/2022	PASS
BALMAIN, Marie	T031	DACIA	LOGAN	17/11/2022	PASS
	T046	DACIA	LOGAN	16/11/2022	PASS
BURCHILL, Joan	T029	FORD	TOURNEO	23/11/2022	PASS
BURT, Alistair	T001	SKODA	SUPERB	08/11/2022	PASS
BURT, Michael	T014	SKODA	SUPERB	10/11/2022	PASS
COBB, Derek	T004	TOYOTA	AVENSIS	08/11/2022	PASS
	T022	DACIA	LOGAN	24/11/2022	PASS
COWNIE, Barry	T045	FORD	FOCUS	22/11/2022	PASS
DASTGIR RAFIQUE, Muhammad Ahsan	P013	VW	TRANSPORTER	24/11/2022	PASS
	T035	VAUXHALL	INSIGNIA	22/11/2022	PASS
DASTGIR RAFIQUE, Muhammad Assad	T030	SEAT	TOLEDO	08/11/2022	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
DEWAR, Charles	P010	VAUXHALL	MOKKA	30/11/2022	PASS
	P027	FORD	TOURNEO	08/11/2022	PASS
	T012	SKODA	SUPERB	15/11/2022	PASS
DHILLON, Amrik	P007	SKODA	OCTAVIA	22/11/2022	PASS
	T016	SKODA	OCTAVIA	18/11/2022	PASS
	T018	SKODA	OCTAVIA	29/11/2022	PASS
DHILLON, Surbjit	P014	VW	TOURAN	23/11/2022	FAIL
	P021	VOLKSWAGEN	TRANSPORTER	09/11/2022	PASS
	P032	SKODA	OCTAVIA	10/11/2022	PASS
	T019	SKODA	OCTAVIA	16/11/2022	PASS
	T032	SEAT	LEON	15/11/2022	PASS
DOYLE, Alastair	T026	SKODA	SUPERB	25/11/2022	PASS
FARMER, Calum	T002	TOYOTA	AURIS	10/11/2022	PASS
FARMER, Paul David	P068	SKODA	OCTAVIA	22/11/2022	PASS
FRASER, Colin	P004	DACIA	LOGAN	29/11/2022	PASS
	P048	DACIA	LOGAN	16/11/2022	PASS
	P055	DACIA	LOGAN	09/11/2022	PASS
	P056	DACIA	LOGAN	24/11/2022	PASS
FRASER, Marie	T025	DACIA	LOGAN	09/11/2022	PASS
	T047	DACIA	LOGAN	18/11/2022	PASS
	T048	DACIA	LOGAN	15/11/2022	PASS
GETOV, Nani	T043	SKODA	OCTAVIA	22/11/2022	PASS
GREER, Andrew	P018	SKODA	SUPERB	22/11/2022	PASS
	T020	SKODA	SUPERB	16/11/2022	PASS
HUTCHISON, Stuart	P073	SKODA	SUPERB	30/11/2022	PASS
	T023	VW	ARTEON	20/10/2022	PASS
KHALID, Mohammed	P011	BMW	520D	17/11/2022	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
LAING, William	P012	FORD	TOURNEO	15/11/2022	PASS
	P016	FORD	CONNECT	24/11/2022	FAIL
	P017	PEUGEOT	BOXER	29/11/2022	PASS
	P025	PEUGEOT	BOXER	17/11/2022	PASS
	P037	FORD	TRANSIT	18/11/2022	PASS
	P041	FORD	TOURNEO	01/12/2022	PASS
	P001	FORD	TOURNEO	29/11/2022	PASS
	P028	VAUXHALL	VIVARO	23/11/2022	PASS
	P038	FORD	TRANSIT	30/11/2022	PASS
	P039	RENAULT	MASTER	24/11/2022	PASS
	P062	RENAULT	TRAFIC	25/11/2022	PASS
	T040	VW	CADDY MAXI	10/11/2022	PASS
	T041	VW	CADDY MAXI	16/11/2022	PASS
	MAHMOOD, Khalid	T038	AUDI	A6	01/12/2022
MOHAMMED, Sirdar	P052	SKODA	OCTAVIA	01/12/2022	PASS
MOIR, Allan A.	T021	RENAULT	TRAFIC	23/11/2022	PASS
MURRAY, Stewart	T009	SKODA	SUPERB	11/11/2022	PASS
	T036	SKODA	RAPID	18/11/2022	PASS
	P002	FIAT	DOBLO	25/11/2022	PASS
	P005	RENAULT	TRAFIC	09/11/2022	PASS
	P024	FIAT	DOBLO	15/11/2022	PASS
	T033	SKODA	OCTAVIA	08/11/2022	PASS
NIVEN, David	P003	SKODA	OCTAVIA	15/11/2022	PASS
	P006	MERCEDES-BENZ	VITO	23/11/2022	PASS
RASHID, Muhammad	T008	SKODA	OCTAVIA	29/11/2022	PASS
REILLY, Patrick	P046	RENAULT	TRAFFIC	09/11/2022	PASS
ROBERTSON, Alan	T027	FORD	MONDEO	08/11/2022	PASS
SHAH, Farzana Ali	T011	SKODA	OCTAVIA	16/11/2022	PASS
SHAHZAD, Anila	T003	VOLKSWAGEN	CADDY MAXI	17/11/2022	PASS
SOMMERVILLE, Ian	P008	RENAULT	TRAFIC	10/11/2022	PASS
	P015	VOLKSWAGEN	CRAFTER	29/11/2022	PASS
	P072	PEUGEOT	BOXER	30/11/2022	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
SWEENEY, Andrew	P044	VW	TRANSPORTER	11/11/2022	PASS
	T010	SKODA	SUPERB	10/11/2022	PASS
TAGGERTY, Michael	T044	VW	CADDY MAXI	01/12/2022	PASS
TODD, Robert	T017	FORD	TOURNEO	15/11/2022	PASS
WATSON, Maureen	T042	DACIA	LOGAN	24/11/2022	PASS
WATSON, William	T028	CITROEN	BERLINGO	01/12/2022	PASS
WEIR, Sharon Meta	P030	SKODA	SUPERB	30/11/2022	PASS
WILSON, Derek	P026	VAUXHALL	VIVARO	11/11/2022	PASS
WORRALL, Ronald	T034	SKODA	SUPERB	16/11/2022	PASS

**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI / PRIVATE HIRE CAR INSPECTION
FAULTS FOR THE GLENROTHES SECTOR**

Name	Date of Reg	Plate No.	Faults
ALI, Shahzad	29/09/2016	T005	O/S/F Anti roll bar link bottom ball joint boot burst PLATES REMOVED Mileage at Fail 160,446 on 24/11/2022 Mileage at Pass 160,449 on 24/11/2022
DHILLON, Surbjit	02/06/2014	P014	1. N/S/R and O/S/R drop links worn 2. Seat belt webbing frayed/weakened Advise: Spare wheel - foam and compressor PLATES REMOVED Mileage at Fail 281,431 on 23/11/2022 Mileage at Pass 281,441 on 23/11/2022
LAING, William	10/03/2017	P016	1. N/S/F Top drop link cover burst off 2. Passenger seat belt holed Advise: Spare wheel - foam and compressor PLATES REMOVED Mileage at Fail 137,263 on 24/11/2022 Mileage at Pass 137,267 on 24/11/2022

14th February, 2023

Agenda Item No. 6

Annual Taxi/Private Hire Car Inspection Report for November and December 2022 - West Fife Area

Report by: Billy Ferguson, Service Manager, Fleet Operations.

Wards Affected: 1, 2, 3, 4, 5, 6, 7, 8 and 9

Purpose:

To advise the Committee of the outcome of the Annual Taxi and Private Hire Car Inspection Tests for the West Fife Area.

Recommendation:

It is recommended that:

- (1) random inspection tests, six months after the annual test dates, should be considered, where appropriate, to ensure public safety; and
- (2) the Committee takes any other steps it deems appropriate.

Resource Implication:

Arrangements may have to be made for five random inspection tests.

Legal & Risk Implications:

There is a possible public safety risk if no random inspections are carried out.

Policy & Impact Assessment:

None

Consultation:

None

1.0 Background

- 1.1 This report gives details of the results of the inspections carried out on vehicles operating in West Fife in November and December 2022.
- 1.2 Of the 97 vehicles tested in West Fife, 92 passed first time which equated to 95%, 5 vehicles failed but passed on re-test which equated to 5%. The percentage pass rate in August 2022 and May 2022 was 90% and 97% respectively and the percentage fail rate on these dates was 10% and 3% respectively.
- 1.3 Summaries of the results are attached in Appendix 1 to this report.

2.0 Issues and Options

- 2.1 As well as considering random testing of vehicles, the Committee, may deem it appropriate to:
 - invite those operators whose vehicles failed the test to a meeting with the Convener and Vice Convener of the Committee to discuss their maintenance procedures; or
 - consider whether or not to hold a Hearing under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 which relates to suspension of the licence.

3.0 Conclusions

- 3.1 I am pleased to report that the first-time pass rate has increased since August 2022. The Operators should be congratulated for their first-class efforts in continuing to maintain their cars to a very high standard.

Background Papers

Hackney Carriage Test Reports for 97 vehicles.

Report Contact

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**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI/PRIVATE HIRE CAR INSPECTION REPORT
RESULTS FOR THE WEST FIFE SECTOR**

Name	Plate No.	Make	Model	Date of Test	APPENDIX 1 Result of Test
AITCHISON, Neil Thomas	P042	SEAT	TOLEDO	17/11/2022	PASS
AITCHISON, Stella	T009	SEAT	TOLEDO	21/11/2022	PASS
ANDERSON, Stephen	T084	CITROEN	BERLINGO	24/11/2022	PASS
BAHIA, Kamaljit	T076	SKODA	OCTAVIA	23/11/2022	PASS
BEATTIE, Tony	T116	CITROEN	BERLINGO	29/11/2022	PASS
BERTURELLI, Morag	P136	VAUXHALL	ZAFIRA	17/11/2022	PASS
BUCHAN, Alana	P131	FORD	MONDEO	17/11/2022	PASS
BUCHAN, Dale	T023	FORD	MONDEO	22/11/2022	PASS
BUCHAN, James	P132	FORD	MONDEO	17/11/2022	PASS
BUCHAN, James	T141	FORD	MONDEO	01/12/2022	PASS
BUCHAN, Mark	T078	FORD	MONDEO	23/11/2022	PASS
BUCHAN, Mark	T085	FORD	MONDEO	24/11/2022	PASS
BUCHAN, Mark	T091	FORD	MONDEO	28/11/2022	PASS
BUCHANAN, Brian	P039	SEAT	TOLEDO	08/11/2022	PASS
CAMPBELL, Paul	T070	VAUXHALL	ZAFIRA	01/12/2022	FAIL
COOPER, Nicola Ann	P048	HONDA	CIVIC	09/11/2022	PASS
COYLE, Joseph Paul	T080	SKODA	OCTAVIA	23/11/2022	PASS
DOUGLAS, Marion	P113	SEAT	TOLEDO	16/11/2022	PASS
DRUMMOND, Maureen	P005	FORD	FOCUS	07/11/2022	PASS
GALLOWAY, John Willoughby	T109	FORD	GALAXY	17/11/2022	PASS
GRIMWOOD, Jeremy	T151	FORD	TOURNEO	01/12/2022	FAIL
GUNN, Jamie	T001	VAUXHALL	VIVARO	21/11/2022	PASS
GUNN, Jamie	T113	SKODA	OCTAVIA	29/11/2022	PASS
GUNN, Jamie	T119	SKODA	OCTAVIA	29/11/2022	FAIL
GUNN, Melanie	P130	VAUXHALL	ZAFIRA	16/11/2022	PASS
GUNN, Melanie	T072	VW	GOLF	23/11/2022	PASS
HEBENTON, Gary	T155	SKODA	OCTAVIA	24/11/2022	PASS
HEBENTON, Gary Spencer	P028	SKODA	OCTAVIA	08/11/2022	PASS
HEBENTON, Gary Spencer	P059	FORD	FOCUS	19/12/2022	PASS
HUSSAIN, Pervez	T018	SKODA	OCTAVIA	21/11/2022	PASS
HUTCHISON, Ewen Kenneth	T087	SKODA	OCTAVIA	24/11/2022	FAIL
KEGGAN, Robert	T135	FORD	C-MAX	30/11/2022	PASS
KREMEYER, Stephen	T071	FORD	MONDEO	23/11/2022	PASS
LAING, Kay	T162	PEUGEOT	PARTNER	02/12/2022	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
LAING, William	P040	FIAT	DOBLO	08/11/2022	PASS
LAING, William	P077	FORD	TOURNEO	16/11/2022	PASS
LAING, William	P078	RENAULT	TRAFIC	30/11/2022	PASS
LAING, William	P138	FORD	TOURNEO	01/12/2022	PASS
LAING, William	T045	SEAT	TOLEDO	22/11/2022	PASS
LAING, William	T140	SEAT	TOLEDO	14/11/2022	PASS
LAING, William Scott	P081	FIAT	DOBLO	14/11/2022	PASS
LAING, William Scott	P085	SKODA	OCTAVIA	17/11/2022	PASS
LAING, William Scott	P086	SEAT	TOLEDO	28/11/2022	PASS
LAING, William Scott	P135	VW	PASSAT	09/11/2022	PASS
LANG, James	T054	VAUXHALL	ZAFIRA	22/11/2022	PASS
MACDONALD, William	P033	RENAULT	TRAFIC	09/11/2022	PASS
MACDONALD, William	P043	MERCEDES	C270	08/11/2022	PASS
MACDONALD, William	P117	TOYOTA	COROLLA	14/11/2022	PASS
MACDONALD, William	P122	TOYOTA	AVENSIS	14/11/2022	PASS
MACDONALD, William	P128	PEUGEOT	BOXER 440	16/11/2022	PASS
MACDONALD, William	P151	RENAULT	TRAFIC	01/12/2022	PASS
MACDONALD, William	T108	FORD	JOURNEY	16/11/2022	PASS
MACDONALD, William	T110	TOYOTA	AVENSIS	28/11/2022	PASS
MACDONALD, William	T120	FORD	GRAND	30/11/2022	PASS
MACDONALD, William	T127	DACIA	LOGAN	21/11/2022	PASS
MACDONALD, William	T147	TOYOTA	AVENSIS	29/11/2022	PASS
MCGUIRE, John	T013	FORD	GALAXY	21/11/2022	PASS
MCGUIRE, John Patrick	P012	KIA	OPTIMA	07/11/2022	PASS
MCMENAMIN-HUNTER, Caroline	T097	KIA	OPTIMA	28/11/2022	PASS
MICHIE, Helen	T130	RENAULT	GRAND-SCENIC	30/11/2022	PASS
MITCHELL, William Clark	T056	FORD	MONDEO	22/11/2022	PASS
MOHYIDIN, Shahnaz	T128	SKODA	OCTAVIA	30/11/2022	PASS
MORGAN, Robert	P049	VOLVO	V90	02/12/2022	PASS
MORGAN, Robert	P102	RENAULT	TRAFIC	15/11/2022	PASS
MORGAN, Robert	T082	FORD	MONDEO	22/12/2022	PASS
MORGAN, William	P056	PEUGEOT	EXPERT	10/11/2022	PASS
MORRISON, Margaret	T150	SKODA	OCTAVIA	01/12/2022	PASS
MULLIGAN, John Galloway	P066	FORD	TOURNEO	10/11/2022	PASS
MUTTER, Angela	P021	DACIA	LOGAN	08/11/2022	PASS
MUTTER, Angela	T105	DACIA	LOGAN	28/11/2022	FAIL
MUTTER, Thomas	P063	RENAULT	TRAFIC	10/11/2022	PASS
MUTTER, Thomas	P150	RENAULT	TRAFIC	21/11/2022	PASS
MUZAMMIL, Tahir	T081	SKODA	OCTAVIA	01/12/2022	PASS
NICOL, Walter	P034	DACIA	LOGAN	08/11/2022	PASS
NOOR, Abdul Khaled	P044	FORD	TOURNEO	09/11/2022	PASS
PARK, Adam	P015	DACIA	LOGAN	02/12/2022	PASS
PARK, Adam	T123	DACIA	LOGAN	29/11/2022	PASS

Name	Plate No.	Make	Model	Date of Test	Result of Test
PATERSON, Brian	P097	RENAULT	TRAFIC	15/11/2022	PASS
PATERSON, Brian	P106	RENAULT	TRAFIC	18/11/2022	PASS
RICHARDSON, Mark William	T126	SKODA	OCTAVIA	30/11/2022	PASS
RICHARDSON, Mark William	T129	MAZDA	5	15/11/2022	PASS
ROBERTSON, Peter	P008	DACIA	LOGAN	07/11/2022	PASS
ROBERTSON, Peter	P100	VOLKSWAGEN	TRANSPORTER	15/11/2022	PASS
SCOTT, Graeme	P108	FORD	GALAXY	16/11/2022	PASS
SETHI, Hitansh	P045	VOLVO	S90	09/11/2022	PASS
SETHI, Hitansh	P054	MERCEDES	VITO	09/11/2022	PASS
SIMPSON, Don	P088	TOYOTA	PROACE	15/11/2022	PASS
SIMPSON, Don	P137	NISSAN	NV200	17/11/2022	PASS
SNEDKER, Michael	P095	VAUXHALL	ZAFIRA	15/11/2022	PASS
WILSON, Iain	P074	VAUXHALL	ZAFIRA	10/11/2022	PASS
WILSON, Iain	T083	SEAT	TOLEDO	24/11/2022	PASS
WILSON, Joseph	T161	SKODA	SUPERB	20/12/2022	PASS
WILSON, Martin	P007	FORD	GALAXY	02/12/2022	PASS
WILSON, Martin	P083	FORD	GALAXY	14/11/2022	PASS
WILSON, Martin	T067	FORD	GALAXY	22/11/2022	PASS
WILSON, Stuart	T170	MERCEDES-BENZ	GLA200	07/11/2022	PASS
WRIGHT, Joseph	P060	VAUXHALL	ZAFIRA	10/11/2022	PASS

**FIFE COUNCIL
FLEET OPERATIONS
ANNUAL TAXI / PRIVATE HIRE CAR INSPECTION
FAULTS FOR THE WEST FIFE SECTOR**

Name	Date of Reg	Plate No.	Faults
CAMPBELL, Paul	31/03/2016	T070	Engine management warning light on PLATES REMOVED Mileage at Fail: 70,624 on 01/12/22 Mileage at Pass: 70,919 on 08/12/22
GRIMWOOD, Jeremy	05/03/2018	T151	1. O/S/R Lower anti-roll bar link excessive movement in bush 2. N/S/F No headlamp aim beam image incorrect (bulb fitted incorrectly) Advise: Requires valet Advise: N/S/R lower anti roll bar link bush slight play PLATES REMOVED Mileage at Fail: 139,112 on 01/12/22 Mileage at Pass: 139,145 on 02/12/22
GUNN, Jamie	02/07/2013	T119	1. Taxi roof light in/op 2. E.M.L. on Dash Advise: N/S/R brake pipe Advise: O/S/R brake pipe PLATES REMOVED Mileage at Fail: 228,588 on 29/11/22 Mileage at Pass: 228,621 on 07/12/22
HUTCHISON, Ewen Kenneth	01/03/2017	T087	Seat belt webbing significantly stretched or weakened O/S/F PLATES REMOVED Mileage at Fail: 97,192 on 24/11/22 Mileage at Pass: 97,317 on 28/11/22
MUTTER, Angela	17/01/2018	T105	N/S/F lower suspension arm bush, excessive movement PLATES REMOVED Mileage at Fail: 108,616 on 24/11/22 Mileage at Pass: 108,625 on 28/11/22

14th February, 2023
Agenda Item No. 7

Cinemas Act 1985 – Variation of Licensing Conditions - The Byre Theatre, Abbey Street, St. Andrews – March 2023

Report by: Gillian Love, Lead Officer, Miscellaneous Licensing
Wards Affected: ALL

Purpose:

The Council has received a request for authorisation to screen an uncertificated film 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 film, detailed in the information circulated, to be shown on 29 March 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 January 2023 the Council received notice from a representative of the Byre Theatre regarding a film due to be screened in March 2023.
- 1.2 This film still has 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 film, 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 film specified as circulated to members, and any film 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 29 March 2023 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 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.