

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

14th March, 2023

9.30 a.m. – 12.05 p.m.

PRESENT: Councillors Tom Adams, Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, Lea McLelland, David MacDiarmid, Julie MacDougall, 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; and Sergeant Neil Ewing, Police Scotland (Fife Division).

APOLOGIES: Councillors Sean Dillon and Darren Watt.

11. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 14th February, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

12. 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 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.

13./

13. **CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 14TH - 16TH APRIL, 2023**

The Committee considered a report by 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 specific non-BBFC certificated films, from the list of titles circulated to the Committee, to be shown in the Byre Theatre, St. Andrews between 14th and 16th April, 2023.

14. **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)	Mohammed Al-Shaibany	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Mohammed Ajmal	Taxi Driver (new application) 3 year
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Motion

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

Amendment

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

Vote

Amendment - 8
Motion - 6

Decision

The Committee agreed to grant the licence with a warning.

2023.R.L.12

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	David Robertson	Taxi Driver (renewal) 1 year

Motion

Councillor MacDougall, seconded by Councillor Ellis, moved that the licence be granted.

Amendment

Councillor Lindsay, seconded by Councillor O'Brien, moved, as an Amendment, that the licence be granted with a warning and requested that the applicant re-attend the next taxi driver's training course in Fife House, Glenrothes.

Vote

Amendment - 8
Motion - 6

Decision

The Committee agreed to grant the licence with a warning and requested that the applicant re-attend the next available taxi driver's training course at Fife House in Glenrothes.

(d)	Grant Robertson	Taxi Driver (new application) 1 year
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Motion

Councillor Ellis, seconded by Councillor MacDougall, moved that the licence should be granted.

Amendment

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

Vote

Amendment - 6
Motion - 8

Decision

The Committee agreed to grant the licence.

2023.R.L.13

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

Motion

Councillor Patrick, seconded by Councillor Pryde, moved that the licence be granted.

Amendment

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

Vote

Amendment - 5
Motion - 9

Decision

The Committee agreed to grant the licence.

(f)	Mark White	Taxi Driver (renewal) 3 year
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Decision

The Committee agreed to refuse the licence.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (a) and (f) were all present and heard. The applicant at (b) above was represented by Edward Grice, National Private Hire and Taxi Association.

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.

Consideration of the applications at (a), (d) and (f) above was continued from the meeting held on 14th February, 2023.

The reason for refusal of the applications at (a) and (f) above was that the applicants were not considered to be fit and proper persons to hold the licences applied for in view of the nature and extent of a previous conviction recorded against them or because of an incident they were involved in..

15. **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.

16. **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)	Ali Ahidar	Taxi Driver (renewal) 1 year

Motion

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

Amendment

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

Vote

Amendment - 9
Motion - 4

Decision

The Committee agreed to grant the licence with a warning.

(b)	Andy Anderson	Taxi Driver (renewal) 1 year
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Motion

Councillor Lothian, seconded by Councillor MacDougall, moved that the licence be granted with a warning.

Amendment/

2023.R.L.16

(Councillor O'Brien left the meeting prior to discussion of the application at (a) above and re-entered the meeting prior to the discussion of the application at (b) above).

(Councillor Ellis left the meeting during consideration of the application at (b) and re-entered the meeting during consideration of the same application but took no part in the decision).

17. **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), dealt with the applications as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a) Mohammed Khalid T/A My Tint Fife Ltd.	Second Hand Dealer selling used cars Monday - Saturday from 9.30 a.m. - 5.30 p.m. from premises at 22b Poplar Road, Glenrothes (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.

(b) Amanat Shah	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 an opportunity to appear.

The applicants and objector had been invited to attend and be represented at the meeting. Both of the above applicants were not in attendance.
